

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Adam Ben Abelson

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

United States District Judge for the District of Maryland

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States District Court for the District of Maryland
Chambers 8A
101 West Lombard Street
Baltimore, Maryland 21201

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

1982; Cleveland, Ohio

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.

2008 – 2010, New York University School of Law; J.D. (*magna cum laude*, Order of the Coif), 2010

2007 – 2008, Berkeley Law; no degree received (transferred to NYU Law)

2001 – 2005, Princeton University; B.A. (*cum laude*), 2005

Spring 2004, Universidad de Chile & Pontificia Universidad Católica de Chile; no degree received (semester study abroad)

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.

2023 – present

U.S. District Court for the District of Maryland
101 West Lombard Street
Baltimore, Maryland 21201
U.S. Magistrate Judge

2012 – 2023

Zuckerman Spaeder LLP
100 East Pratt Street
Baltimore, Maryland 21202 (2014 – 2023)
1800 M Street, Northwest, Suite 1000
Washington, DC 20036 (2012 – 2014)
Partner (2020 – 2023)
Associate (2012 – 2019)

2011 – 2012

U.S. Court of Appeals for the Fourth Circuit
101 West Lombard Street
Baltimore, Maryland 21201
Law Clerk to the Honorable Andre M. Davis

2010 – 2011

U.S. District Court for the District of Maryland
101 West Lombard Street
Baltimore, Maryland 21201
Law Clerk to the Honorable Catherine C. Blake

Summer 2009

Arnold & Porter, LLP
601 Massachusetts Avenue, Northwest
Washington, DC 20001
Summer Associate

Summer 2008

U.S. Department of Justice, Office of Special Investigations
950 Pennsylvania Avenue, Northwest
Washington, DC 20530
Summer Law Clerk

2006 – 2007

Akin Gump Strauss Hauer & Feld
Bank of America Tower, 1 Bryant Park
New York, New York 10036
Paralegal

2005 – 2006
Human Rights Watch/Facultad Latinoamericana de Ciencias Sociales
Dag Hammarskjold 3269
7630412 Vitacura, Región Metropolitana, Chile
Princeton in Latin America Fellow

Summer 2004
Creative Associates International
San Salvador, El Salvador
Intern

Summer 2003
United States Agency for International Development
1300 Pennsylvania Avenue, Northwest
Washington, DC 20523
Intern, Office of Private and Voluntary Cooperation

Summer 2002
Cleveland Council on World Affairs
812 Huron Road, Suite 620
Cleveland, Ohio 44115
Intern

Other affiliations (uncompensated):

2018 – present
The Maryland Chapter of the Federal Bar Association
Federal Bar Association national office:
4075 Wilson Boulevard, 8th Floor
Arlington, Virginia 22203
Member, Board of Directors

2017 – 2023
Job Opportunities Task Force
201 North Charles Street, Suite 2404
Baltimore, Maryland 21201
Member, Board of Directors

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

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

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

Member, Serjeants' Inn Law Club

"Young Lawyer of the Year," *The American Lawyer* (2020)

The Leadership — Baltimore (2020 – 2021)

"Very Important Professionals Successful by 40," *The Daily Record* (Maryland) (2020)

"40 Under 40," *Baltimore Business Journal* (2019)

"Generation J.D.," *The Daily Record* (Maryland) (2017)

Super Lawyers (2016 – 2023)

Super Lawyers, Rising Star (2016 – 2022)

New York University School of Law

Order of the Coif (2010)

Journal of International Law and Politics, Managing Editor (2010)

Ann Petluck Poses Memorial Prize (outstanding performance in a clinical course) (2010)

Princeton University, Princeton in Latin America Research Fellow (2005 – 2006)

Princeton University Center for Migration & Development, Grant Recipient (2005)

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 Working Group on Building Public Trust in the American Justice System

Member (2018 – present)

Chair (2022 – 2023)

ABA Principles on Law Enforcement Body-Worn Camera Policies, Chair (2021)

Bench-Bar Liaison Committee, U.S. District Court for the District of Maryland (2022 – 2023)

Federal Bar Association, Maryland Chapter

Board of Directors (2018 – present)

First Vice President (2022 – 2023)

Maryland State Bar Association

Serjeants' Inn Law Club

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.

District of Columbia, 2012
Maryland, 2010

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 Second Circuit, 2017
United States Court of Appeals for the Fourth Circuit, 2011
United States Court of Appeals for the Ninth Circuit, 2020
United States District Court for the District of Columbia, 2018
United States District Court for the District of Maryland, 2011

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.

Job Opportunities Task Force
Member, Board of Directors (2017 – 2023)
Vice Chair, Board of Directors (2019 – 2023)

The Leadership – Baltimore (2020 – 2021)

Public Justice Center
Lawyers' Alliance (2016 – 2022)

Beth El Congregation of Baltimore
Religious School Committee (2022 – present)

Bolton Swim & Tennis (approximately 2018 – present)

- 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.

I have searched my personal files and the Internet in an effort to identify all publications, etc., responsive to this question. I have identified those listed below, but it is possible that I may have inadvertently omitted one or more responsive publications.

Introduction, *Human Rights Magazine* (Am. Bar Ass'n, Section on Civil Rights and Social Justice) (Mar. 2023). Copy supplied.

Insider trading 'minefields' abound: Case of Former Oriole Decinces Is A Cautionary Tale For Investors, Baltimore Business Journal (Jan. 22, 2016). Copy supplied.

The Prosecute-Extradite Dilemma: Concurrent Criminal Jurisdiction and Global Governance, 16 U.C. DAVIS J. INT'L L. & POL'Y 1 (2010). Copy supplied.

Las externalidades y la seguridad privada: Un marco teórico para la regulación (Externalities and Private Security: A framework for public regulation), in *ECONOMÍA POLÍTICA DE LA SEGURIDAD CIUDADANA* (Political Economy of Public Security) (Fernando Carrión & Manuel Dammert eds., 2009). Copy supplied.

