

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Arthur Marvin Quattlebaum, Jr.

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

Circuit Judge, United States Court of Appeals for the Fourth Circuit

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.

Clement F. Haynsworth Federal Building
300 East Washington Street
Greenville, South Carolina 29601

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

1964; Durham, North Carolina

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.

1986 – 1989: University of South Carolina School of Law, J.D., 1989

1982 – 1986: Rhodes College, B.A., 1986

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.

2018 – Present
United States District Judge
District of South Carolina
Clement F. Haynsworth Federal Building
300 East Washington Street

Greenville, South Carolina 29601

1997 – 2018

Nelson Mullins Riley & Scarborough, LLP
104 South Main Street, Suite 900
Greenville, South Carolina 29601
Partner

1999 – 2001

10Best (now known as Everitas)
9 LeGrand Boulevard, Suite A
Greenville, South Carolina 29607
General Counsel and Secretary

1996 – 1997

Robertson & Quattlebaum
635 North Academy Street
Greenville, South Carolina 29601
Partner

1989 – 1996

Nelson Mullins Riley & Scarborough, LLP
104 South Main Street, Suite 900
Greenville, South Carolina 29601
Associate

Summer 1987; 1988 – 1989

Nelson Mullins Riley & Scarborough, LLP
1320 Main Street, Meridian 17th Floor
Columbia, South Carolina 29201 (home office)
Law Clerk

Summer 1988

Rainey & Britton (now known as Gallivan White & Boyd)
55 Beattie Place #1200
Greenville, South Carolina 29601
Law Clerk

Other Affiliations (uncompensated)

2014 – Present

Greater Greenville YMCA
721 Cleveland Street
Greenville, South Carolina 29601
Board Member, 2014 – Present; Executive Committee, 2015 – Present

2016 – Present
Christ Church Episcopal School
245 Cavalier Drive
Greenville, South Carolina 29607
Board of Directors

2008 – Present
Nelson Mullins Riley & Scarborough, LLP Center on Professionalism at the University
of South Carolina School of Law
701 Main Street, Room 431
Columbia, South Carolina 29208
Board of Advisers

Approximately 2012 – 2016
Sterling Hope Center
709 Dunbar Street
Greenville, South Carolina 29601
Board of Directors

2000 – 2004, 2006, 2015
Foothills Presbytery
2242 Woodruff Road
Simpsonville, South Carolina 29681
Committee on Reform of General Assembly, 2015
Commissioner to the General Assembly, 2006
New Church Development Committee, 2002 – 2004
Organizing Committee for Eastminster Presbyterian Church, 2000 – 2001

2003 – 2010
South Carolina Education Lottery
1333 Main Street
Columbia, South Carolina 29201
Commissioner

2005 – 2007
South Carolina Chamber of Commerce
1301 Gervais Street, Suite 1100
Columbia, South Carolina 29201
Board of Directors

1996 – 2000
City of Greenville Board of Zoning Adjustments
206 South Main Street, 6th Floor
Greenville, South Carolina 29601
Board member, 1996 – 2000
Chair, 1998 – 2000

2000 – 2006
United Ministries
606 Pendleton Street
Greenville, South Carolina 29601
Board of Directors, 2000 – 2006
Chair of the Board, 2006
Vice Chair of the Board, 2005
Development Committee, 2001 – 2003
Finance Committee, 2004 – 2006

Approximately 2005
United Way of Greenville
105 Edinburgh Court
Greenville, South Carolina 29607
Allocations Committee

2002 – 2003
Columbia Theological Seminary
701 South Columbia Drive
Decatur, Georgia 30030
President's Advisory Council

1994 – 2007
Fourth Presbyterian Church
703 East Washington Street
Greenville, South Carolina 29601
Session 1997 – 2000; 2004 – 2007
Deacon 1994 – 1996; Chairman 1995 – 1996

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 never served in the military. I have 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.

Best Lawyers in America, 2005 – 2017
Lawyer of the Year for Greenville, South Carolina, 2016

Chambers and Partners, 2012 – 2017
America's Leading Lawyers for Business for business and product liability litigation

South Carolina Super Lawyers, 2008 – 2017

The Legal 500

Litigation; Product Liability and Mass Tort defense: automotive/transportation,
2009 – 2010

Greenville Business Magazine, Best and Brightest Under 35 (1999)

University of South Carolina School of Law

South Carolina Law Review

Order of the Wig and Robe

Order of the Coif

Legal Writing Instructor, 1988 – 1989

Compleat Lawyer Award, 2010

Rhodes College

Graduated with honors in History, 1986

Phi Beta Kappa

Mortar Board

Omicron Delta Kappa

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

American Bar Association, 1992 – Present

American Bar Foundation

Life Fellow, 2017

Fellow, 2012 – 2017

American Board of Trial Advocates, 2003 – Present (now a Judicial Member)

American College of Trial Attorneys

Fellow, 2013 – Present (now a Judicial Member)

American Law Firm Association, 2010 – 2018

Products Liability Steering Committee

Business Litigation Practice Group

Defense Research Institute, 1995 – 2018

Fourth Circuit Court of Appeals Judicial Conference, Permanent Member, 2009 – Present

Furman University Mock Trial Judge, 2016

Greenville County Bar Association, 1990 – Present

Haynsworth-Perry Inn of Court
Barrister, 2015 – Present (now a Judicial Member)

Litigation Counsel of America
Fellow, 2009 – Present (now a Judicial Member)

Nelson Mullins Riley & Scarborough, LLP Center on Professionalism at the University of
South Carolina School of Law
Board of Advisers, 2008 – Present

Product Liability Advisory Council, 2006 – 2018

South Carolina Bar

President, 2011 – 2012

Executive Committee, 2009 – 2013

Board of Governors, 2005 – 2013

House of Delegates, 1998 – Present

Foundation Board of Directors, 2010 – 2012

Foundation Life Fellow, first recognized in 2000 – 2001

Foundation Society of Justice, first recognized in 2009 – 2010

Lawyers Helping Lawyers Commission

Chair, 2010 – 2011

Board of Governors Law School Task Force

Chair, 2006 – 2008

Practices and Procedures Committee of South Carolina Bar

Chair, 1996 – 1998

Default Judgment Subcommittee

Chair, 1995 – 1996

Torts and Insurance Section, since at least 2009 (The South Carolina Bar advised
that it does not keep records further back on sections)

Trial and Appellate Advocacy Section, since at least 2009 (The South Carolina
Bar advised that it does not keep records further back on sections)

South Carolina Defense Trial Attorneys Association, 1990 – 2018

Supreme Court Historical Society, 2004 – Present

10. **Bar and Court Admission:**

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

South Carolina, 1989. There have been no lapses 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 the Fourth Circuit, 1990

United States District Court, District of South Carolina, 1990

South Carolina State Courts, 1989

There have been no lapses in admission.

