

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Damon Ray Leichty

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

United States District Court Judge for the Northern District of Indiana

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.

Barnes & Thornburg LLP
700 1st Source Bank Center
100 North Michigan
South Bend, Indiana 46601

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

1971; Rensselaer, Indiana

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.

1996 – 1999, Indiana University Maurer School of Law; J.D. *cum laude*, 1999

1995 – 1996, University of Aberdeen (Scotland); Master of Letters (M.Litt.), 1999

1990 – 1994, Wabash College; Bachelor of Arts (A.B.) *summa cum laude*, 1994

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2003 – present, 1999 – 2001, Summer 1998
Barnes & Thornburg LLP

700 1st Source Bank Center
100 North Michigan Street
South Bend, Indiana 46601
Partner (2007 – present)
Associate (2003 – 2006, 1999 – 2001)
Summer Associate (1998)

2007 – present
BT Building Company, LLP
11 South Meridian Street
Indianapolis, Indiana 46204
Partner

2017 – present
University of Notre Dame du Lac
Notre Dame Law School
Post Office Box 780
Notre Dame, Indiana 46556
Adjunct Professor

2001 – 2003
The Honorable Robert L. Miller, Jr.
United States District Court
Northern District of Indiana
102 Federal Building
204 South Main Street
South Bend, Indiana 46601
Law Clerk

1997 – 1999 (*sans* Summer 1998)
Indiana University
Office of General Counsel
211 Bryan Hall
Bloomington, Indiana 47405
Law Clerk

1994 – 1995
Lobdell Emery Manufacturing Company
10850 17th Road
Argos, Indiana 46501
Quality Control Inspector

Other Affiliations (Uncompensated)

Approximately 2000 – present
Robert A. Grant Inn of Court

700 1st Source Bank Center
100 North Michigan Street
South Bend, Indiana 46601
President (2017 – present)
Vice President (2015 – 2017)
Program Director (2013 – 2015)

2009 – present
Ronald A. Leichty Scholarship Foundation, Inc.
3350 Deer Lake Drive
South Bend, Indiana 46614
President (2009 – present)
Director (2009 – present)

2012 – present
Boys and Girls Club of St. Joseph County, Inc.
502 East Sample Street
South Bend, Indiana 46601
Director (2012 – present)
Chairman of Board (2018 – present)
Vice Chairman (2016 – 2017)
Secretary (2014 – 2015)

2014 – present
Family & Children's Center, Inc.
315 West Jefferson Boulevard
South Bend, Indiana 46601
Director (2014 – present)

2015 – present
Indiana University South Bend Center for Sustainable Future Advisory Board
Indiana University South Bend
Wiekamp Hall, Room 2249
1700 Mishawaka Avenue
South Bend, Indiana 46634
Director (2015 – present)

Approximately 2011 – 2014
South Bend Civic Theatre
403 North Main Street
South Bend, Indiana 46601
Director (approximately 2011 – 2014)

2000 – 2009
The History Museum (formerly known as the Northern Indiana Center for History)
808 West Washington Street
South Bend, Indiana 46601

Trustee (2000 – 2009)

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 have not served in the military. I registered for 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.

Indiana *Super Lawyers*[®] (2013 – 2017) and Rising Star (2010 – 2011) Honoree

Fellow, Indiana Bar Foundation (2010)

Order of the Barristers (1999)

Court-Martial of Col. George A. Custer (chosen by Indiana Univ. law faculty) (1999)

Commencement Speaker, Indiana University Maurer School of Law (1999)

The Honorable S. Hugh Dillin Scholarship (approximately 1998 – 1999)

Sherman Minton Moot Court Champion (approximately 1998)

Lila B. Loudon Scholarship (approximately 1997 – 1998)

Indiana Journal of Global Legal Studies (1997 – 1999)

Dean's Honors (approximately 1996 – 1999)

Rotary Foundation Ambassadorial Scholarship (1995 – 1996)

Wabash Honor Scholarship (1990 – 1994)

Dean's List (1990 – 1994)

Walter L. Fertig Prize (English) (1994)

Phi Beta Kappa (1994)

Eta Sigma Phi (approximately 1994)

John N. Mills Prize (Theology) (1993)

Callimachus Award (1993)

Valedictorian (Argos High School, Indiana) (1990)

Hoosier Scholar (1990)

Elks National Foundation Scholarship (1990)

Daughters of the American Revolution Good Citizenship Award (1990)

Academic All-State (Basketball) (1990)

I also have received several other awards in mathematics, science, literature, art, history, and other recognition for academic achievement.

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.

Federal Bar Association (approximately 2015 – present)

Federal Practice & Procedure Conference (2014)
Co-Chair (Indiana CLE Forum, October 15, 2014)

Federal Rules Advisory Committee, Northern District of Indiana (2011 – 2014)

Indiana Bar Foundation (approximately 2010 – present)

Indiana Bar Association (1999 – present)

Robert A. Grant Inn of Court (approximately 2000 – present)
President (2017 – present)
Vice President (2015 – 2017)
Program Director (2013 – 2015)

St. Joseph County Bar Association (approximately 1999 – present)

I was also a member of the American Bar Association early in my career as I recall, but I do not have records to confirm the years. I estimate my membership was in 1999 to 2001.

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.

Indiana, 1999

There has been no lapse in membership.

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

United States Court of Appeals for Sixth Circuit, 2011

United States Court of Appeals for Seventh Circuit, 2004

United States District Court for the Eastern District of Wisconsin, 2011

United States District Court for the Eastern District of Michigan, 2007

United States District Court for the Northern District of Indiana, 1999

United States District Court for the Southern District of Indiana, 1999

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.