Book Note, 41 N.Y.U. J. INT'L L. & POL. 250 (2008) (reviewing VICTOR PESKIN, INTERNATIONAL JUSTICE IN RWANDA AND THE BALKANS: VIRTUAL TRIALS AND THE STRUGGLE FOR STATE COOPERATION (2008)). Copy supplied.

Private Security in Chile: An Agenda for the Public Security Ministry, SECURITY & CITIZENSHIP BULLETIN, LATIN AM. FACULTY OF SOCIAL SCIENCE (Santiago, Chile), Aug. 2006 (also published in Spanish). Copy supplied.

U.S. Internal Politics and Regional Security Policy, SECURITY & CITIZENSHIP BULLETIN, LATIN AM. FACULTY OF SOCIAL SCIENCE (Santiago, Chile), June 2006 (also published in Spanish). Copy supplied.

Introducción (Introduction), III ESTUDIO OFERTA DE LA INDUSTRIA DE SEGURIDAD PRIVADA EN CHILE (Third Market Study of the Private Security Industry in Chile), Leemira Consultores Asociados, July 2006. Copy supplied.

OAS 2005: The Democracy Debate, PROGRAM IN INT'L & STRATEGIC STUD. POL'Y BULLETIN, LATIN AM. FACULTY OF SOCIAL SCIENCE (Santiago, Chile), Dec. 2005. Copy supplied.

NGO Networks: Strength in Numbers?, Report prepared for the U.S. Agency for International Development Office of Private and Voluntary Cooperation, Bureau of Democracy, Conflict and Humanitarian Assistance, July 2003. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I was involved, with others, in editing and drafting the following American Bar Association publications: Ten Principles on Reducing Mass Incarceration (2022); Principles on Law Enforcement Body-Worn Camera Policies (2021); Ten Guidelines on Court Fines and Fees (2018). Copies 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.

I do not recall providing any testimony or official statements to public bodies or public officials.

I recall providing to staff member(s) of one or more members of the Maryland General Assembly copies of the ABA's Ten Guidelines on Court Fines and Fees.

- 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.

I have searched my personal files and the Internet in an effort to identify all events responsive to this question. I have identified the events listed below, but it is possible that I may have inadvertently omitted responsive events.

April 12, 2024: Remarks at luncheon for Federal Bar Association Maryland Chapter. Baltimore, Maryland. Notes supplied.

March 21, 2024: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Maryland, Baltimore, Maryland. Notes supplied.

March 6, 2024: Presenter, The Serjeants' Inn Law Club. Baltimore, Maryland. PowerPoint and notes supplied.

January 24, 2024: Fireside Chat, Federal Bar Association Maryland Chapter. Via Zoom. Notes supplied.

January 18, 2024: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Maryland, Baltimore, Maryland. Notes supplied.

November 16, 2023: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Maryland, Baltimore, Maryland. Notes supplied.

February 25, 2020: Guest presenter, The Barristers' Law Club. Baltimore, Maryland. PowerPoint supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Kellie Mejdrieh, *Patients Down, But Not Out, After 9th Circ. Benefits Ruling*, Feb. 3, 2023. Copy supplied.

Katie Mettler, *Md. police records still costly, hard to get despite reforms, lawsuits say*, Wash. Post, Dec. 23, 2022. Copy supplied.

Kellie Mejdrich, *UnitedHealth Patients Want Redo In ERISA Reprocessing Case*, Law360, May 6, 2022. Copy supplied.

Press release, *Zuckerman Spaeder Petitions Ninth Circuit for "Desperately Needed" En Banc Review of Panel Decision in Wit v. United Behavioral Health*, May 6, 2022. Copy supplied.

Press release, *Zuckerman Spaeder Client ACLU of Maryland Sues Calvert Co. Sheriff's Office for Restricting Access to Records through Improper Fee Demand*, Mar. 2, 2022. 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 served as a U.S. Magistrate Judge for the District of Maryland since September 2023. I was appointed by the U.S. District Judges for the District of Maryland, from a pool of candidates reviewed by a selection committee appointed by the district court. The district court has jurisdiction over civil matters raising federal questions, civil matters with diversity of citizenship, and federal criminal matters. As a United States magistrate judge, my jurisdiction is governed by 28 U.S.C. § 636. I preside over all proceedings in civil lawsuits by consent of the parties, conduct settlement conferences in civil lawsuits, and decide discovery disputes and non-dispositive motions referred to me by district judges. I preside over preliminary criminal proceedings, including initial appearances, detention hearings, arraignments, and attorney inquiry hearings. I preside over proceedings involving federal misdemeanor offenses. I also review applications for search and arrest warrants, pen registers and trap and trace devices, and other miscellaneous criminal orders.

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

I have not presided over any trials.

- i. Of these cases, approximately what percent were:

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

- ii. Of these cases, approximately what percent were:

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

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

dissents.

United States v. Carahsoft Tech. Corp., No. 23-cv-1999-RDB (Apr. 25, 2024)
(under seal)

Kimani v. Comm'r of Soc. Sec., No. 23-CV-1017-ABA, 2024 WL 1676730 (D.
Md. Apr. 18, 2024)

Lloyd v. Baltimore Police Dept., --- F. Supp. 3d ---, No. 23-cv-01987-ABA, 2024
WL 1465700 (D. Md. Apr. 3, 2024)

Santos v. E&R Servs., Inc., No. 20-cv-2737-DLB, 2024 WL 1416564 (D. Md.
Apr. 2, 2024)

Hall v. Sheppard Pratt Health Systems, Inc., 22-cv-3261-ABA, 2024 WL
1346837 (D. Md. Mar. 29, 2024)

United States v. Hernandez, No. 23-cr-00419-MJM, 2024 WL 1329296 (D. Md.
Mar. 28, 2024)

Conrad v. Henningsen, No. 21-cv-2951-JMC, 2024 WL 1243823 (D. Md. Mar.
22, 2024)

Rineholt v. HFS Financial, LLC, et al., No. 22-cv-3253-ABA, 2024 WL 1243844
(D. Md. Mar. 21, 2024)

Singleton v. Mazhari et al., No. 22-cv-2554-GLR, 2024 WL 1140691 (D. Md.
Mar. 14, 2024)