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.

Christ Church Episcopal School
Board of Directors, 2016 – Present

City of Greenville Board of Zoning Adjustments, 1996 – 2000
Chair, 1998 – 2000

Columbia Theological Seminary
President's Advisory Council, 2002 – 2003

Foothills Presbytery
Committee on Reform of General Assembly, 2015
Commissioner to the General Assembly, 2006
New Church Development Committee, 2002 – 2004
Organizing Committee for Eastminster Presbyterian Church, 2000 – 2001

Fourth Presbyterian Church
Interim Senior Pastor Search Committee, 2010
Clerk of Session, 1999 – 2000; 2004 – 2006
Session, 1997 – 2000; 2004 – 2007
Commissioner to the Presbyterian Church USA's General Assembly, 2006
Chairman of Long Range Planning Committee, 2004 – 2005
Seminary Student Committee, 1999 – 2005
Adult Church School Education Coordinator, 2002 – 2004

Chairman of Board of Deacons, 1995 – 1996
Board of Deacons, 1994 – 1996
Sunday School teacher, 1993 – 2015

Greater Greenville YMCA, 2014 – Present
Executive Committee, 2015 – Present
Board of Directors, 2014 – Present
Member, 1990 – Present

Greenville Country Club, 1990 – Present

Greenville High School
Alumni Association President, 2002 – 2004
Alumni Association Member, 1998 – 2004

Greenville Hospital System Ambassador League, approximately 2001

Hughes Academy Middle School
Goals 2000 Project, approximately late 1990's – early 2000's

Rhodes College
Class of 1986 Alumni Class Agent, mid-1990s
Red and Black Society, approximately 1995 – Present

South Carolina Chamber of Commerce
Board of Directors, 2005 – 2007

South Carolina Education Lottery Commission, 2003 – 2010

Task Force on Government Restructuring and Campaign Finance Reform,
approximately 2002 – 2003

United Ministries
Board of Directors, 2000 – 2006
Chair of the Board, 2006
Vice Chair of the Board, 2005
Development Committee, 2001 – 2003
Finance Committee, 2004 – 2006

United Way of Greenville
Allocations Committee, approximately 2005

University of South Carolina School of Law
Coordinating Committee for Class of 1989 Five-year Reunion, 1993 – 1994

Upstate Diversity Leadership Academy

Graduate, 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.

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

12. Published Writings and Public Statements:

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

Letter to the Editor, *State Attorneys Offer Perspective on Recent Comments About Ethics*, Morning News (Florence), January 6, 2014. Copy supplied.

Letter to the Editor, *Ex-SC Bar Association Leaders Respond to SC Justice's Remarks*, Sun News (Myrtle Beach), January 4, 2014. Copy supplied.

DRI Chapter SC Warnings Law, 2012. Copy supplied.

Making Ourselves Fit to Live in a Free Society, State Newspaper, November 16, 2011. Copy supplied.

Ex Parte Brown *and Its Impact on Court Appointed Lawyers*, President's Message, S.C. Law., September 2011. Copy supplied.

Respect for the Law Spans Our Nation's History, Greenville News, April 24, 2011. Copy supplied.

Implications of the "Year of the Recall:" Liability Exposure from Imported Chinese Products, American Law Firm Association Product Liability Course Book 2009. Copy supplied.

The CPSIA: Congressional Response to the Year of the Recall, Bus. L. Today, September/October 2009. Copy supplied.

South Carolina Chapter of Product Liability Advisory Council Jury Instructions, August 31, 2009. Copy supplied.

The South Carolina Law of Warnings Liability, DRI 50 State Compendium on Duty to Warn in Product Liability Cases 2007. Copy supplied.

New Rules on Electronic Discovery, Spartanburg Development Association Membership Bulletin (Online), June 6, 2007. Copy supplied.

Impact on Industry Should Be Factor in Tax Debate, Greenville News, January 29, 2006. Copy supplied.

Enron, WorldCom, Martha Stewart . . . What's a Public Company to Do?, S.C. Law., November 2002. Copy supplied.

Y2K May or May Not Be Disastrous: Know Where You Stand, Greenville Bus. Mag., February 1999. Copy supplied.

I've Caught the Crook, Now What Do I Do?, Greenville Bus. Mag., November 1995. Copy supplied.

In the mid-to-late 1990's, I drafted and edited several entries for South Carolina Jurisprudence, a legal encyclopedia that provides a comprehensive statement of South Carolina law in 30 volumes. I have provided copies of the sections listing me as a contributing author.

- 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.

During the period of time I served on the Board of Governors of the South Carolina Bar, the Board took action on a number of issues in the normal course of its duties. I have listed below the reports I helped prepare, and not every issue addressed by the Board during my tenure.

Report of President of the South Carolina Bar, May 3, 2012. Copy supplied.

Report of President of the South Carolina Bar, January 19, 2012. Copy supplied.

Report of the Law School Task Force of the South Carolina Bar, May 17, 2007. Copy supplied.

Report of the Law School Task Force of the South Carolina Bar, February 14, 2007. Copy supplied.

Report of the Task Force on Government Restructuring and Campaign Finance Reform, January 21, 2003. Copy supplied.

Report of the South Carolina Bar Practice and Procedures Committee regarding Rule 40 of the South Carolina Rules of Civil Procedure, June 3, 1998. Copy supplied.

Report of the South Carolina Bar Practice and Procedures Committee regarding Rule 15 of the South Carolina Rules of Criminal Procedure, June 3, 1998. Copy supplied.

Report of the South Carolina Bar Practice and Procedures Committee regarding Rule 55 of the South Carolina Rules of Criminal Procedure, January 8, 1996. Copy supplied.

During my tenure as a Commissioner on the South Carolina Education Lottery, the Commission issued Annual Reports and Annual Financial Reports. As a Commissioner, my name is listed in those reports. These documents are publically available at <http://www.sceducationlottery.com/lottery/annual-reports.aspx>.

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

On October 4, 2017, I testified at my confirmation hearing before the Judiciary Committee of the United States Senate to be a United States District Judge for the District of South Carolina. I also answered questions for the record presented to me by United States Senator Sheldon Whitehouse. Video of the hearing is available at <https://www.judiciary.senate.gov/meetings/10/04/2017/nominations> for the 115th Congress, and a copy of my responses to the written questions is available at <https://www.judiciary.senate.gov/imo/media/doc/Quattlebaum%20Responses%20to%20QFRs.pdf>.