Boys and Girls Club of St. Joseph County, Inc. (2012 – present)

Chairman of the Board (2018 – present)

Vice Chairman (2016 – 2017)

Secretary (2014 – 2015)

Director (2012 – present)

Family & Children's Center, Inc. (2014 – present)

Director (2014 – present)

Indiana University South Bend Center for Sustainable Future Advisory Board (2015 – present)

Director (2015 – present)

Leadership South Bend/Mishawaka (Class XXXVIII) (2011 – 2012)

Legacy Club, Lifetime Member (2012 – present)

Order of the Barristers (1999)

Phi Beta Kappa Society (2010 – 2011)

Plymouth Wesleyan Church (approximately 1986 – present)

Ronald A. Leichty Scholarship Foundation (2009 – present)

President (2009 – present)

Director (2009 – present)

South Bend Civic Theatre (approximately 2011 – 2014)

Director (approximately 2011 – 2014)

St. Joseph Valley Association of Wabash Men (2000 – present)

Vice-President (years unrecalled)

The History Museum (formerly known as the Northern Indiana Historical Society
d/b/a Northern Indiana Center for History) (2000 – 2009)

Trustee (Board, 2000 – 2009)

Executive Committee (years unrecalled)

Development Committee (years unrecalled)

Chair, Human Resources Committee (years unrecalled)

- 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.

The St. Joseph Valley Association of Wabash Men is comprised of all men who are alumni of Wabash College, an all-men private institution of higher education, though women regularly attend events sponsored by the Association. To my knowledge, none of the other organizations in Section 11(a) currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

Slings the Stone, Leadership Blog in conjunction with Gibson Insurance Agency (July 15, 2016) (*see also* <http://www.gibsonins.com/blog/sliding-the-stone>). Copy supplied.

History of the Jasper-Newton County, Indiana Amish Settlement and the Miller Amish Cemetery (2011) (editor only). Copy supplied.

Excessive Control Exposes Litigation Financier to Court-Imposed Sanctions (Washington Legal Foundation, April 9, 2010). Copy supplied.

Investing in Lawsuits: "Litigation Financing" and the Consumer Protection Imperative (Washington Legal Foundation No. 168, November 2009). Copy supplied.

"The Case for the Judge Advocate General," "Rebuttal by the Judge Advocate General," and "Trial Brief of the United States," *The Court-Martial of Col. George Armstrong Custer* (Ind. Univ. Press 2001). Copy supplied.

Of Mice and Men: The Law and Poetry of Robert Henryson (Univ. of Aberdeen 1999). Copy supplied.

Callimachus: The Humanities Journal of Wabash College (Vol. 11, Issue One, 1994) (editor only). Copy supplied.

A Structural Analysis and Synthesis of Dylan Thomas, CALLIMACHUS (Vol. 10, Issue One, 1992 – 1993). Copy supplied.

In addition, while in law school, I served on the *Indiana Journal of Global Legal Studies*, and would have reviewed and edited certain articles for publication. I do not have records of my involvement on any particular articles.

- 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.

Federal Practice & Procedure Conference (Indiana CLE Forum, Oct. 15, 2014), Conference Agenda & Brochure. Copy supplied.

Northern District of Indiana Local Rules Advisory Committee, Fed. R. Civ. P. 26 Report of Parties' Planning Meeting Form. Copy supplied.

Northern District of Indiana Local Rules Advisory Committee (May 7, 2014), Minutes. Copy supplied.

Northern District of Indiana Local Rules Advisory Committee (May 9, 2013),

Minutes. Copy supplied.

Northern District of Indiana Local Rules Advisory Committee (Oct. 4, 2012), Minutes & Revised Local Rules of Civil Procedure. Copy supplied.

Northern District of Indiana Local Rules Advisory Committee (May 17, 2012), Minutes, Habeas Corpus Subcommittee Revisions to Local Criminal Rules of Procedure, Exemplar Orders, and Attorney Application Materials. Copy supplied.

Northern District of Indiana Local Rules Advisory Committee (Sept. 29, 2011), Minutes. Copy supplied.

Northern District of Indiana Local Rules Advisory Committee (June 9, 2011), Minutes. 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.

To the best of my knowledge, 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.

June 8, 2018: Speaker, "Experts in Employment Litigation: A Primer for In-House Counsel & Human Resources Leaders," Barnes & Thornburg LLP, Indianapolis, Indiana. Copy of presentation supplied.

April 27, 2018: Speaker, Boys & Girls Club of St. Joseph County's Great Big Kid Event, South Bend, Indiana. I served as emcee (with another Board member) for this fundraising event for this not-for-profit that serves children in need. A copy of the script has been supplied, though some remarks were off-script.

June 9, 2017: Speaker, "Experts in Employment Litigation: A Primer for In-House Counsel & Human Resources Leaders," Barnes & Thornburg LLP, Indianapolis, Indiana. Copy of presentation supplied.

March 18, 2016: Speaker, "From Behind the Arc: 3 Points for Winning the

Warranty Game,” Barnes & Thornburg LLP, South Bend, Indiana. Copy of PowerPoint supplied.

January 22, 2016: Speaker, “Special Court Session Honoring the 40th Anniversary on the Bench and Transition to Senior Status for The Honorable Robert L. Miller, Jr. District Judge,” United States District Court for the Northern District of Indiana, South Bend, Indiana. Copy of transcript supplied.

October 13, 2015: Speaker, “Guarding Against Product Litigation,” Indiana Manufacturers Association and Barnes & Thornburg LLP, Indianapolis, Indiana. Copy of presentation supplied.

September 15, 2015: Speaker, “Public Access to Campus Police Records,” Independent Colleges of Indiana and Barnes & Thornburg LLP, Indianapolis, Indiana. Copy of presentation supplied.

February 2015 (approximate): Speaker, “Form Objections in Depositions,” Robert A. Grant Inn of Court, South Bend, Indiana. I have no notes, transcript, or recording. The address of the organization is currently 700 1st Source Bank Center, 100 North Michigan, South Bend, Indiana 46601.

October 15, 2014: Speaker, “Federal Civil Practice,” Indiana CLE Forum, Indianapolis, Indiana. I gave remarks as co-chair of this federal seminar and also introduced speakers on various federal subjects. I have no notes, transcript, or recording, though I have supplied a conference brochure and agenda with my response to Question 12(b). The address of the Indiana Continuing Legal Education Forum is 230 East Ohio Street, Indianapolis, Indiana 46204.

April 16, 2014: Speaker, “Litigation Funding,” Robert A. Grant Inn of Court, South Bend, Indiana. Copy of presentation supplied.