Yomi v. Dejoy, No. 21-cv-2709-ABA, 2024 WL 1075422 (D. Md. Mar. 12, 2024)

Prepared Food Photos, Inc. v. New Kiani's Pizza & Subs, Inc., No. 23-cv-926-
JRR, 2024 WL 1005485 (D. Md. Mar. 8, 2024)

Boiro v. Aroma Rest. & Lounge, LLC, No. 23-1464-AAQ, 2024 WL 895110 (D.
Md. Feb. 29, 2024)

United States v. Carahsoft Tech. Corp., No. 23-cv-1999-RDB, 2024 WL 811490
(D. Md. Feb. 27, 2024)

Squires v. Comm'r of Soc. Sec., No. 23-cv-296-ABA, 2024 WL 692861 (D. Md.
Feb. 20, 2024)

Hines v. Mayor & City Council of Baltimore, No. 22-cv-1243-SAG, 2024 WL
640022 (D. Md. Feb. 15, 2024)

United States v. Johnson, No. 17-mj-1646-ABA, 2024 WL 1078253 (D. Md. Feb. 12, 2024)

Abdus-Shahid v. Mayor & City Council of Baltimore, No. 22-cv-2367-ABA, 2024 WL 555119 (D. Md. Feb. 12, 2024)

Shipley v. Disney, No. 21-cv-3173-SAG, 2024 WL 128778 (D. Md. Jan. 11, 2024)

U.S. Equal Emp. Opportunity Comm'n v. Green JobWorks, LLC, No. 21-cv-1743-RDB, 2024 WL 96340 (D. Md. Jan. 9, 2024)

Int'l Painters & Allied Trades Indus. Pension Fund v. Sixth Region Remodeling LLC, No. 23-cv-517-ABA, 2023 WL 8934017 (D. Md. Dec. 21, 2023)

Turner v. Kijakazi, No. 20-cv-3371-ABA, 2023 WL 8829241 (D. Md. Dec. 21, 2023)

Bailey v. Queen's Landing Council of Unit Owners, Inc., No. 23-cv-1559-ABA, 2023 WL 8829201 (D. Md. Dec. 21, 2023)

Yomi v. DeJoy, No. 21-cv-2709-ABA, 2023 WL 8529124 (D. Md. Dec. 8, 2023)

Shipley v. Disney, No. 21-cv-3173-SAG, 2023 WL 8112863 (D. Md. Nov. 22, 2023)

United States v. Kelley, No. 23-cr-0327-JRR, 2023 WL 8090632 (D. Md. Nov. 21, 2023)

Ledergerber v. Blubaugh, No. 20-cv-1208-ABA, 2023 WL 7487168 (D. Md. Nov. 13, 2023)

Corbin v. Coin-Op Warehouse, LLC, No. 21-cv-2840-ABA, 2023 WL 7386152 (D. Md. Nov. 8, 2023)

Shipley v. Disney, No. 21-cv-3173 SAG, 2023 WL 7283744 (D. Md. Nov. 2, 2023)

Say It Visually, Inc. v. Universal Mortg. & Fin., Inc., No. 22-cv-3280-GLR, 2023 WL 7001441 (D. Md. Oct. 24, 2023)

Dattoli v. Safeway Inc., No. 20-cv-561-ABA, 2023 WL 6809677 (D. Md. Oct. 16, 2023)

Franzoy v. Yockey, No. 22-cv-2869-ABA, 2023 WL 6381456 (D. Md. Sept. 29, 2023)

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *United States v. Carahsoft Tech. Corp.*, No. 23-cv-1999-RDB, 2024 WL 811490 (D. Md. Feb. 27, 2024)

This case arises on a petition by the government to enforce a civil investigative demand under the False Claims Act directed to Carahsoft Technology Corp. The government contends that Carahsoft provided technology solutions to the Department of Defense (“DoD”) and is seeking discovery on whether Carahsoft made false claims in connection with its DoD contracts. The case was referred to me for discovery management and is ongoing. On February 27, 2024, I issued an opinion giving guidance on various document production and interrogatory-related issues.

Counsel for the Government

Samson O. Asiyani
Vincent J. Vaccarella
Commercial Litigation Branch
U.S. Department of Justice
175 N Street, Northeast, Suite 9.224
Washington, DC 20002
(202) 353-1053
(202) 307-0418

Matthew Haven
U.S. Attorney’s Office for the District of Maryland
36 South Charles Street, Suite 400
Baltimore, MD 21201
(410) 209-4955

Counsel for Carahsoft

Victoria Ortega
Richard Conway
Blank Rome LLP
1825 Eye Street, Northwest
Washington, DC 20006
(202) 772-5851
(202) 420-2235

2. *Lloyd v. Baltimore Police Dept.*, 23-cv-01987-ABA, 2024 WL 1465700 (Apr. 3, 2024)

In this case, Sgt. Lloyd contends that the Baltimore Police Department (“BPD”) violated his rights under the Family and Medical Leave Act and retaliated against him by involuntarily transferring him while Sgt. Lloyd was on leave. I preside over all aspects of this case by consent of the parties and the case is ongoing. I issued an opinion on April 3, 2024, in which I denied BPD’s motion to disqualify plaintiff’s counsel after finding that there was no substantial relationship between the present case and an earlier case where a different member of the BPD was represented by plaintiff’s counsel.

Counsel for Plaintiff

Dionna Maria Lewis
District Legal Group PLLC
700 Pennsylvania Avenue, Southeast, Suite 2098
Washington, DC 20003
(202) 486-3478

Counsel for Defendant

James Arba Henry Corley
Brent D. Schubert
Baltimore City Department of Law
100 North Holliday Street, Suite 101
Baltimore, MD 21202
(410) 274-8614
(443) 529-7989

3. *Bailey v. Queen’s Landing Council of Unit Owners, Inc.*, No. 23-cv-1559-ABA, 2023 WL 8829201 (D. Md. Dec. 21, 2023)

This case involves claims of discrimination and retaliation under the Fair Housing Act and violations of the Americans with Disabilities Act stemming from allegations that defendant unlawfully failed to maintain plaintiff’s condominium unit. I granted defendant’s motion to dismiss after finding that many of plaintiff’s claims were barred by claim preclusion, but granted plaintiff leave to file an amended complaint, which she has done. Defendant has moved to dismiss the amended complaint. I preside over all aspects of this case by consent of the parties and the case is ongoing.