I gave testimony on the issue of punitive damages and intangible damages to the South Carolina House of Representatives Judiciary Committee around 2005 or so. I do not have the exact date and do not have a copy of my testimony. I did not present or display any materials. My former firm's calendaring system does not go back that far. I contacted a staff member at the South Carolina House of Representatives Judiciary Committee and was informed that, during that period of time, the Committee did not regularly record proceedings. However, the staff

member found some tapes of hearings on tort reform issues and listened to them. She did not locate the hearing in which I participated.

- 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.

September 22, 2016: Speaker, "Tips and Strategies on Motions Practice from the Defense Bar," Matthew J. Perry Federal Courthouse, Columbia, South Carolina. There were no notes, transcripts, or recordings of this mock argument. The address is Matthew J. Perry Federal Courthouse, 901 Richland Street Columbia, South Carolina 29201.

February 5, 2016: Speaker, "A Trial Demonstration from Opening Statement Through Jury Deliberations," University of South Carolina School of Law, Columbia, South Carolina. There were notes, transcripts, or recordings of this mock cross-examination. The address is University of South Carolina School of Law, 1525 Senate Street, Columbia, South Carolina 29208.

May 3, 2012: Speaker, Outgoing President Address, A Test for an Independent Judiciary, South Carolina Bar House of Delegates, Columbia, South Carolina. Copy supplied.

May 1, 2012: Speaker, No Courts, No Justice: The Importance of Access to Justice, Spartanburg County Bar Association, Spartanburg County Courthouse, Spartanburg, South Carolina. Copy supplied.

March 13, 2012: Speaker, An Introduction Into the South Carolina Bar, University of South Carolina School of Law. I was unable to locate any notes, transcripts, or recordings of this speech. The address is University of South Carolina School of Law, 1525 Senate Street, Columbia, South Carolina 29208.

November 10, 2011: Speaker, York County Bar Association: An Update on Activities of the South Carolina Bar, York County Courthouse. I was unable to locate any notes, transcripts, or recordings of this speech. The address is York County Courthouse, 2 North Congress Street, York, South Carolina 29745.

September 23, 2011: Speaker, Solos and Small Firms: A Central Focus of the South Carolina Bar, South Carolina Bar Solo and Small Firm Convention, Columbia, South Carolina. I was unable to locate any notes, transcripts, or

recordings of this speech. The address is South Carolina Bar, 950 Taylor Street, Columbia, South Carolina 29201.

September 16, 2011: Speaker, Constitution Day, Christ Church Episcopal School, Greenville, South Carolina. Copy supplied.

September 16, 2011: Speaker, South Carolina Defense Trial Attorneys' Association, Corporate Counsel Seminar, "South Carolina Bar: Issues Related to In House Lawyers," Greenville, South Carolina. Copy supplied.

August 25, 2011: Speaker, A Backbone, A Wishbone and A Funny Bone, Charleston School of Law, Charleston, South Carolina. Copy supplied.

May 5, 2011: Speaker, Swearing-In Ceremony, South Carolina Bar, House of Delegates, Greenville, South Carolina. Copy supplied.

April 5, 2011: Speaker, Law Day, Spanning our Nation's History to Celebrate the Rule of Law, Greenville Senior High School Academy for Law and Business, Greenville, South Carolina. Materials supplied.

February 18, 2011: Presenter, Digging Deeper into Rule 56, South Carolina Bar CLE, University of South Carolina School of Law, Columbia, South Carolina. Materials supplied.

July 26, 2008: Speaker, Closing Arguments: Utilizing *Cunningham*, South Carolina Defense Trial Attorneys' Association, Asheville, North Carolina. Materials supplied.

June 18, 2008: Speaker, Depositions with an Eye Toward Trial, South Carolina Defense Trial Attorneys Association, Greenville, South Carolina. Materials supplied.

February 18, 2008: Presenter, Managing the Changing Scope of Relevance in a Trial: Innovative Challenges to Traditional Concepts of Admissibility, CLE, University of South Carolina School of Law, Columbia, South Carolina. Materials supplied.

June 6, 2007: Speaker, Demonstrative Evidence, South Carolina Defense Trial Attorneys Association, Greenville, South Carolina. Materials supplied.

March 10, 2007: Presenter, Defending Warnings Claims in the Modern World of Product Liability Litigation, American Law Firm Association, Product Liability International Client Seminar, Palm Desert, California. Materials supplied.

March 20, 2004: Presenter, Responding to Aggressive Litigation Tactics, American Law Firm Association Products Liability International Client Seminar, Scottsdale, Arizona. Materials supplied.

October 4, 2002: Speaker, Class Actions from Defense Perspective, NALS 51st Annual Education Conference and National Forum, Greenville, South Carolina. Notes supplied.

Approximately 1995: Speaker, Maintaining Files with an Eye on Discovery, First Union National Bank, Capital Management Group (no longer in existence). I was unable to locate any notes, transcripts, or recordings of this speech. Likewise, I did not find the exact date of this presentation. The address was First Union National Bank, Capital Management Group, 401 South Tryon Street, Charlotte, North Carolina 28288

Approximately 1995: Speaker, ABA Projects, Greenville Legal Secretaries Association (now Legal Staff Professionals of Greenville). I was unable to locate any notes, transcripts, or recordings of this speech. Likewise, I contacted the organization, but I did not find the exact date of this presentation. The current address is Legal Staff Professionals of Greenville, c/o President Michelle Dender, 12 East Stone Avenue, Greenville, South Carolina 29609.

Approximately 1993: Speaker, Fundamentals of Bankruptcy, National Business Institute. I was unable to locate any notes, transcripts, or recordings of this speech. Likewise, I contacted the organization, but I did not find the exact date of this presentation. The address is National Business Institute, 1218 McCann Drive, Altoona, Wisconsin 54720.

Approximately 1993: Speaker, Address regarding accountants, The Beacon Group, Commercial Litigation and Bankruptcy. I was unable to locate any notes, transcripts, or recordings of this speech. Likewise, I contacted the organization, but I did not find the exact date of this presentation. The address is The Beacon Group, 1050 17th Street Northwest (at L Street Northwest), Suite 210, Washington, District of Columbia 20036.

Approximately 1992: Speaker, Accountant Liability, The Beacon Group. I was unable to locate any notes, transcripts, or recordings of this speech. Likewise, I contacted the organization, but I did not find the exact date of this presentation. The address is The Beacon Group, 1050 17th Street Northwest (at L Street Northwest), Suite 210, Washington, District of Columbia 20036.

Approximately 1990: Speaker, Address regarding bankruptcy issues, South Carolina Savings & Loan Association (no longer in existence). I was unable to locate any notes, transcripts, or recordings of this speech. Likewise, I did not find the exact date of this presentation. The address was South Carolina Savings & Loan Association, 104 North Ivanhoe Road, Walterboro, South Carolina 29488.