April 27, 2013: Speaker, Great Big Kid Charity Event, Boys and Girls Club of St. Joseph County, Inc., South Bend, Indiana. Only extemporaneous remarks were given at this event. I have no notes, transcript, or recording. The address of the Boys and Girls Club of St. Joseph County is 502 East Sample Street, South Bend, Indiana 46601.

April 22, 2013: Mentor, “Damon Leichty 2013 Great Big Kid Candidate for the Boys and Girls Club of St. Joe County,” Boys and Girls Club of St. Joseph County, Inc., South Bend, Indiana. Video available at <https://www.youtube.com/watch?v=ILpA52xrbGw>.

November 15, 2012: Speaker, “Litigation Funding: The Convergence of Law, Finance, and the Capital Market,” Defense Trial Counsel of Indiana, 18th Annual Conference, Nashville, Indiana. Copy of presentation supplied.

October 24, 2012: Speaker, “Minimizing Manufacturer Risk: Product

Liability/Litigation Avoidance,” Barnes & Thornburg LLP, South Bend, Indiana. Copy of presentation supplied.

September 27, 2012: Speaker, “Ceremony in Remembrance of Anthony Ray Lee, District Court Deputy Clerk,” United States District Court for the Northern District of Indiana, South Bend, Indiana. Copy of transcript supplied.

May 20, 2010: Speaker, “Litigation Funding,” Robert A. Grant Inn of Court, South Bend, Indiana. Copy of presentation supplied.

May 14, 2010: Speaker, “What the Experts Say: Experts in Federal Court,” Indiana Continuing Legal Education Forum, Indianapolis, Indiana. Copy of presentation supplied.

May 2, 2009: Speaker, “Scotland,” Rotary Foundation, Plymouth, Indiana. Copy of presentation supplied.

September 18, 2008: Speaker, “Claims & Defenses for Hansen/Weathers v. Adventure Consultants Case,” Robert A. Grant Inn of Court, South Bend, Indiana. I have no notes, transcript, or recording. The address of the organization is currently 700 1st Source Bank Center, 100 North Michigan, South Bend, Indiana 46601.

May 8, 1999: Speaker, “The Undivine Comedy,” Law School Graduation Address, Indiana University Maurer School of Law, Bloomington, Indiana. Program and speech supplied.

September 18, 1998: Speaker/Advocate, “The Court-Martial of Col. George Armstrong Custer,” Indiana University Maurer School of Law, Bloomington, Indiana. Video available at <https://www.c-span.org/video/?111963-1/court-martial-general-custer>. Transcript also supplied in response to Section 12(a).

I gave numerous speeches in several locations in Scotland (including in Aberdeenshire and Perthshire) as well as Indiana in 1995 to 1996 as an Ambassadorial Scholar for the Rotary Foundation. I do not have copies of any notes or written materials. The speeches focused on the cultural and economic characteristics of both Scotland and the United States (particularly Indiana) with the goal of fostering international relationships and understanding.

October 15-16, 1993: Speaker, “Irony and Comedy in Troilus and Criseyde: The Remedy and Pedagogy of Pandarus,” Novus Et Antiquus: The Twenty-Fourth Annual Interdisciplinary CAES Conference, Ball State University, Muncie, Indiana. I have no notes, transcript, or recording. The address of Ball State University is 2000 West University Avenue, Muncie, Indiana 47306.

I presented a paper at Butler University’s Undergraduate Research Conference (URC) in approximately 1993. The subject was American literature, but I do not

have any copy of that paper or notes from the presentation. The address of Butler University's URC is 4600 Sunset Avenue, Indianapolis, Indiana 46208.

June 1990 (approximate): Speaker, "Passage to Destination," Argos High School, Argos, Indiana. This valedictorian address generally used the example of Argos from Ancient Greece and Homer's *Iliad* to speak about the journey facing my fellow classmates. I have no notes, transcript, or recording. The address of Argos High School is 500 Yearick Street, Argos, Indiana 46501.

March 11, 1990: Speaker, Twentieth Annual Oral Competition, Eisenhower Memorial Scholarship Foundation, Inc., Indianapolis, Indiana. As a finalist for the Eisenhower Memorial Scholarship, I gave extemporaneous responses to panel questions. I have no notes, transcript, or recording. The address of the Eisenhower Memorial Scholarship Foundation is 223 South Pete Ellis Drive, Suite 27, Bloomington, Indiana 47408.

I spoke as part of the American Legion National High School Oratorical Contest, including in Mishawaka, Indiana on January 8, 1989. I do not recall each location for these speeches; nor do I have a copy of any speech or notes. The subject would generally have been American patriotism and aspects of the United States Constitution.

As President of the Ronald A. Leichty Scholarship Foundation, I have given brief remarks at the Argos High School Awards Ceremony in conferring the Foundation's scholarship on a deserving recipient. I have no notes, transcript, or recording of these remarks. The scholarship has been awarded almost annually since 2010 during the school's award ceremony held in May or June each year. For instance, I gave such remarks on approximately June 10, 2010 and June 9, 2011, for which media coverage is supplied. I do not have records of other dates. The address of Argos High School is 500 Yearick Street, Argos, Indiana 46501.

- 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.

Former Foes Support Indiana Lawsuit Funding Bills, The Indiana Lawyer, Feb. 10, 2016. Copy supplied.

Hacienda Company Granted Injunction in Placemat Dispute, The Elkhart Truth, July 28, 2009. Copy supplied.

Custer's Last Stand Recreated, The Pilot News, Oct. 29, 1998. Copy supplied.

Ginsburg Rules in Custer Case, Indiana Daily Student, Sept. 21, 1998. Copy supplied.

Law Students Strut Their Stuff for Supreme Court Justice, The Herald-Times, approximately Sept. 19, 1998. Copy supplied.

Mock Court-Martial Finds Custer Guilty, The Herald-Times, Sept. 19, 1998. Copy supplied.

Law Students Argue Mock Court-Martial before Supreme Court Justice, Indiana Daily Student, approximately Sept. 19, 1998. Copy supplied.

Law School Hosts Justice Ginsburg, Indiana Daily Student, Sept. 18, 1998. 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.

I have not held judicial office.