Counsel for Plaintiff

Dionna Maria Lewis
District Legal Group PLLC
700 Pennsylvania Avenue, Southeast, Suite 2098
Washington, DC 20003
(202) 486-3478

Counsel for Defendant

Charles Peoples

Thomas, Thomas, and Hafer, LLP
Woodholme Center
1829 Reistertown Road, Suite 200
Baltimore, MD 21208
(410) 653-0460

4. *Rineholt et al v. HFS Financial, LLC et al*, 22-cv-3253-ABA, 2024 WL 1243844 (D. Md. Mar. 21, 2024)

A home improvement financing company and its owner were sued by nine former employees in a collective action alleging non-payment of overtime wages in violation of federal and state law. The parties had completed substantial discovery but not yet filed dispositive motions or scheduled trial when the case was referred to me for mediation and settlement approval. The parties eventually settled, and my opinion analyzed the propriety of their common fund settlement. I concluded that the proposed settlement was fair after determining that its terms resolved the parties' genuine dispute and conformed to the standards set forth by statute and relevant case law.

Counsel for Plaintiffs

Chris Miltenberger
1360 North White Chapel, Suite 200
Southlake, TX 76092
(817) 416-5060

Gregg Cohen Greenberg
Zipin, Amster and Greenberg, LLC
8757 Georgia Avenue, Suite 400
Silver Spring, MD 20910
(301) 587-9373

Counsel for Defendants

Jerrold A. Thrope
Gordon Feinblatt LLC
1001 Fleet Street, Suite 700
Baltimore, MD 21202
(410) 576-4295

5. *Singleton v. Mazhari et al.*, No. 22-cv-2554-GLR, 2024 WL 1140691 (D. Md. Mar. 14, 2024)

In this case, plaintiff Singleton has sued several individuals who were or are associated with the Maryland Technology Development Corporation (TEDCO), where she was previously employed. She originally asserted claims for unlawful discrimination, hostile work environment, and retaliation. The presiding judge on the case dismissed some of plaintiff's claims, and the case was then referred to me

to preside over a series of discovery disputes. I held a hearing at which I ruled from the bench as to most of the then-pending discovery disputes. The next day, I issued a memorandum opinion and order addressing the remaining then-pending disputes. A subsequent set of discovery disputes that has arisen has also been referred to me.

Counsel for Plaintiffs

Thomas James Eiler
Zipin, Amster & Greenberg, LLC
8757 Georgia Avenue, Suite 400
Silver Spring, MD 20910
(301) 587-9373

Counsel for Defendants

H. Scott Curtis
Office of the Attorney General
Maryland Workers' Compensation Commission
10 East Baltimore Street
Baltimore, MD 21202
(410) 864-5313

Joshua Ryan Chazen
Daniel Michael Kobrin
Maryland Office of the Attorney General, Civil Division
200 St. Paul Place, 20th Floor
Baltimore, MD 21202
(410) 576-7058
(410) 576-6472

Counsel for Interested Party Maryland Technology Development Corporation

Ira Schwartz
Stephanie M. Meighan
Maryland Office of Attorney General
Maryland Technology Development Corp
401 East Pratt Street, 5th Floor
Baltimore, MD 21202
(443) 255-0764
(443) 627-1960

6. *Franzoy v. Yockey*, No. 22-cv-2869-ABA, 2023 WL 6381456 (D. Md. Sept. 29, 2023)

This case involves breach of contract and fraud claims arising out of agreements to build arcade machines. I denied defendants' motion to dismiss after finding that plaintiffs adequately pled their claims for breach of contract, constructive fraud, and unjust enrichment. I preside over all aspects of this case by consent of the

parties, who are currently engaged in discovery.

Counsel for Plaintiff

George R. Calhoun
Ifrah, PLLC
1717 Pennsylvania Avenue, Northwest, Suite 650
Washington, DC 20006
(202) 524-4147

Counsel for Defendant

Jan Ingham Berlage
Gohn Hankey & Berlage, LLP
201 North Charles Street, Suite 2101
Baltimore, MD 21201
(410) 752-9300

7. *Myers et al. v. Town of Elkton, Maryland, et al.*, 22-cv-00803-ABA

Ms. Myers contends that an Elkton, Maryland police officer unlawfully shot and killed her dog in her fenced yard when he came to tell her that her husband had been arrested. I preside over all aspects of this case by consent of the parties. The case is ongoing and defendants have moved for summary judgment on all remaining claims that were not previously dismissed by Judge Gesner before the case was reassigned to me.

Counsel for Plaintiffs

Cary Johnson Hansel, III
Hansel Law, P.C.
2514 North Charles Street
Baltimore, MD 21218
(301) 461-1040

Counsel for Defendants

Raymond Mulera
William Dickerson
Local Government Insurance Trust
7225 Parkway Drive
Hanover, MD 21076
(443) 451-1700

8. *Shipley v. Disney*, No. 21-cv-3173-SAG, 2024 WL 128778 (D. Md. Jan. 11, 2024), 2023 WL 8112863 (D. Md. Nov. 22, 2023), 2023 WL 7283744 (D. Md. Nov. 2, 2023)

Mr. Shipley was incarcerated for several years after being convicted of murder in 1991. When his conviction was vacated, he brought an action for damages against

the Baltimore Police Department and the officers who investigated the crime for which he was imprisoned. This case was referred to me for discovery management. Among many disputed discovery issues was the individual defendants' request that their psychological expert be permitted to perform a mental examination of Mr. Shipley to evaluate his claims of mental and emotional injury. Adjudicating the motion involved determining whether Mr. Shipley's mental health was genuinely at issue and balancing the defendants' interests against the inherent intrusiveness of court-ordered medical examinations. I ultimately granted the motion with restrictions, including that the exam was not to be recorded, attendance was limited to the expert and Mr. Shipley, and the exam was limited to assessing Mr. Shipley's claims of PTSD and emotional stress. I have also issued other opinions or orders resolving other discovery-related disputes.