- 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.

Judge Denies Motion Accusing Tire Maker of Jury Tampering, S.C. Law. Wkly., March 2, 2016. Copy supplied.

Charleston Senate of Delta Theta Phi Fraternity Named in Honor of Nelson Mullins' Quattlebaum Jr., Moultrie News (Charleston), February 5, 2013. Copy supplied.

Charleston Senate of Delta Theta Phi Fraternity Named in Honor of Nelson Mullins' Quattlebaum Jr., Nelson Mullins News Release, January 28, 2013. Copy supplied.

Finding Solutions for People so They Can Realize Their Own Dreams, Greenville Bus. Mag., November 30, 2012. Copy supplied.

A \$65K Makeover: SC Bar Hopes to Improve Image with Videos, but so far the Audience Seems to be Other Attorneys, S.C. Law. Wkly., February 27, 2012. Copy supplied.

Spartanburg High Senior Recognized for Award-Winning Essay at SC Bar Association Meeting, Herald-Journal (Spartanburg), January 22, 2012. Copy supplied.

Graham Facilitates Supreme Court Justices' Visit, State (Columbia), January 21, 2012. Copy supplied.

Columbia Lawyers Highlight Legal Service in Video Series, State (Columbia), September 20, 2011. Copy supplied.

South Carolina's Indigent Defense Funding Gap Filled – For Now, S.C. Law. Wkly., July 8, 2011. Copy supplied.

Supreme Court: Appointed Lawyers Have Constitutional Rights to Fees, S.C. Law. Wkly., June 24, 2011. Copy supplied.

S.C. Lags in Insurance for Legal Malpractice, S.C. Law. Wkly., May 27, 2011. Copy supplied.

Quattlebaum Takes Helm of South Carolina Bar, Nelson Mullins Briefings, May 18, 2011. Copy supplied.

Bar to Critics of S.C. Lawyers: Prepare for Counterattacks, S.C. Law. Wkly., May 13, 2011. Copy supplied.

South Carolina Lawyers in the News, S.C. Law. Wkly., January 14, 2011. Copy supplied.

South Carolina Bar Leaders Hit the Road to Tackle Profession's Issues, S.C. Law. Wkly., November 22, 2010. Copy supplied.

S.C. Bar's House of Delegates Name New President-Elect, Pass Several Measures, S.C. Law. Wkly., February 1, 2010. Copy supplied.

Law of Probability Destines Quattlebaum, Nelson Mullins Firm News, May 7, 2009. Copy supplied.

Ambassador David Wilkins Joins Nelson Mullins Riley & Scarborough, Nelson Mullins Press Release, February 1, 2009. Copy supplied.

Wilkins Joins Nelson Mullins Riley & Scarborough LLP, AP Alert – Political, February 1, 2009. Copy supplied.

School Lawyers Ordered to Try to Settle Suit, Greenville News, September 8, 2007. Copy supplied.

A Lawyer's Lawyer, Leo Hill Profile, Nelson Mullins Dialogue Mag., Spring 2007. Copy supplied.

City People: Leo Hill, Greenville News, July 12, 2006. Copy supplied.

Wilkins & Madden Attorneys Join Firm in Greenville, Nelson Mullins Briefings, March 2006. Copy supplied.

Legal Heavyweights Join Forces, Greenville News, February 9, 2006. Copy supplied.

Associated Press, South Carolina, *Katrina Aftermath: Gas-Price Probe Targets Upstate, Attorney General Looks for Gouging*, Sun News (Myrtle Beach), October 22, 2005. Copy supplied.

Associated Press, *Alleged Gouging Prompts Inquiry*, Augusta Chron., (Augusta, Georgia), October 22, 2005. Copy supplied.

Associated Press, *Price Hikes at Pumps in Question; Attorney General Investigating Gas Prices Increase after Hurricanes*, State (Columbia), October 22, 2005. Copy supplied.

AG's Office Investigating Gas Prices Increase after Hurricanes, Associated Press State and Local Wire, October 21, 2005. Copy supplied.

Gas Station Data Subpoenaed, Greenville News, October 21, 2005. Copy supplied.

Longtime South Carolina Attorney Leo Hill Joins Nelson Mullins in the Law Firm's Greenville Office, S.C. Law. Wkly., July 19, 2004. Copy supplied.

Nelson Mullins Law Firm Continues Growth in North Carolina, S.C. Law. Wkly., August 11, 2003. Copy supplied.

Law Firm Courts Clients in North Carolina, Greenville News, February 13, 2003. Copy supplied.

Handlebar Seeks OK to Move Downtown, Greenville News, January 14, 2000. Copy supplied.

Residents Head off Poker Parlor, Greenville News, March 19, 1999. Copy supplied.

Inman Nursing Home Sued over Death of Resident, Herald-Journal (Spartanburg), February 9, 1995. 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.

United States District Judge
District of South Carolina
Clement F. Haynsworth Federal Building
300 East Washington Street
Greenville, South Carolina 29601
March 19, 2018 – Present

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

I took office March 19, 2018. Thus far, I have not presided over any cases that have gone to verdict or judgment.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	0%
civil proceedings:	0%

criminal proceedings: 0%

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

Wrenn v. CMH Homes Inc., 8:18-cv-00637-AMQ – Order of Dismissal Without Prejudice.

Advanced Commercial Credit Int'l (ACI) Ltd. v. CitiSculpt LLC, 6:17-cv-00069-AMQ – Opinion and Order Granting Motions to Dismiss without prejudice and with leave to refile and denying Motion to Dismiss and Motion for Partial Summary Judgment.

Salt Life LLC v. Z94 Inc., 6:17-cv-01612-AMQ – Opinion and Order Granting in Part and Denying in Part Motion to Dismiss and Strike and Opinion and Order Denying Motion to Transfer.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Galloway v. Aurobindo Pharma Ltd. Inc.*, 6:17-cv-01076-AMQ

On May 3, 2018, I presided over a hearing on defendant's motion to dismiss. Plaintiff originally brought suit in state court alleging that defendant, a generic drug manufacturer, had failed to warn the plaintiff of certain effects of taking the drug and that the drug had a defective design. In addition to the products liability claims, plaintiff alleges fraud and negligent misrepresentation. Defendant removed the case from state court and filed a motion to dismiss, claiming that federal law governs the manufacture and sale of generic drugs and preempts all of plaintiff's claims. This case is pending.