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

- i. Of these, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- 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.
- e. Provide a list of all cases in which certiorari was requested or granted.
- 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.

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

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.

I have not held public or political office, and I have not been a candidate for

elective or appointed office.

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

Although perhaps non-responsive, in an abundance of caution I note that I served as an unpaid Page for Indiana State Senator Betty Lawson for one day, on March 13, 1990.

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

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

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

From 2001 to 2003, I served as law clerk to The Honorable Robert L. Miller, Jr., United States District Court for the Northern District of Indiana.

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

I have not practiced law alone.

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

Barnes & Thornburg LLP
700 1st Source Bank Center
100 North Michigan
South Bend, Indiana 46601
1999 – 2001, 2003 – current
(Partner since January 1, 2007)

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

I have not served as a mediator or arbitrator.

- b. Describe:

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

I have practiced in the Litigation Department at Barnes & Thornburg LLP during my entire career in the private sector. Barnes & Thornburg is a national full-service firm with fourteen offices in Atlanta, Chicago, Dallas, Delaware, Indiana, Los Angeles, Michigan, Minneapolis, Ohio, and San Diego, Washington, D.C.

I have a national practice. I often handle complex civil litigation, with a sizeable docket of federal cases. I have considerable experience in product liability, contract, commercial, governmental, construction, non-compete, shareholder, and university matters. I also advise clients on litigation avoidance—instituting good practices to reduce risks. I have been entrusted by clients to defend significant risk and significant dollar cases in courts across the country.

I have handled trials, arbitrations, injunctions, mediations, appeals, and all manner of pretrial and legal proceedings. I have worked with jury consultants and social science Ph.D.s to conduct mock jury presentations and jury focus groups, and otherwise help understand the deliberative considerations for both effective presentation and decision-making come trial. I also have significant experience with experts, and *Daubert* admissibility standards in federal court.

I am routinely consulted by other lawyers on federal procedure, having clerked for The Honorable Robert L. Miller, Jr. and having served on the Local Federal Rules Advisory Committee for the Northern District of Indiana. As law clerk, I assisted Judge Miller with the assessment of motions, briefs, jury instructions, and other filings; conducted legal research; prepared bench memoranda; drafted orders and opinions; and assisted with jury, bench, and injunctive trials as well as other civil, criminal, and *habeas corpus* proceedings, and appeals when the district court so sat in review.

I have used *pro bono* opportunities from time to time to handle criminal cases, but otherwise practice in the civil space.

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

I have specialized in litigation my entire legal career. My typical clients are manufacturers, corporations, universities, governmental agencies, as well as individuals. I have represented Fortune 500/Global 500 companies, publicly-traded companies, small, family-owned businesses, as well as individuals in traditional and *pro bono* engagements.

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

My practice has been entirely in litigation. I have maintained a relative frequency of court appearances over my career.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 58% |
| 2. state courts of record: | 40% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 2% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 95% |
| 2. criminal proceedings: | 5% |

- 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 have tried five cases to verdict or judgment as lead counsel, and was involved in two such cases as associate counsel. Also as lead counsel, I have tried numerous evidentiary injunction proceedings and arbitrations to final decision.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 15% |
| 2. non-jury: | 85% |

- 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 United States Supreme Court.

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

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

1. *ESPN, Inc. v. University of Notre Dame Police Dept.*, 62 N.E.3d 1192 (Ind. 2016) (reversing appellate court and affirming trial court judgment from St. Joseph Superior Court, No. 71D07-1501-MI-17).

From 2014 to 2016, I represented the University of Notre Dame du Lac as lead counsel in a case raising a question of first impression in Indiana: whether a private university police department is subject to the state's Access to Public Records Act (APRA). This has been an evolving area within the law among the 50 states. I obtained judgment for Notre Dame before the St. Joseph Superior Court (Judge Steven Hostetler). ESPN appealed that decision. I argued the case before the Indiana Court of Appeals. Chief Judge Nancy Vaidik, Judge Margret Robb, and Judge Rudolph Pyle reached a different conclusion from the trial court. *See ESPN, Inc. v. University of Notre Dame Security Police Dept.*, 50 N.E.3d 385 (Ind. Ct. App. 2016). On November 16, 2016, however, the Indiana Supreme Court (in a 5-0 decision) reversed and reinstated the trial court's judgment for Notre Dame. *See ESPN, Inc. v. University of Notre Dame Police Dept.*, 62 N.E.3d 1192 (Ind. 2016).

Co-Counsel:

Georgina Jenkins (trial court)
Barnes & Thornburg LLP
700 1st Source Bank Center
100 North Michigan Street
South Bend, Indiana 46601
(312) 613-3779

John R. Maley (appeal)
Peter J. Rusthoven (appeal)
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204
(317) 231-7464

Principal Opposing Counsel:

Jim Dimos (ESPN)
(Formerly at Frost Brown Todd LLC)
American Bar Association
321 North Clark Street

Chicago, Illinois 60654
(312) 988-5193

Maggie L. Smith (ESPN)
Jennifer A. Rulon
Frost Brown Todd LLC
201 North Illinois Street, Suite 1900
Indianapolis, Indiana 46244
(317) 237-3223

2. *Grant v. Trustees of Indiana University*, 870 F.3d 562 (7th Cir. 2017) (Wood, C.J.; Ripple, J.; Williams, J.), *affirming* Case No. 1:13-CV-826, 2016 U.S. Dist. LEXIS 40732 (S.D. Ind. March 28, 2016) (Pratt, J.).