Counsel for Plaintiff

Andrew David Freeman
Chelsea Jones Crawford
Kobie Flowers
Neel Lalchandani
Anthony J. May
Jason C. Harary
Shane M.K. Doyle
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120 East Baltimore Street Suite 2500
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Counsel for Baltimore Police Department

Natalie R. Amato
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Counsel for Individual Defendants

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(443) 850-6352

9. *Corbin v. Coin-Op Warehouse, LLC*, No. 21-cv-2840-ABA, 2023 WL 7386152 (D. Md. Nov. 8, 2023)

This case arose from Mr. Corbin's allegations that defendants violated state and federal wage and hour laws by failing to pay Mr. Corbin's overtime wages. I presided over all aspects of this case by consent of the parties. I granted summary judgment in favor of defendants after concluding that factual findings made by a Maryland state court, in prior litigation involving a wage lien, were preclusive. Those findings included express findings that defendants did not fail to pay Mr. Corbin the wages owed him, findings that entitled defendants to summary judgment.

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10. *Santos v. E&R Servs., Inc.*, No. 20-cv-2737-DLB, 2024 WL 1416564 (D. Md. Apr. 2, 2024)

In two related wage dispute cases, 25 opt-in plaintiffs sued their employer, a residential and commercial construction company, and its owner, for allegedly withholding pay and misclassifying employees as independent contractors. The case was a collective action, meaning non-parties needed to formally "opt-in" if they wanted to join the lawsuit. The case was referred to me for mediation and approval of the settlement agreement. I held mediations between the parties twice before they reached a settlement, and then issued an opinion approving the agreement that they submitted setting forth the settlement terms.

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Kimani v. Comm'r of Soc. Sec.*, No. 23-CV-1017-ABA, 2024 WL 1676730 (D. Md. Apr. 18, 2024)

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2. *Lloyd v. Baltimore Police Dept.*, 23-cv-01987-ABA, 2024 WL 1465700 (Apr. 4, 2024)

Counsel for Plaintiff

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Counsel for Defendant

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3. *United States v. Hernandez*, No. 23-cr-00419-MJM, 2024 WL 1329296 (D. Md. Mar. 28, 2024)

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4. *United States v. Carahsoft Tech. Corp.*, No. 23-cv-1999-RDB, 2024 WL 811490 (D. Md. Feb. 27, 2024)

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5. *Squires v. Comm'r of Soc. Sec.*, No. 23-cv-296-ABA, 2024 WL 692861 (D. Md. Feb. 20, 2024)

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6. *Shipley v. Disney*, No. 21-cv-3173-SAG, 2024 WL 128778 (D. Md. Jan. 11, 2024)

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7. *Bailey v. Queen's Landing Council of Unit Owners, Inc.*, No. 23-cv-1559-
ABA, 2023 WL 8829201 (D. Md. Dec. 21, 2023)

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8. *United States v. Kelley*, No. 23-cr-0327-JRR, 2023 WL 8090632 (D. Md. Nov. 21, 2023)

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9. *Corbin v. Coin-Op Warehouse, LLC*, No. 21-cv-2840-ABA, 2023 WL 7386152 (D. Md. Nov. 8, 2023)

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10. *Say It Visually, Inc. v. Universal Mortg. & Fin., Inc.*, No. 22-cv-3280-GLR, 2023 WL 7001441 (D. Md. Oct. 24, 2023)

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

Based on a review of my files and legal databases, certiorari has not been requested in any of my cases.

- 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.

Prepared Food Photos, Inc. v. New Kiani's Pizza & Subs, Inc., No. 23-cv-926-JRR, 2024 WL 1005485 (D. Md. Mar. 8, 2024), *R. & R. adopted in part and rejected in part*, 2024 WL 1509237 (D. Md. Mar. 25, 2024). This case involved a copyright violation for a photo of food. The copyright was owned by plaintiff and the photo was used on defendant's website. Defendant did not enter an appearance or file a valid answer. After default was entered against defendant, I wrote a report and recommendation recommending that default judgment be entered, but suggested significantly reducing the damages sought for two reasons. First, I concluded that plaintiff had not adequately shown defendant willfully violated the copyright. Second, because damages based on lost licensing "are generally calculated based on what a willing buyer would have been reasonably required to pay to a willing seller for [the] plaintiffs' work," *Dash v. Mayweather*, 731 F.3d 303, 313 (4th Cir. 2013) (internal quotation marks and citations omitted), I concluded that an objective buyer would not have paid very much to use the photo given its limited use on a small website and the existence of many inexpensive alternative sources for similar images. District Judge Rubin adopted my recommendation to enter default judgment, but disagreed with my recommendations regarding damages. Judge Rubin found that plaintiff had adequately established willfulness and accepted plaintiff's full damage calculation as the amount a reasonable buyer would pay for the use of the photo.

- 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.

Most of my opinions and orders are unpublished, in the sense that I, like the rest of the judges of our court, do not designate them for publication in the Federal Supplement. But all of my memorandum opinions are available on Westlaw and

our court's website, and one has been designated for publication. I sometimes issue decisions on discrete or more straightforward matters by letter order, such as in resolving discovery disputes. Such letter orders are available on our court's CM/ECF website.

- 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.

None of my opinions thus far has addressed a significant federal or state constitutional issue.

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

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

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

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

I follow the recusal standard set forth in 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws and rules governing such circumstances. Upon being sworn in as a U.S. Magistrate Judge, I inherited the docket carried by Judge Beth P. Gesner. Certain of those cases were automatically diverted from being assigned to me, based on the conflict list of parties and counsel I had prepared and submitted to the Clerk's office before joining the bench. The Clerk's office and I also use that list to prevent newly filed cases from being assigned to me. I also recuse myself from any case in which my spouse represented a party in the case at any time.