Counsel for Plaintiff

Joseph A. Mooneyham
Mooneyham Berry LLC
1225 South Church Street
Greenville, South Carolina 29604
(864) 421-9060

Counsel for Defendant

Bettis C. Rainsford, Jr.
Turner Padget Graham and Laney
Post Office Box 1473
Columbia, South Carolina 29202

(803) 254-2200

2. *Alston v. Midland Credit Mgmt. Inc.*, 8:18-cv-00014-AMQ

On May 7, 2018, I presided over a hearing on defendant's motion to dismiss. Plaintiffs allege that defendant violated the Fair Debt Collection Practices Act ("FDCPA") by sending collection letters to plaintiffs that failed to comply with the FDCPA. Specifically, plaintiffs allege that the collection letters were misleading because the letters did not inform plaintiffs that paying a portion of the debt owed to defendant would restart the statute of limitations clock and allow the defendant to sue plaintiffs on the debt. Defendant asserts that plaintiffs failed to state a valid claim under the FDCPA. This case is pending.

Counsel for Plaintiffs

Chauntel D. Bland
Chauntel Bland
463 Regency Park Drive
Columbia, South Carolina 29210
(803) 319-6262

Counsel for Defendant

Robert L. Brown
Willson Jones Carter and Baxley PA
3600 Forest Drive, Suite 204
Columbia, South Carolina 29204
(803) 509-8071

3. *NAACP v. City of Myrtle Beach*, 4:18-cv-00554-AMQ

On May 8, 2018, I presided over a hearing on plaintiffs' motion for a preliminary injunction. NAACP alleges that a traffic control plan, which the City of Myrtle Beach intends to implement during the Atlantic Beach Bikefest, among other things, will violate their rights under the 1st and 14th Amendment to the Constitution of the United States of America. This case is pending.

Counsel for Plaintiff

Peter Wilborn
Law Office of Peter Wilborn
57 Cannon Street
Charleston, SC 29403
(843) 416-9060

Counsel for Defendant

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Battle Vaught and Howe
Post Office Box 530

Conway, South Carolina 29528
(843) 248-4321

4. *Salt Life LLC v. Z94 Inc.*, 6:17-cv-01612-AMQ

On April 30, 2018, I presided over a hearing on defendants' motion to transfer the case, defendants' motion to dismiss, and defendants' motion to strike and dismiss plaintiff's amended complaint. Plaintiff alleges defendants infringed its asserted trademark under federal and state laws. This case is pending.

Counsel for Plaintiff

Jason Alan Pittman
Dority and Manning PA
75 Beattie Place, Suite 1100
Post Office Box 1449
Greenville, South Carolina 29602
(864) 271-1592

Counsel for Defendants

Wallace K. Lightsey
Wyche PA
44 East Camperdown Way
Greenville, South Carolina 29601
(864) 242-8207

5. *Cole v. City of Spartanburg*, 7:18-cv-00980-AMQ

On May 1, 2018, I presided over a hearing on plaintiffs' motion for a temporary restraining order, as well as a preliminary and permanent injunction. Plaintiffs allege the City violated their constitutional rights when it suspended their towing license and enacted an ordinance that restricted towing activity within the City of Spartanburg. This case is pending.

Counsel for Plaintiffs

J. Bradley Bennett
Salvini and Bennett
101 West Park Avenue
Greenville, South Carolina 29601
(864) 232-5800

Counsel for Defendant

Amy M. Snyder
Clawson and Staubes LLC
1000 East North Street
Suite 200
Greenville, South Carolina 29601

(864) 331-8940

6. *Holt v. ARES Sec. Corp.*, 7:17-cv-03173-AMQ

On May 2, 2018, I presided over a hearing on defendants' motion to dismiss for failure to state a claim. Plaintiff filed breach of contract and tort claims against defendants relating to his employment agreement and stock purchases. This case is pending.

Counsel for Plaintiff
William Ussery Gunn
Holcombe Bomar
Post Office Box 1897
Spartanburg, South Carolina 29304
(864) 585-4273

Counsel for Defendants
Amy Yager Jenkins
McAngus Goudelock and Courie
735 Johnnie Dodds Boulevard
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7. *Hall v. Storm Team Constr.*, 6:18-cv-00753-AMQ

On May 3, 2018, I presided over a hearing on defendants' motion to dismiss for failure to state a claim. Plaintiff filed breach of contract and tort claims against defendants relating to employment compensation. This case is pending.

Counsel for Plaintiff
Robert C. Childs, III
Childs Law Firm
2100 Poinsett Highway
Suite E
Greenville, South Carolina 29609
(864) 242-9997

Counsel for Defendant
W. Andrew Arnold
Horton Law Firm
307 Pettigru Street
Greenville, South Carolina 29601
(864) 233-4351

8. *Thao v. Nationwide Ins. Co.*, 7:17-cv-02403

On May 4, 2018, I presided over a hearing on defendant's motion for judgment on the pleadings and plaintiffs' motion for summary judgment. Plaintiffs allege that Nationwide wrongfully denied insurance coverage. This case is pending.

Counsel for Plaintiffs
Charles Preston Edwards
Post Office Box 2552
Spartanburg, South Carolina 29304
(864) 585-0995

Counsel for Defendant
Wesley Brian Sawyer
Murphy and Grantland
Post Office Box 6648
Columbia, South Carolina 29260
(803) 454-1233

9. *Advanced Commercial Credit Int'l (ACI) Ltd. v. CitiSculpt LLC*, 6:17-cv-00069-AMQ

I presided over a hearing on motions to dismiss filed by several defendants as well as a motion for partial summary judgment filed by plaintiff in this breach of contract action concerning funding sources for real estate transaction. Plaintiff alleges that the defendants conspired, breached a term sheet agreement and/or interfered with the economic opportunities of plaintiff in a property transaction. On May 10, 2018, I issued an order and opinion granting defendants' motion to dismiss the complaint without prejudice.

Counsel for Plaintiff
Steven Buckingham
The Law Office of Steven Edward Buckingham
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(864) 735-0832

Counsel for Defendant CitySculpt
Matthew Cox
Matthew E. Cox LLC
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(803) 999-1273

Counsel for Defendant Eastern Federal Corporation
Scott Miller
Johnston Allison and Hord

1065 East Morehead Street
Charlotte, North Carolina 28204
(704) 332-1181

Counsel for Defendant A10

William Ussery Gunn
Holcombe Bomar
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Spartanburg, South Carolina 29304
(864) 585-4273

10. *ARCPoint Franchise Grp. LLC v. Blue Eyed Bull Inv. Corp.*,
6:18-cv-00235-AMQ

On May 10, 2018, I presided over a hearing on the defendant's motion to dismiss or transfer, as well as plaintiff's renewed motion for a temporary injunction and/or preliminary injunctive relief. This case involves an alleged breach of a franchise agreement, misappropriation of trademarks, misappropriation of trade secrets, and unfair trade practices. Defendant seeks to dismiss plaintiff's claims based on improper venue, among other grounds, or to have the case transferred to the District of Kansas. Plaintiff seeks injunctive relief to prevent defendants' alleged use of plaintiff's trademarks and trade secrets. This case is pending.