This case involved the termination of a tenured professor for only the second time in Indiana University's history. Mr. Grant alleged discrimination, retaliation, civil rights violations, due process and equal protection violations, and conspiracy under several federal laws, including 42 U.S.C. §§ 1981, 1983, and 1985-1986. He also pursued several claims under Indiana state law, implicating Indiana's Tort Claims Act. He claimed over \$1 million in damages. In federal court, I was lead counsel, having been involved in the matter since 2011 when the matter was still within administrative review at the university level. I handled overall strategy, depositions, discovery, hearings, motion practice, summary judgment, and appeal. The district court (Judge Tanya Walton Pratt) granted judgment on the pleadings on certain claims. *See Grant v. Trustees of Ind. Univ.*, 2015 U.S. Dist. LEXIS 87109 (S.D. Ind. July 6, 2015). Later, the district court granted summary judgment for all Indiana University parties on all remaining claims. *See Grant v. Trustees of Indiana University*, 2016 U.S. Dist. LEXIS 40732 (S.D. Ind. March 28, 2016). Mr. Grant appealed the case to the Seventh Circuit Court of Appeals. I argued the appeal before Chief Judge Diane Wood, Judge Kenneth Ripple, and Judge Ann Williams. The Seventh Circuit affirmed summary judgment in its entirety for my clients. *See Grant v. Trustees of Indiana University*, 870 F.3d 562 (7th Cir. 2017). After the mandate, and back before the district court, Judge Pratt granted a motion for defense costs under Federal Rule of Civil Procedure 54(d).

Co-Counsel:

R. Anthony Prather
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313

R. Holtzman Hedrick
(Formerly at Barnes & Thornburg LLP)
Calumet Specialty Product Partners, L.P.
2780 Waterfront Parkway East Drive, Suite 200

Indianapolis, Indiana 46214
(317) 328-5660

Principal Opposing Counsel:

Andrea Ciobanu
Ciobanu Law, P.C.
8910 Purdue Road, Suite 240
Indianapolis, Indiana 46268
(317) 495-1090

3. *The Mrs. Fields Brands, Inc. v. Interbake Foods LLC*, C.A. No. 12201-CB (Del. Ch. 2016-2018) (Bouchard, J. Andre).

From 2016 to 2018, I represented Interbake Foods as lead trial counsel in defense of claims for approximately \$30 million in alleged brand damage. Interbake Foods, a subsidiary of George Weston Ltd., was the exclusive distributor for Mrs. Fields cookies in North America. Mrs. Fields sued Interbake in April 2016, claiming that Interbake had sabotaged its brand and related sales on which Mrs. Fields received a royalty under a Trademark License Agreement. The case proceeded on effectively a “rocket docket” with a standstill order, extensive written discovery, close to thirty depositions, significant expert work, and motion practice that occurred over a tight six month period, followed immediately by a trial for six days in November 2016. Chancellor Andre Bouchard presided. After trial and post-trial motion practice, final judgment was entered on March 29, 2018, finding that Interbake was not responsible for any damages and needed only to transition the business back to Mrs. Fields without early termination (which transition occurred in the last six months of 2017). As lead counsel, I handled overall strategy, discovery, numerous depositions, experts, motion practice, and trial.

Co-Counsel:

Alice J. Springer
Barnes & Thornburg LLP
700 1st Source Bank Center
100 North Michigan Street
South Bend, Indiana 46601
(574) 237-1160

Chad S.C. Stover
Kevin G. Collins
Barnes & Thornburg LLP
1000 North West Street, Suite 1500
Wilmington, Delaware 19801
(302) 300-3434

Principal Opposing Counsel:

Bijan Amini
Avery Samet
Storch Amini, PC
140 East 45th Street, 25th Floor
New York, New York 10017
(212) 490-4100

David A. Jenkins
Robert K. Beste, III
Smith, Katzenstein & Jenkins, LLP
1000 West Street, Suite 1501
Wilmington, Delaware 19801
(302) 652-8400

4. *CDC San Francisco, LLC v. Webcor Builders, Inc. et al.*, Case No. CGC-15-546222 (Cal. Super. Ct. 2016-2017) (Bradstreet, J.).

For several years, I have represented Quanex Building Products Corporation and its various subsidiaries. This case began with inspection discussions in 2013 to 2014, and ultimately was filed on June 9, 2015. Plaintiff CDC owned the InterContinental Hotel in San Francisco, California. CDC claimed that insulated glass units (commercial windows) at the hotel had failed, which allegedly included a component product manufactured by subsidiaries Truseal Technologies, Inc. and Quanex IG Systems, Inc. This was a multi-party construction defect case, with other suppliers and contractors also involved as defendants, with various crossclaims being asserted as well. CDC claimed approximately \$90 million in damages. I was lead counsel through significant discovery, expert work (approximately twenty experts in the case), laboratory analysis, procedural issues, depositions, summary judgment, pretrial filings, and overall strategy. The case ultimately proceeded to jury trial in 2017 for approximately five of the scheduled nine weeks. For the Quanex parties, I handled the majority of cross-examinations of liability witnesses, including all such expert witnesses at trial. The case thereafter settled at trial with all parties. Judge Angela Bradstreet presided over the case.

Co-Counsel:

Eileen Pruitt
Barnes & Thornburg LLP
700 1st Source Bank Center
100 North Michigan Street
South Bend, Indiana 46601
(574) 237-1254

David W. Nelson
(Formerly at Barnes & Thornburg LLP; unable to confirm current location.)

John J. McDonough
Cozen O'Connor
45 Broadway, 16th Floor
New York, New York 10006
(212) 908-1226

Principal Opposing Counsel:

Eric J. Nystrom (Co-Defendant)
John C. Ekman
Fox Rothschild LLP
222 South 9th Street, Suite 2000
Minneapolis, Minnesota 55402
(612) 607-7000

Kenneth A. Calderone (Co-Defendant)
Hanna Campbell & Powell LLP
3737 Embassy Parkway, Suite 100
Akron, Ohio 44333
(330) 670-7324

Jennifer K. Stinnett (Co-Defendant)
Christensen Hsu Sipes LLP
2485 Natomas Park Drive, Suite 315
Sacramento, California 95833
(916) 503-4095

Sandy M. Kaplan (Co-Defendant)
Matthew Hawk
Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, California 94111
(415) 986-5900

Scott E. Hennigh (Plaintiff)
Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, California 94105
(415) 995-5010

5. *Cars of Shelbyville, Inc. v. First 1 Financial Corp.*, Civil Action No. 3:12-054-DCR, 2015 U.S. Dist. LEXIS 146539 (E.D. Ky. 2015) (Reeves, J.).

From 2012 to 2015, I represented First 1 Financial Corporation (later OnPoint Financial) as lead trial counsel in this federal case involving claims of breach of contract, good faith and fair dealing, and fraud against a subprime lending company.