I also *sua sponte* reassigned a pair of related cases originally assigned to me (22-cv-2129 & 22-cv-2977), after learning that my prior firm had some involvement in a related or underlying matter. I did not resolve whether disqualification was required under 28 U.S.C. § 455(b)(2), but out of an abundance of caution recused pursuant to 28 U.S.C. § 455(a).

Finally, in a criminal case that came before me for a detention hearing, I recused *sua sponte* when it came to my attention that my prior law firm had represented the defendant in a prior, arguably related, criminal case. *United States v. Khatiwala*, Case No. 1:23-cr-00390-DKC.

No party has sought my recusal in any case.

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

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

None.

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

Before joining the bench, I served as volunteer counsel as part of the Maryland Democratic Party's Voter Protection and Civic Engagement Committee, as a liaison to the Baltimore City Board of Elections, in connection with two elections.

I served as a co-host for two fundraisers, in 2017 and 2021, for Brooke Lierman's campaigns for Comptroller of Maryland and the Maryland House of Delegates. I have also volunteered (e.g. door-knocking) for some other political campaigns in the past.

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 2010 to 2011, I served as a law clerk to the Honorable Catherine C.

Blake of the U.S. District Court for the District of Maryland.

From 2011 to 2012, I served as law clerk to the Honorable Andre M. Davis of the U.S. Court of Appeals for the Fourth Circuit.

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

I have never practiced alone.

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

2012 – 2023

Zuckerman Spaeder LLP

100 East Pratt Street, Suite 2440

Baltimore, Maryland 21202 (2014 – 2023)

1800 M Street, Northwest, Suite 1000

Washington, DC 20036 (2012 – 2014)

Associate (2012 – 2019)

Partner (2020 – 2023)

- 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 did not serve as a mediator while I was in private practice.

b. Describe:

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

At Zuckerman Spaeder LLP, where I practiced between 2012 and 2023, my practice focused on complex civil and criminal litigation in a broad array of areas of the law and subject areas. I also maintained an active and diverse pro bono practice. I litigated in the federal courts of Maryland as well as others around the country; the state courts of Maryland, New York, Pennsylvania, and Delaware; the trial and appellate courts of the District of Columbia; the U.S. Courts of Appeals for the Second, Fourth, and Ninth Circuits; and the U.S. Supreme Court.

In my last few years at the firm, I was lead counsel in most of my matters. During my years as a partner, I was also co-counsel on a number of large matters; on those, even if another partner served as lead counsel, I oversaw

and managed teams of associates and paralegals. Over the years I was an associate, I took on increasingly large and supervisory roles in my cases.

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

At Zuckerman Spaeder, my clients were generally individuals and entities in civil litigation, whether on the plaintiff or defense side. I also represented individuals and entities in connection with government investigations, and individuals in criminal cases.

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

At Zuckerman Spaeder LLP, my entire practice was in litigation, or in investigations related to potential or anticipated litigation. I appeared in court routinely for trials, motions hearings, case management conferences, and the like.

- i. Indicate the percentage of your practice in:

1. federal courts: 75%
2. state courts of record: 25%
3. other courts: 0%
4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings: 80%
2. criminal proceedings: 20%

- 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 was trial counsel in six trials, four in federal courts and two in state courts. Of those, I was chief counsel in one trial, and associate counsel in the others.

- i. What percentage of these trials were:

1. jury: 17%
2. non-jury: 83%

- 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.

Brief for Amicus Curiae American Bar Association, *Hester et al. v. Gentry*, No. 22-835. Copy supplied.

Brief in Opposition to Petition for Writ of Certiorari, *People for the Ethical Treatment of Animals, Inc. v. Tri-State Zoological Park of Western Maryland*, No. 20-1183. Copy supplied.

I recall briefly assisting with one, or possibly two, other Supreme Court briefs earlier in my career, but I do not recall the details.

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. *Inexian Corp. v. Venable LLP*, No. 24-C-21-000200 (Balt. City Cir. Ct.)

Zuckerman Spaeder represented Venable in this patent-related legal malpractice action in the Circuit Court for Baltimore City, Maryland. The dispute arose from Venable's representation of Inexian in connection with a patent for a method of measuring smoking behavior, and subsequent transactions related to that patent. The case was filed in January 2021. At a motions hearing on March 18, 2023, the Circuit Court (Hon. Lawrence P. Fletcher-Hill) granted our motion to dismiss on statute of limitations grounds. Inexian appealed. That appeal is pending in the Appellate Court of Maryland. I was one of three partners handling the matter; we divided up responsibility for taking and defending depositions, preparing witnesses for deposition, drafting briefs, and arguing motions.

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2. *The Johns Hopkins Health System Corporation vs. Mercury Healthcare, Inc.*, No. C-13-CV-22-000939 (Howard Cty. Cir. Ct.)

Zuckerman Spaeder represented The Johns Hopkins Health System Corporation in this commercial dispute with Mercury Healthcare, an information technology and consulting vendor. The case related to Mercury's performance pursuant to a series of contracts for the delivery of marketing-related software and services. The case was filed November 3, 2022. I served as lead counsel on the case during my time with the firm, drafting the complaint, taking and defending depositions, preparing and responding to discovery requests, and leading settlement negotiations. The case was dismissed by stipulation in February 2024 following a settlement, after I left the firm.

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3. *Hanley v. State Farm Mutual Automobile Ins. Co.*, No. 22-cv-809 (D. Md., Hon. Julie R. Rubin)

Zuckerman Spaeder filed this case in April 2022, on behalf of State Farm insureds in Maryland, challenging the valuation methodology State Farm used for first-party total loss vehicle claims. State Farm's motion to dismiss and subsequent motion for reconsideration were denied. Plaintiffs' motion for leave to file an amended complaint was granted in May 2023. The case remained ongoing when I left the firm in September 2023. I served as lead counsel on the case while I was at the firm, drafting the complaint, drafting and revising briefs, taking and responding to discovery, taking depositions and preparing witnesses for depositions, and leading negotiations over discovery.