Counsel for Plaintiff

Natalma M. McKnew
Smith Moore Leatherwood LLP
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Greenville, South Carolina 29601
(864) 751-7600

Counsel for Defendant

Christopher R. Hampton
Nexsen Pruet
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Columbia, South Carolina 29201
(803) 253-8209

- 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.

I have issued the following unpublished orders. Copies supplied.

1. *Wrenn v. CMH Homes Inc.*, 8:18-cv-00637-AMQ – Order of Dismissal

Without Prejudice.

Counsel for Plaintiff

Brian C. Gambrell
The Law Offices of Jason E. Taylor
1122 Lady Street
Suite 1020
Columbia, South Carolina 29201
(800) 351-3008

Counsel for Defendant

Kimila L. Wooten
Elmore Goldsmith
55 Beattie Place
Suite 1050
Greenville, South Carolina 29601
(864) 255-9500

2. *Advanced Commercial Credit Int'l (ACI) Ltd. v. CitiSculpt LLC*, 6:17-cv-00069-AMQ – Opinion and Order Granting Motions to Dismiss without prejudice and with leave to refile and denying Motion to Dismiss and Motion for Partial Summary Judgment.

Counsel for Plaintiff

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Counsel for Defendant CitySculpt

Matthew Cox
Matthew E. Cox LLC
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Scott Miller
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Counsel for Defendant A10

William Ussery Gunn

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3. *Salt Life LLC v. Z94 Inc.*, 6:17-cv-01612-AMQ – Opinion and Order Granting in Part and Denying in Part Motion to Dismiss and Strike and Opinion and Order Denying Motion to Transfer.

Counsel for Plaintiff

Jason Alan Pittman
Dority and Manning PA
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Post Office Box 1449
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(864) 271-1592

Counsel for Defendants

Wallace K. Lightsey
Wyche PA
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Greenville, South Carolina 29601
(864) 242-8207

- 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.

None.

- 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.

All of my decisions have been unpublished.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
I have never sat by designation on a federal court of appeals.

None.

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

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

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

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

I recused sua sponte in the following cases:

Greer v. Metropolitan Life Ins. Co., 6:18-cv-01134. My first cousin represents the defendant.

Cook v. Metropolitan Life Ins. Co., 6:18-cv-00838. My first cousin represents the defendant.

Richmond v. Wells Fargo & Co., 6:17-cv-03040. My first cousin represents the defendant.

Greenville Bistro LLC v. Greenville Cty., 6:18-cv-00429. My former firm represented the defendant in a closely-related matter when I was a partner with the firm.

Nabors v. Lewis, 6:17-cv-02887. I was previously involved to a minor degree in the political campaign of one of the defendants.

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.

1996 – 2000: City of Greenville Zoning Board, appointed by Mayor Knox White.

2002 – 2003: Task Force on Government Restructuring and Campaign Finance Reform, appointed by Governor Mark Sanford.

2003 – 2010: South Carolina Lottery Commission, appointed by Governor Mark Sanford.

- 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.

Gowdy for Congress, Treasurer, 2009 – 2016

Graham for President Finance Committee, 2015 – 2016

Senator Tim Scott Judicial Committee, 2014 – 2016

Graham for Senate Finance Committee, 2007 – 2008

These positions were not compensated.

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

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

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

I have not served as a law clerk.

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

I have not 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.

1989 – 1996, 1997 – March 16, 2018
Nelson Mullins Riley & Scarborough, LLP
104 South Main Street, Suite 900
Greenville, SC 29601
Associate, 1989 – 1996
Partner, 1997 – March 16, 2018

1996 – 1997
Robertson & Quattlebaum
635 North Academy Street
Greenville, SC 29601
Partner

- 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.

1989 – 1996: I began my legal career as an associate at Nelson Mullins Riley & Scarborough, LLP. Nelson Mullins had a training program that rotated young associates into different areas of the law. After completing the training program, I started in the corporate law group. But while in that group, I helped try a business litigation case and handled many bankruptcy litigation matters. Those experiences convinced me to move into litigation. As a litigation associate, I focused primarily on civil defense litigation. I handled a wide variety of cases including contract disputes, landlord-tenant disputes, and bank and bankruptcy litigation.

1996 – 1997: I left Nelson Mullins in 1996 as a senior associate to practice law with a partner at Robertson & Quattlebaum. I handled a few plaintiff-side cases and represented individual clients.

1997 – March 16, 2018: I returned to Nelson Mullins as a partner in 1997. I began to develop experience in the defense of products liability cases in

addition to my business litigation work. That work grew over time so that the majority of my practice consisted of the defense of product liability actions with an emphasis on representing tire manufacturers. I continued, however, to handle civil business litigation and intellectual property matters as a partner at Nelson Mullins.

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

1989 – 1996: As an associate, I represented a variety of individual and corporate clients. Most of my work was for defendants in civil litigation. Examples of those type of clients include textile companies in contract disputes; banks in litigation with customers; doctors and medical practices in medical practice break-ups; and companies seeking to enforce non-compete agreements and prevent disclosures of trade secrets. I also handled occasional plaintiff cases for injured individuals.

1996 – 1997: As a partner at Robertson & Quattlebaum, I primarily represented individual clients.

1997 – March 16, 2018: As a partner at Nelson Mullins, I primarily represented larger companies in products liability cases. In that area, clients included manufacturers of consumer lighters, textile machinery, heavy equipment and tires. In the business litigation context, examples of former clients include a chemical manufacturer in supply contract litigation, a railroad product manufacturer in litigation brought by disgruntled shareholders over a merger, and a textile company in patent litigation.

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

- i. Indicate the percentage of your practice in:

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

- ii. Indicate the percentage of your practice in:

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

As an associate at Nelson Mullins from 1989 to 1996, I began my career handling corporate matters, including real estate transactions and bankruptcy. Over the years, I transitioned to litigation and appeared occasionally in court.

As a partner at Robertson & Quattlebaum from 1996 to 1997, I focused on litigation and appeared occasionally in court on behalf of individual clients.

As a partner at Nelson Mullins from 1997 to March 16, 2018, I primarily focused on products liability litigation. I frequently appeared in state and federal courts.

- 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 served as counsel of record in 50 trials. Of those, 31 resolved by verdict and 19 resolved by settlement or dismissal during trial.

- i. What percentage of these trials were:
- | | |
|--------------|-----|
| 1. jury: | 88% |
| 2. non-jury: | 12% |

- 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. *Dickerson v. TLC The Laser Center Inst., Inc.*, No. 2010-CP-23-09954, consolidated with *Luce v. TLC The Laser Center Inst., Inc.*, No. 2010-CP-23-09956, South Carolina Circuit Court, Judge Edward Miller.