Plaintiff Cars of Shelbyville sought substantial damages from First 1. First 1 also pursued counterclaims against Cars of Shelbyville as well as third-party claims against an individual guarantor. After a week-long federal trial, judgment was entered against the plaintiff's claims and in favor of my client on its counterclaims, awarding damages of over \$500,000. The district court later denied a motion under Federal Rule of Civil Procedure 60(b) to vacate this favorable judgment. I handled all aspects of the case, including overall case strategy, discovery, motions practice, and trial.

Co-Counsel:

Amy Ruth Ita
(Formerly at Barnes & Thornburg LLP)
Ohio Attorney General's Office
30 East Broad Street, 14th Floor
Columbus, Ohio 43215
(614) 644-7257

Principal Opposing Counsel:

Robert A. Winter, Jr.
Post Office Box 175883
Fort Mitchell, Kentucky 41017
(859) 250-3337

Jesse Alexander Shore
Markesbery & Richardson Co., L.P.A.
110 East Third Street
Lexington, Kentucky 40508
(859) 252-2955

Kurt K. Mohnsam
The Firm, PLLC
227 Alpine Drive
Shelbyville, Kentucky 40065
(502) 633-2260

6. *Thompson, I.G. v. Edgetech I.G., Inc.*, Case No. 11-12839, 2013 U.S. Dist. LEXIS 162000 (E.D. Mich. Nov. 14, 2013), *affirmed* 590 F. App'x 532 (6th Cir. 2014).

I represented Edgetech as lead counsel from 2011 to 2014. Thompson, a fabricator of insulated glass units, sued Edgetech, a spacer supplier, for breach of contract, express warranty, and fraud. Thompson sought over \$1 million in damages. The case involved complex issues of federal procedure, expert admissibility, product liability, and science. *See, e.g., Thompson v. Edgetech*, 2012 U.S. Dist. LEXIS 126808 (E.D. Mich. Sept. 6, 2012) (granting motion to disqualify plaintiff's expert); *Thompson v. Edgetech*, 2013 U.S. Dist. LEXIS 93407 (E.D. Mich. July 3, 2013) (ruling on spoliation and fraud on the court sanctions); *Thompson v. Edgetech*, 2013 U.S. Dist.

LEXIS 136760 (E.D. Mich. Sept. 24, 2013) (admissibility of expert); *Thompson v. Edgetech*, 2014 U.S. Dist. LEXIS 23189 (E.D. Mich. Feb. 25, 2014) (costs). As lead counsel, I handled overall strategy, discovery, depositions, hearings, experts, evidentiary *Daubert* hearing, and several oral arguments. Ultimately, the U.S. District Court for the Eastern District of Michigan (Judge Avern Cohn) entered judgment for my client, Edgetech. *See Thompson v. Edgetech*, 2013 U.S. Dist. LEXIS 162000 (E.D. Mich. Nov. 14, 2013). The Sixth Circuit Court of Appeals affirmed that judgment. *See Thompson, I.G. v. Edgetech I.G., Inc.*, 590 F. App'x 532 (6th Cir. 2014).

Co-Counsel:

Eileen S. Pruitt
Barnes & Thornburg LLP
700 1st Source Bank Center
100 North Michigan
South Bend, Indiana 46601
(574) 237-1254

Principal Opposing Counsel:

Rita M. Lauer
Winegarden, Haley, Lindholm, Tucker & Himelhoch, P.L.C.
9460 South Saginaw Road, Suite A
Grand Blanc, Michigan 48439
(810) 767-3600

7. *Foley v. TASER International, Inc.*, No. 4:09-CV-10155 (D. Mass. 2011) (Saylor, J.).

This federal case lasted from 2009 to 2011. I represented TASER International in a complex product liability suit involving a claim that a Massachusetts State Trooper's surgical hardware within his leg was damaged as a result of a TASER[®] electronic control device application that he underwent during his training. Trooper Foley sought more than \$1.8 million in damages. I handled discovery, depositions, significant expert work, summary judgment, and oral argument. The case was successful for my client after I procured admissions from the plaintiff's key causation expert in deposition. Judge F. Dennis Saylor granted summary judgment for TASER International in March 2011.

Co-Counsel:

John R. Maley
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204
(317) 231-7464

David A. Wollin
Hinckley, Allen & Snyder LLP
50 Kennedy Plaza, Suite 1500
Providence, Rhode Island 02903
(401) 274-2000

Principal Opposing Counsel:

Thomas F. Healy (deceased)

8. *Collins & Aikman Products Co. v. H.S. Die & Engineering, Inc.*, Adv. Proc. 07-5571 (E.D. Mich. Bankr. 2010) (Rhodes, J.).

From 2007 to 2010, I represented H.S. Die (one of the largest die companies in the country at the time supplying the automotive industry) as lead trial counsel against an approximate \$20 million preference and fraudulent transfer case. Judge Steven W. Rhodes presided over the trial. The case involved significant federal procedural issues, complex bankruptcy analysis, expert witnesses, depositions, extensive discovery, settlement conferences, and trial. I handled all aspects of the case, including trial. Judgment was entered against H.S. Die after trial, and H.S. Die then appealed. During appeal, the case resolved through court-assisted mediation.

Co-Counsel:

The Honorable John T. Gregg
(Formerly at Barnes & Thornburg LLP)
United States Bankruptcy Court, Western District of Michigan
1 Division Avenue North
Grand Rapids, Michigan 49503
(616) 456-2233

Sarah Kuhny
Barnes & Thornburg LLP
700 1st Source Bank Center
100 North Michigan
South Bend, Indiana 46601
(574) 237-1123

Principal Opposing Counsel:

Scott E. Ratner
Togut, Segal & Segal LLP
1 Pennsylvania Plaza, Suite 3335
New York, New York 10119
(212) 594-5000

Steven S. Flores
(Formerly at Togut, Segal & Segal LLP)
Rhode Island Legal Services Inc.
Housing Law Center
56 Pine Street, 4th Floor
Providence, Rhode Island 02903
(800) 662-5034

9. *HMR Acquisition Co. v. Coast to Coast Advertising LLC*, Cause No. 3:09-CV-312 (N.D. Ind. 2009) (Miller, J. and Van Bokkelen, J.).