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4. *Medical Society of the State of New York, et al. v. UnitedHealth Group, Inc., et al.*, No. 16-cv-5265 (S.D.N.Y., Hon. J. Paul Oetken), 2022 WL 4234547 (S.D.N.Y. Sept. 14, 2022), 2021 WL 4263717 (S.D.N.Y. Sept. 20, 2021), 2020 WL 1489800 (S.D.N.Y. Mar. 26, 2020), 2019 WL 1409806 (S.D.N.Y. Mar. 28, 2019), 332 F.R.D.

138 (S.D.N.Y. 2019), 2019 WL 6888613 (S.D.N.Y. Dec. 18, 2019), 2018 WL 1773142 (S.D.N.Y. Apr. 12, 2018), 2018 WL 11220401 (S.D.N.Y. May 11, 2018), 2017 WL 4023350 (S.D.N.Y. Sept. 11, 2017); No. 22-2702 (2d Cir.), 2024 WL 177448 (2d Cir. Jan. 17, 2024)

This case challenged United Healthcare's policy of denying coverage of facility fees for office-based surgery centers in New York State. I joined the team in 2020 and served as lead trial counsel on behalf of the class for a bench trial in the Southern District of New York. At trial I presented argument, argued motions, and questioned several of the witnesses. The district court ruled for the defendants. That post-trial opinion was later affirmed on appeal (after my departure from the firm).

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5. *Wit et al. v. United Behavioral Health*, Nos. 3:14-cv-02346, 3:14-cv-05337 (N.D. Cal. Hon. Joseph C. Spero), 317 F.R.D. 106 (N.D. Cal. 2016), 2016 WL 5930576 (N.D. Cal. Oct. 12, 2016), 2017 WL 930776 (N.D. Cal. Mar. 9, 2017), 2017 WL 3478775 (N.D. Cal. Aug. 14, 2017), 2019 WL 1033730 (N.D. Cal. Mar. 5, 2019),

2020 WL 4517283 (N.D. Cal. Aug. 6, 2020), 2020 WL 6462401 (N.D. Cal. Nov. 3, 2020), 2020 WL 6469764 (N.D. Cal. Nov. 3, 2020), 2020 WL 6479273 (N.D. Cal. Nov. 3, 2020), 578 F. Supp. 3d 1060 (N.D. Cal. 2022), *rev'd*, Nos. 20-17363, 20-17364, 21-15193, 21-15194 (9th Cir.), 2022 WL 850647 (9th Cir. Mar. 22, 2022), *withdrawn, rev'd in part, vacated in part, and remanded*, 58 F.4th 1080 (9th Cir. 2023), *as amended*, 79 F.4th 1068 (9th Cir. 2023)

This 50,000-plus member class action challenged the way United Behavioral Health (UBH), the country's largest behavioral health insurance company, made medical necessity determinations for claims for coverage of mental health and substance use disorder treatment.

I joined the case in 2016 and worked with the partner who led the case to coordinate the litigation from then through my departure from the firm in 2023. In merits discovery, I took the lead on offensive and defensive expert discovery. We tried the case in fall 2017, and were joined for trial by two other partners. I argued a number of pretrial motions and handled two cross examinations and one direct examination. The lead partner and I handled post-trial briefing on liability and remedies. We prevailed on liability and remedies in the district court, obtaining wide-ranging injunctive relief. I led the team that prepared our attorney fee petition.

UBH appealed, and the panel initially reversed. Following our motion for rehearing, the panel withdrew its initial opinion, and issued a new opinion reversing in part, vacating in part, and remanding for further proceedings. Following a further rehearing petition, the panel issued a third revised opinion. The case remained ongoing when I was appointed as a magistrate judge.

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6. *United States v. Craig*, No. 19-cr-125, 401 F. Supp. 3d 49 (D.D.C. 2019) (Hon. Amy Berman Jackson)

I was a core member of the team that represented former White House Counsel Gregory B. Craig from 2018 to 2019 during investigations by the Office of Special Counsel Robert Mueller, the U.S. Attorney's Office for the Southern District of New York, and the U.S. Attorney's Office for the District of Columbia. I was on the trial team that defended Mr. Craig after he was indicted in the U.S. District Court for the District of Columbia on false statement charges related to filings under the Foreign Agents Registration Act. The charges related to an inquiry he led in 2012 as a partner of the Skadden law firm, and a subsequent published report, on the prosecution of Ukraine's former Prime Minister, Yulia Tymoshenko.

With trial set four months after indictment and the government having produced more than 1.5 million pages of discovery, I was responsible for overseeing our discovery review team and distilling the evidence for trial. At the three-week trial I examined several witnesses and argued many evidentiary issues. The jury acquitted Mr. Craig.

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7. *People for the Ethical Treatment of Animals v. Tri-State Zoological Park*, No. 17-cv-2148 (D. Md., Hon. Paula Xinis), 397 F. Supp. 3d 768 (D. Md. 2019), 424 F. Supp. 3d 404 (D. Md. 2019), 2020 WL 6363957 (D. Md. Oct. 29, 2020), *aff'd*, 843 F. App'x 493 (4th Cir. Jan. 29, 2021), *cert. denied*, 141 S. Ct. 2854 (2021)

With my partner and co-counsel at the Foundation to Support Animal Protection, between 2018 and 2021 I represented PETA in this citizen suit under the Endangered Species Act against a zoo in Cumberland, Maryland. The case involved the zoo's treatment of endangered tigers, lions, and lemurs. I handled the hearing on PETA's *Daubert* motions, and at trial in 2019 examined witnesses and argued evidentiary issues. After trial, the district court ruled for PETA on all theories of liability, and the surviving endangered animals were transferred to a sanctuary. In January 2021, the Fourth Circuit affirmed the district court's decision. Defendants petitioned for a writ of certiorari, which we opposed, and which the Supreme Court denied.