I served as co-lead counsel of defense of claims of malpractice and fraud regarding lasik eye procedures alleged against The Laser Center. Plaintiffs alleged a company-wide effort by TLC to encourage risky procedures and cover up adverse results. TLC denied these allegations. This case was significant because it involved unusual issues for a civil case. We were asked to take over the case from another firm during the middle of the case. When we took over, our client and some of its representatives faced civil and criminal sanctions motions related to discovery conduct that took place before we became involved in the case. We litigated those civil and criminal sanctions motions in evidentiary hearings. We also utilized state of the art e-discovery tools to complete the voluminous document production in the case. We were able to move past the discovery issues and get to the merits of the case, after which the case settled before trial.

Counsel for Plaintiffs

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209 East Washington Street
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(864) 233-0445

Douglas F. Patrick
Stephen R.H. Lewis
Covington, Patrick, Hagins, Stern & Lewis, P.A.
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2. *Demas v. Michelin N. Am., Inc.*, No. 09 L 013814, Illinois Circuit Court, Judge Daniel Lynch (assigned for trial, although the case did not try); other judges handled motions prior to assignment to Judge Lynch

I served as lead counsel in defense of Michelin North America, Inc. regarding claims of defective tire arising from an accident in which the plaintiff was rendered a quadriplegic. The driver of the vehicle had purchased a used tire and had it mounted on her vehicle. During a trip soon thereafter, the tire failed, she lost control of the vehicle, and it rolled over. A passenger, who was paralyzed during the accident, sued Michelin claiming the tire was defective. Michelin denied the tire was defective and claimed the tire failed because it was damaged and abused. The case proceeded through discovery until, what was scheduled to be a three-week trial, it settled on the eve of trial. This case is significant because it represents the type of cases I handle across the country: it involved extensive expert discovery, motions related to qualifications of experts, and discovery into the catastrophic injuries of plaintiffs like Mr. Demas.

Co-Counsel for Michelin North America, Inc.
R. Bruce Duffield

Bryan Cave, LLP
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Chicago, Illinois 60601-3315
(312) 602-5087

Counsel for Plaintiff

J. Kent Emison
Langdon & Emison
911 Main Street
Lexington, Missouri 64067
(660) 259-6175

3. *Michelin N. Am., Inc. v. Inter-City Tire*, No. 6:13-cv-01067 HMH, 2015 WL 12843914 (D.S.C. Jan. 20, 2015) (granting Michelin's motion, Dkt. No. 406, for partial summary judgment); 2015 WL 12843915 (denying Michelin's motion, Dkt. 409, for partial summary judgment); 2015 WL 12843916 (granting and denying in part Inter-City's motion, Dkt. No. 417, for partial summary judgment); 2015 WL 12843917 (denying Service Truck Centers' motion, Dkt. No. 412, for summary judgment); 2015 WL 12843918 (denying Michelin's motion, Dkt. No. 407, for partial summary judgment). *See also* 2015 WL 12843179 (D.S.C. Jan. 16, 2015) (granting Michelin's motion, Dkt. No. 414, for partial summary judgment).

United States District Court Judge Henry Herlong presided over these consolidated cases. I served as lead counsel for Michelin North America, Inc. defending claims of fraud, antitrust violations, and breach of dealer agreements and prosecuting claims for declaration that Michelin's conduct was not wrongful. Inter-City claimed Michelin gave other dealers more favorable treatment and improperly terminated its dealer agreements. Michelin claimed its terminations were proper. This case was significant because it involved complicated legal issues, including federal antitrust and RICO allegations as well as state business tort laws. Also, the case involved litigation in the federal courts of South Carolina and New Jersey over which state was the proper venue for the case. Finally, the case involved voluminous discovery, including e-discovery, and the litigation of e-discovery disputes.

Co-counsel for Michelin North America, Inc.

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Counsel for Inter-City Tires

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4. *Atlas Food Sys. & Servs., Inc. v. Crane Nat'l Vendors, Inc.*, No. 6:92-cv-2095-HMH (D.S.C.), *aff'd*, 99 F.3d 587 (4th Cir. 1996); parallel proceedings sub nom. *Atlas Food Sys. & Servs., Inc. v. Crane Nat'l Vendors Div. of Unidynamics Corp.*, No. 6:94-cv-00300-HMH, Dkt. No. 54 (D.S.C. Dec. 8, 1994) (certifying question to South Carolina Supreme Court), certified question answered by 462 S.E.2d 859 (S.C. 1995).

United States District Court Judge Henry Herlong presided. I served as co-counsel in defense of Crane in this contract and business tort case. This case was significant because it was tried twice to verdict in federal court. The first trial was on liability and actual damages. The second trial was on punitive damages. The case also involved significant post trial litigation about the verdict and ultimately appeals to the Fourth Circuit and the South Carolina Supreme Court on a certified issue.

Counsel for Plaintiff

Thomas W. Traxler
Carter, Smith, Merriam, Rogers & Traxler, PA
900 East North Street
Greenville, South Carolina 29601
(864) 242-3566

5. *Morro v. Michelin N. Am., Inc.*, No. 2015-CP-15-434 (estate), *consolidated with* No. 2015-CP-15-435 (surviving spouse), South Carolina Circuit Court, not assigned to a judge.

I served as lead counsel in defense of Michelin North America, Inc. regarding wrongful death and injury claims of design and manufacture of defective tire. This case involved a recalled tire and claims that the manufacturer and dealer not only sold a defective tire, but also failed to comply with federal regulations regarding tire registration. This case was significant because of the substantial risk and serious injuries suffered by the surviving plaintiffs and the death of one of the occupants. The case was also significant because the case involved the intersection of traditional product liability claims and federal regulatory law related to tires.

Counsel for Plaintiff

Ronnie L. Crosby
Peters Murdaugh Parker Eltzroth & Detrick, PA
101 Mulberry Street East

Hampton, South Carolina 29924
(803) 943-2111

6. *Bowater v. SWB Constr.*, No. 2001-CP-23-6870, South Carolina Circuit Court, Judge Henry Floyd.

I served as lead counsel for Bowater in prosecuting claims for negligence against a construction company and an engineering company arising from an explosion at a paper mill. The case was tried over six days of trial. This case was significant for three reasons. One, it involved a dispute over a multi-million dollar claim of property damages and wrongful deaths caused by the explosion. Two, it was a lengthy, two-week trial. Three, unlike the vast majority of my work, I represented the plaintiff in this case.