In 2009, I represented HMR Acquisition Company (which owned twelve Hacienda Mexican Restaurants at various locations in Indiana) in a federal trademark, Lanham Act, forgery, fraud, and injunction case. HMR sought an injunction alleging a false advertising scheme by two defendants (Coast to Coast Advertising LLC and Nationwide Marketing LLC), and did so not only for its own business interests but because of the widespread effect the advertising was having on other Indiana businesses. After presentation of evidence, on July 24, 2009, the United States District Court (Judge Robert L. Miller, Jr.) entered a preliminary injunction enjoining the defendants from their advertising system. The case was thereafter assigned to Judge Joseph Van Bokkelen. After a motion for order to show cause, the court ordered corrective advertising by the defendants, awarded attorney fees, and ultimately entered a final judgment and permanent injunction in favor of my client. The case also involved cooperation with the Illinois Attorney General's Office, which later filed its own lawsuit under the Illinois Consumer Fraud and Deceptive Business Practices Act and Uniform Deceptive Trade Practices Act.

Co-Counsel:

Alice J. Springer
Barnes & Thornburg LLP
700 1st Source Bank Center
100 North Michigan Street
South Bend, Indiana 46601
(574) 237-1120

Principal Opposing Counsel:

Kurt R. Earnst
Braje Nelson & Janes LLP
126 East 5th Street
Michigan City, Indiana 46361
(219) 872-2100

10. *Nephrology Specialists, P.C. v. MMDS Inc.*, No. 45C01-1212-PL-129 (Lake Circuit Court 2012-2018) (Paras, J.).

Beginning in 2011, I worked with Nephrology Specialists (a physician group in northwest Indiana) to investigate the conduct of its outside business manager and accountant, as well as businesses that he owned that handled patient billing as well as accounting services for the group. The physician group filed suit in 2011, asserting claims of fraud, forgery, conversion, breach of contract, negligence, and relief under Indiana's Crime Victim Relief Act, and claiming that the accountant had deprived the group of hundreds of thousands of dollars. I have been lead counsel throughout the case, which has involved discovery, depositions, forensic expert work, motions, briefing, hearings, and procedural challenges. Ultimately I worked with the U.S. Attorney's Office and Special Agents in charge, providing information, including depositions and a forensic audit, and services of a forensic expert. The government eventually filed more than 30 federal charges against the accountant and certain associates based largely on allegations of similar conduct with other local physicians and banks. The civil case was stayed in the meantime. The accountant in the federal criminal case eventually pleaded guilty before Judge Philip Simon. *See United States v. Weichman*, Cause No. 2:14-CR-93 (N.D. Ind. 2014-2018). On May 11, 2018, the accountant was sentenced to eight years in prison, with an order of restitution of seven figures. The civil case remains pending, and a motion to lift the stay has been filed after he voluntarily dismissed his appeal of the criminal case.

Co-Counsel:

Eileen S. Pruitt
Barnes & Thornburg LLP
700 1st Source Bank Center
100 North Michigan Street
South Bend, Indiana 46601
(574) 237-1254

Principal Opposing Counsel:

Scott E. Yahne
Yahne Law, P.C.
9301 Calumet Avenue, Suite IF
Munster, Indiana 46321
(219) 513-9892

Eric Lifvendahl
Williams, Montgomery & John, Ltd.
233 South Wacker Drive, Suite 6800
Chicago, Illinois 60606
(312) 443-3230

Rhett L. Tauber
Tauber Law Offices
1415 Eagle Ridge Drive
Scherverville, Indiana 46375

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 trial record, as a former federal law clerk, former member of the Northern District of Indiana Federal Rules Advisory Committee, and regular federal practitioner, I am often called on to consult on federal practice and procedure. I have been involved in over 50 federal cases in the Northern District of Indiana.

Aside from this district, I have handled litigation in over 25 federal court jurisdictions across the United States, aside from matters in numerous state courts.

Significant federal litigation that did not progress to trial has included a variety of civil matters, often complex, multi-party, or substantial risk, at times involving multiple experts (as many as 10-15), covering a broad range of federal rules, statutes, constitutional provisions, and subjects, and taking a case from pleadings through jurisdiction, venue, motions to dismiss, depositions, discovery, motions practice, evidentiary hearings, settlement conferences, summary judgment, oral arguments, motions *in limine*, jury instructions, and all manner of pretrial filings, at times to the eve of federal trial or on appeal to the circuit courts.

As an outgrowth of my litigation practice, I counsel manufacturers and other companies on product liability, litigation avoidance, non-competition contracts, public relations, marketing, warranties, sales terms, product warnings, and various strategies to manage business risk and to develop good products for sale. I also have counseled universities and other institutions of higher education on litigation, employment issues, student affairs, public records, and other issues. I am a member of my firm's Higher Education Practice Group.

I have not been involved in lobbying activities.

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.

Product Liability, Course Lectures for the University of Notre Dame Law School (Notre Dame, Indiana, Fall 2017 & Fall 2018). This course covers multiple subjects, including strict liability, warnings, distribution and supply, design defects, risk-utility analysis, consumer expectations, state of the art doctrine, experts under federal standards,

defenses, damages, and other aspects of product liability litigation. Copies of the syllabus for both years have been 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.

As a partner at Barnes & Thornburg LLP, I understand that, upon departure, my capital account will be paid out to me, as well as any unpaid compensation and profit sharing due, in place of all future benefits.

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

If confirmed, I hope to continue to teach at the University of Notre Dame Law School, and to serve on the governing boards of non-profit organizations, to the extent permitted by the Canons of the Code of Conduct for United States Judges, and all other laws, rules or practices governing such circumstances, including any circuit court approval. I have no commitments or agreements to do so, and no other plans for outside activities.

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.

Cases most likely to raise conflict questions would be those involving my current law firm and those involving the University of Notre Dame, where my spouse

works in the Office of the Provost. To determine whether I would need to recuse in such cases, I would consult 28 U.S.C. § 455(a) & (b) and Canon 3 of the Code of Conduct for United States Judges. I would also consult any judicial decisions or Judicial Conference opinions addressing similar factual circumstances as those raised in the particular case. I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and take appropriate action, including recusal where necessary.