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8. *American Hospital Ass'n et al. v. U.S. Dept. of Health & Human Servs.*, No. 18-cv-2112 (D.D.C., Hon. John D. Bates)

This case, filed on behalf of several hospital associations and individual health systems, challenged the U.S. Department of Health and Human Services' (HHS) delay in implementing a final rule relating to reforms to what is known as the 340B Program. Zuckerman Spaeder filed the case in September 2018, after which HHS published a final rule setting an effective date of January 1, 2019, for the rule at issue. The case was dismissed by stipulation in April 2019. I was an associate at the time, and assisted the two partners on the case with drafting of briefs, legal research, and preparing for court appearances.

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9. *Solomon v. Bert Bell/Pete Rozelle NFL Player Retirement Plan*, No. 14-3570 (D. Md., Hon. Marvin Garbis), 2016 WL 852732 (Mar. 4, 2016), *aff'd*, 860 F.3d 259 (4th Cir. 2017)

In this case Zuckerman Spaeder represented Mr. Solomon, who played for the NFL for nine seasons before his retirement in 1995. Mr. Solomon suffered substantial orthopedic, as well as neurological, injuries resulting from his football career. I briefed the appeal and argued in the Fourth Circuit on behalf of Mr. Solomon, and obtained affirmance of a decision of the District Court for the District of Maryland, which held that he was entitled to disability benefits based on his cognitive impairments resulting from the brain injuries he suffered.

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10. *Zvi Guttman, Chapter 7 Trustee For The Bankruptcy Estate Of Commerce, LLC v. Saul Ewing LLP*, No. 24-C-15000154 (Balt. City Circuit Court)

Zuckerman Spaeder represented Saul Ewing LLP and one of its partners in defending this action alleging legal malpractice brought on behalf of Commerce LLC, a garden products company. The case was filed in January 2015, and was dismissed by stipulation in June 2016. I was an associate at the time, and was responsible for various aspects of discovery and motions briefing.

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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.)

In addition to the matters I handled at Zuckerman Spaeder that involved (publicly filed) litigation, several of my most significant matters at the firm were and remain confidential. Many of those were government investigations, by the Department of Justice, the Securities and Exchange Commission, or other federal or state agencies. Others were civil disputes that resolved before litigation was filed. None of those matters are reflected here, but they constitute a material portion of my experience in complex, high-stakes federal matters.

I am an appointed member of the ABA's Working Group on Building Public Trust in the American Justice System, and in 2022 was appointed its Chair. Since 2018, I have also

served as a member of the Board of Directors of the Maryland Chapter of the Federal Bar Association. In 2020 to 2021, I was part of The Leadership, an independent, not-for-profit organization committed to strengthening Baltimore by developing and connecting the region's civic leaders.

At Zuckerman Spaeder I also was co-hiring partner, responsible with one of my partners for associate hiring firm-wide. We were responsible for vetting applications, interviewing applicants, and selecting young lawyers to join our firm. I also spearheaded the firm's associate mentoring program, and helped lead training programs for our associates.

I also have devoted substantial time to a number of other organizations. From early 2017 through fall 2023, I served on the board of directors of the Job Opportunities Task Force (JOTF), which works to eliminate educational and employment barriers for low-wage workers, through pre-apprenticeship construction job training, policy advocacy, and research. I served as Vice President of the JOTF board for several years, and as chair of the board committee that oversaw the organization's research work. In addition, from 2016 to 2022 I served on the Lawyers' Alliance of the Public Justice Center (PJC).

I did not serve or register as a lobbyist for any client.

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.

None.

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 of May 8, 2024, I am owed \$92,171 by Zuckerman Spaeder, comprising the remainder of my share of the firm's profits that were owed to me as of the date of my departure from the partnership, to be paid out in six additional quarterly payments (through September 30, 2025). The total amount owed was fixed as of the date of my departure from the partnership, September 15, 2023, adjusted only once, at month-end September 2023, to reflect month-end firm income, in accordance with the firm's partnership agreement.

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

None.

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

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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.

I do not presently hear cases where Zuckerman Spaeder represents a party, or where my spouse represented a party. Our court's conflict screening system prevents such cases from being assigned to me. There are a few other individual attorneys who are on my "conflict" list maintained by our Clerk's office. I also screen myself from being assigned any case where I or an immediate family member owns stock in a party.

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

I follow, and would continue to follow, the judicial disqualification standard set forth in 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws and rules governing such circumstances.

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.

Before joining the bench, I maintained an active and diverse pro bono practice. I served as lead counsel on a team representing Latino families who were evicted from a mobile home community, in a case under the Fair Housing Act. I represented the ACLU of

Maryland in a case brought against the Calvert County Sheriff's Office, relating to whether and when it is appropriate for state agencies to charge fees to public interest organizations under the Maryland Public Information Act. I represented the ACLU, along with the Washington Lawyers' Committee for Civil Rights and Urban Affairs, and the Public Justice Center, as amici curiae in a case in the Supreme Court of Maryland, also arising under the Maryland Public Information Act. Earlier in my career, I represented pro bono a woman with two young children embroiled in a bitter and complex family law dispute, through a five-day trial in D.C. Superior Court and an appeal to the D.C. Court of Appeals. I also worked on various criminal cases under court appointment pursuant to the Criminal Justice Act, and before I joined the bench I was appointed as a member of the CJA panel for the District of Maryland. Most recently before I joined the bench, I was engaged by the American Bar Association to represent it, pro bono, before the U.S. Supreme Court in *Hester et al. v. Gentry* (No. 22-835) involving pretrial detention standards.

Although as a judge I am unable to engage in pro bono representation, I continue to contribute to the legal profession, outside of my work as a judge, as an appointed member of the ABA's Working Group on Building Public Trust in the American Justice System, and as a member of the Board of Directors of the Maryland Chapter of the Federal Bar Association.

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 November 13, 2023, I submitted an application to the judicial selection committee established by Senators Cardin and Van Hollen for an anticipated vacancy on the U.S. District Court for the District of Maryland. I interviewed with that committee on December 11, 2023. On February 13, 2024, I was interviewed by Senators Cardin and Van Hollen. On April 1, 2024, Senator Cardin informed me that my name would be submitted to the White House for further consideration. On April 2, 2024, I interviewed with attorneys from the White House Counsel's Office. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On May 8, 2024, the President announced his intent to nominate me.

- 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.