Counsel for SWB Construction

Joel W. Collins, Jr.
Collins & Lacy
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Counsel for BE&K Engineering

Sterling G. Davies
Grenville D. Morgan, Jr.
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7. *Edwards v. Ingersoll Rand Co.*, No. 6:01-cv-02205-HFF (wrongful death action), consolidated with No. 6:01-cv-02206-HFF (survival action) (D.S.C.).

United States District Court Judge Henry Floyd presided. I served as lead counsel for Ingersoll Rand in defense of a wrongful death claim alleging defective earth compacting equipment. The case arose from the roll-over of the equipment during operation. The driver of the equipment was ejected and died. Her estate claimed the equipment lacked safety restraint devices that would have prevented plaintiff from being ejected. The case was tried, but, after the plaintiff's case, the court entered a directed verdict in favor of my client. While most of my work involves the defense of tire companies, this is an example of a federal court trial involving products other than tires.

Counsel for Plaintiff

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Counsel for Co-Defendant

David L. Moore
Turner Padgett Graham & Laney, P.A.
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(864) 552-4625

8. *Dystar Textilfarben GmbH & Co. Deutschland KG v. C. H Patrick Co., Inc. & Bann Quimica*, No. 6:02-cv-02946-WMC (D.S.C.).

United States District Court Judge Bucky Catoe presided. I served as co-counsel in defense of Bann Quimica regarding a patent infringement claim. In this case, Bann was accused of infringing a patent related to dye used in the textile industry. I was asked to try the damages portion of the case. After a two-week trial in federal court, the jury returned a plaintiff's verdict on liability and a defense verdict on damages.

Counsel for Dystar Textilfarben GmbH & Co. Deutschland KG

Ronald J. Tryon
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Columbia, South Carolina 29045
(803) 255-8000

9. *Bernadette Cunningham v. Michelin N. Am., Inc.*, No. 1:04-cv-01144-RLJ-STA (W.D. Tenn.). *See also* 2006 WL 5499281 (W.D. Tenn. Aug. 17, 2006) (denying in part, and granting in part, Michelin's motion to exclude portions of testimony from the plaintiffs' tire expert); 2005 WL 5985408 (W.D. Tenn. June 24, 2005) (denying Michelin's motion to strike an expert report).

United States District Court Judge Leon Jordan presided, although Magistrate Judge Thomas Anderson ruled on some discovery motions. I served as first chair in defense of Michelin North America, Inc. regarding claims of design and manufacture of a defective tire. Judge James D. Todd presided over pre-trial litigation, and Judge Leon Jordan, a district court judge from Knoxville, presided over the trial. An AAU basketball team was riding in an SUV when a tire failed and the SUV rolled over. During the accident, one team member was killed and another was injured. The plaintiffs alleged the tire failed because it was defective. Michelin claimed the tire was not defective and failed because it was worn and damaged. After a week of trial, Michelin received a defense verdict. I handle this type of litigation for tire companies in federal courts across the country.

Counsel for Plaintiffs

Russell Marlin (formerly at Gary Eubanks & Associates)
Taylor King

320 Main Street
Arkadelphia, Arkansas 71923
(870) 246-0505

10. *Precision Fabrics Grp., Inc. v. Tietex Int'l, Ltd.*, Nos. 1:13-CV-645 and 1:14-CV-650 (M.D.N.C.). *See also* 2016 WL 6839394 (Nov. 21, 2016) (denying, and granting in part, PFG's motion for summary judgment and motion to exclude expert testimony).

United States District Court Judge Thomas Schroeder is presiding over this ongoing case. This patent infringement case is scheduled to try October 3, 2017. PFG claims Tietex infringed its patent on a flame retardant fabric used in the mattress industry. The case has been ongoing for several years. I was brought in after the close of discovery to try the case for Tietex. It is significant because it reflects a type of federal court trial work I have done outside of the products liability area.

Counsel for Precision Fabrics Group, Inc.

Richard A. Coughlin
Smith Moore Leatherwood LLP
300 North Greene Street, Suite 1400
Greensboro, North Carolina 27401
(336) 378-5200

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

My practice, after a first year of a training program, was primarily devoted to litigation.

I have not engaged in any lobbying activities.

I served as a General Counsel for a technology company called 10Best.com from 1999 to 2001, although I did that while continuing my work at Nelson Mullins. In this role, I advised the company on corporate matters.

Likewise, in the early 2000's, I assisted Michelin North America, Inc. as an "outsourced" litigation counsel temporarily while one of its in-house attorneys was on leave. In this role, I advised the company in the management of its product liability cases.

I also have given legal advice to boards on which I have served, including United Ministries, the Greater Greenville YMCA, and the Marcus Lattimore Foundation.

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.

I have not taught any courses.

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.

Only my retirement benefits and capital contribution from my former firm.

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.

I have no such plans.

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).

Please refer to the attached financial disclosure report.

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

Please refer to the attached financial disclosure 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.

If confirmed, I would recuse from any case as required by 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all applicable policies and procedures for the United States Courts generally and the United States Court of Appeals for the Fourth Circuit in particular.

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

To resolve any potential conflict of interest, I comply with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all applicable policies and procedures for the United States Courts generally and the United States Court of Appeals for the Fourth Circuit in particular. Upon presentation of a case for consideration, I promptly review the parties, their affiliates, and the issues to determine the propriety of my participation in the case.

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.

My former law firm requires lawyers to complete at least 40 hours of pro bono service each year, and I did so as a lawyer at that firm. In addition to the work described below, I served on my firm's Pro Bono Committee in the early 2000's. I also set up the Marcus Lattimore Foundation, which is a non-profit foundation that serves disadvantaged youth in South Carolina. I handled contract matters for Fourth Presbyterian Church, United Ministries, and Greater Greenville YMCA while serving on their boards. On multiple occasions, I have been appointed to represent individuals sued by the Department of Social Services to terminate parental rights. Finally, I have represented individuals in Chapter 7 bankruptcies.

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.

There is no selection commission in South Carolina. On May 9, 2017, I was interviewed in Washington, DC, by attorneys from the White House Counsel's Office and the Department of Justice to serve as a federal district court judge. During the nomination process, I discussed my willingness to be considered for a vacancy on the Fourth Circuit should a vacancy arise.

In early 2018, Senator Tim Scott asked if I would be willing to accept a nomination to the United States Court of Appeals for the Fourth Circuit. When I said that I would, Senator Scott informed me that he would be submitting my name to the White House, with the support of Senator Graham, for that position. The next day, I received a phone call from representatives of the White House Counsel's Office asking if I would accept the President's nomination. I indicated that I would. Since then, I have been in contact with the White House Counsel's Office and the Office of Legal Policy of the United States Department of Justice regarding the paperwork required for the nomination process and for the Judiciary Committee.

On May 7, 2018, the President submitted my nomination to the Senate.

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

No.