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

As noted, if confirmed, I will carefully review and address any real or potential conflict of interest by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and all other laws, rules, and practices governing such circumstances.

For instance, under Canon 3(C)(1)(b), I would evaluate any conflict of interest in a matter in which Barnes & Thornburg LLP represented the client during my time with the firm. If confirmed, I would conduct a search of all pending matters in which Barnes & Thornburg has appeared for appropriate disqualification. I would also initially screen matters to ensure that any new filings were not a result of a representation commenced while I was at the firm, even though done without my knowledge.

Under Canon 3(C)(1)(c), I would evaluate any potential conflict of interest in a case involving the University of Notre Dame to the extent my spouse (who works in the Office of the Provost) could be said to have a financial interest in the subject matter in controversy, or to the extent that any current teaching opportunity presents such a conflict of interest for me. I am also aware of the option for disclosure and consent by all parties in writing under Canon 3(D).

Under Canon 4(B), I do not foresee any conflict of interest for my involvement in such charitable non-profit organizations as the Boys and Girls Club of St. Joseph County or the Ronald A. Leichty Scholarship Foundation at this time, but would monitor these types of affiliations accordingly.

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.

Over the years, I have provided *pro bono* services primarily in these areas: (a) criminal appeals, (b) individuals in need of service, particularly litigation or dispute resolution, because of financial insufficiency, and (c) charitable not-for-profits in need of legal

services, including corporate governance, employment issues, and other matters. Examples of specific instances of this work include:

(a) In 2000, a colleague and I represented Mr. William Zimmerman in his criminal appeal to the Seventh Circuit Court of Appeals. His case before the district court, when he was proceeding *pro se*, had been dismissed. Our firm on appeal achieved a partial reversal of that result, given certain factual allegations about retaliatory conduct that denied him access to the law library after complaining about a prison official. *See also Zimmerman v. Tribble*, 226 F.3d 568 (7th Cir. 2000).

In 2004 to 2005, I represented Mr. Shawntell Curry in his criminal appeal to the Seventh Circuit Court of Appeals. Mr. Curry had been convicted under the Hobbs Act. Mr. Curry filed a *habeas corpus* petition under 28 U.S.C. § 2255, claiming that the government had failed to disclose material evidence favorable to his defense. Records reflect approximately 67 *pro bono* hours for this matter. *See also Curry v. United States*, 125 F. App'x 67 (7th Cir. 2005).

In 2007 to 2008, I represented Mr. Ray Sanner *pro bono* in his criminal appeal to the Seventh Circuit Court of Appeals concerning his sentencing. I worked with law students at Indiana University as part of its Appellate Advocacy Clinic as well as then-Professor Lauren Robel (now Provost at Indiana University), all pursuant to Circuit Rule 34(h). This matter involved over 25 hours of *pro bono* service. *See also United States v. Sanner*, 565 F.3d 400 (7th Cir. 2009).

I currently represent Mr. Donta Henderson *pro bono* in his criminal appeal to the Seventh Circuit Court of Appeals concerning his conviction and sentence. *See United States v. Swain et al.*, Case No. 17-3431 (2018). I have spent over 50 hours to date devoted to his appeal, though appeal briefs and other work have not been completed. The case remains pending.

(b) In 2004 to 2007, I represented an elderly couple from California who had adopted six kids with spina bifida and other special needs. They had purchased a travel trailer designed to accommodate the special needs of their adopted children, but it was defective. Our firm took their case initially on a reduced fee arrangement, but ultimately made it *pro bono* as the matter continued. We filed a federal suit against the designers and manufacturers of the travel trailer, ultimately securing a sizeable settlement for them after retaining six expert witnesses and defending against multiple attempts to dismiss claims. The case involved issues of federal jurisdiction, the Magnuson-Moss Warranty Act, and successor liability. I devoted over 65 hours to this matter *pro bono*.

In 2012, I represented a married couple *pro bono* in two matters, one involving the failure of an insurance company to reimburse their small business for services rendered, and another involving construction issues related to a contractor who

had damaged their home during work. I devoted more than 25 hours to these two matters.

In 2014 to 2015, I represented a woman *pro bono* in her efforts to secure benefits through Veteran's Affairs after her husband passed. This matter involved more than 15 hours *pro bono* time.

(c) I have devoted over 500 *pro bono* hours over the years to charitable non-profits, ranging from employment issues, bylaws, licensing, contract review, investigations, litigation or litigation avoidance, and other legal services. For instance, the Boys and Girls Club of St. Joseph County and separately the Family & Children's Center serve youth in need. These hours are over and above board service.

In addition to my legal *pro bono* work, I have been a firm believer in giving back in my practice through philanthropic and other work in Northern Indiana, particularly South Bend. Aside from mentoring the next generation of lawyers through, for instance, our local Inn of Court or judging moot court competitions, I have had the privilege to support not-for-profit organizations that serve our community's kids, and others that foster education, history, arts, and better lives for Hoosiers.

26. Selection Process:

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

On February 17, 2017, I submitted an application seeking consideration for the vacancy in the United States District Court for the Northern District of Indiana. On March 22, 2017, I was contacted by the Office of Senator Todd Young to schedule an interview. I interviewed with members of Senator Young's staff on March 29, 2017 via telephone given an ongoing jury trial in San Francisco. I later met with a member of Senator Young's staff in Washington D.C. on March 31, 2017. I interviewed with Senator Young on April 21, 2017 in Wakarusa, Indiana. I spoke with the White House Counsel's Office on April 27, 2017. I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington D.C. on May 11, 2017. I thereafter was in contact with the Office of Senator Todd Young until, on April 27 and April 28, 2018, I communicated with the Office of Senator Joe Donnelly. On April 28, 2018, the White House Counsel's Office informed me of my

preliminary selection pending completion of required background checks and additional vetting. On May 31, 2018, I interviewed with staff from Senator Donnelly's office. I met with Senator Donnelly and additional staff on June 17, 2018 in South Bend, Indiana. Since April 28, 2018, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy. The White House submitted my nomination to the Senate on July 17, 2018.

- 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.