

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Embry Jerode Kidd

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

United States Circuit Judge for the Eleventh 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.

United States District Court for the Middle District of Florida
401 West Central Boulevard
Orlando, Florida 32801

Residence: Winter Park, Florida

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

1983; Birmingham, Alabama

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.

2005 – 2008, Yale Law School; J.D., 2008

2001 – 2005, Emory University; B.A. (High Honors), 2005

2000 – 2001, Central Alabama Community College; no degree received (high school dual enrollment)

2000, University of Alabama; no degree received (summer session)

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.

2019 – present

United States District Court for the Middle District of Florida
401 West Central Boulevard
Orlando, Florida 32801
United States Magistrate Judge

2022 – present

Florida Agricultural and Mechanical University
College of Law
201 Beggs Avenue
Orlando, Florida 32801
Adjunct Professor

2014 – 2019

United States Attorney's Office for the Middle District of Florida
400 West Washington Street
Suite 3100
Orlando, Florida 32801
Assistant United States Attorney

2009 – 2014; Summer 2007

Williams & Connolly LLP
680 Maine Avenue, Southwest
Washington, DC 20024
Associate Attorney (2009 – 2014)
Summer Associate (Summer 2007)

2008 – 2009

U.S. Court of Appeals for the Fourth Circuit
1100 East Main Street
Richmond, Virginia 23219
Law Clerk for the Honorable Roger L. Gregory

2007 – 2008

Yale University
Department of Political Science
115 Prospect Street
New Haven, Connecticut 06511
Teaching Fellow

Summer 2006

U.S. Department of Justice
Federal Tort Claims Act Section
175 N Street, Northeast

Washington, DC 20002
Summer Law Clerk

Summer 2002
DeKalb County Juvenile Court
4309 Memorial Drive
Decatur, Georgia 30032
Probation Intern

Fall 2002
Emory University
Goizueta School of Business
1300 Clifton Road
Atlanta, Georgia 30322
Financial Accounting Teaching Assistant to Professor Stanimir Markov

Summer 2001
National Bank of Commerce
308 North Martin Street
Pell City, Alabama
Teller Intern

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.

U.S. Department of Justice – Organized Crime Drug Enforcement Task Force (OCDETF)
National Award (2020, for prior work as an Assistant United States Attorney)

U.S. Secret Service – Special Recognition (2019)

Bureau of Alcohol, Tobacco, Firearms, and Explosives – Special Recognition (2019)

FBI Director’s Award (2017)

Yale Law School

Yale Law Journal, Editor and Editorial Board (2006 – 2008)

Yale Journal of Law & the Humanities, Editor and Editor-in-Chief (2006 – 2008)

Yale Law & Policy Review, Editor and Lead Editor (2005 – 2006)

Emory University

Bachelor of Arts with High Honors (2005)

Robert W. Woodruff Scholar (merit-based scholarship for full tuition, room, and board) (2001 – 2005)

Dean's List (2001 – 2005)

Emory Student Government Association, Treasurer and Assistant Treasurer (2001 – 2005)

Emory Political Review, Co-founder, Editorial Board (2001 – 2005)

Emory Senior Honor Society (2004 – 2005)

Mortar Board Senior Honor Society, Secretary (2004 – 2005)

Emory Society of African-American Leaders, President and Secretary (2002 – 2005)

Pi Sigma Alpha Political Science Honor Society, President (2004 – 2005)

Minority Pre-Law Organization, Co-Founder and Vice President (2003 – 2005)

Unsung Hero Award, Emory Black Students Alliance (2005)

Emory University Media Council, Treasurer (2002 – 2003)

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 (2019 – present)

American Inns of Court, George C. Young Inn of Court (2019 – present)

Federal Bar Association (2016 – present)

Treasurer, Federal Career Service, National Division (2018 – 2019)

Middle District of Florida Bench-Bar Fund Committee (2022 – present)

Middle District of Florida Information Technology Committee (2020 – present)

National Bar Association (2015 – present)

Orange County Bar Association (2018 – present)

Paul C. Perkins Bar Association (2015 – 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.

District of Columbia, 2009

Florida, 2015

Virginia, 2008

In 2019, I changed my status with the Virginia bar to “Judicial,” so while I remain a member in good standing, I am currently ineligible to practice in the state. I resigned my District of Columbia bar membership in 2019 because I no longer expect to practice in the jurisdiction. 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 District Court for the District of Columbia, 2010

United States District Court for the District of Maryland, 2011

I changed my status with both courts to inactive because I no longer expect to practice before them.

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.

Emory College Alumni Board, Executive Committee Member (2017 – 2023)

Emory University Woodruff Scholars Alumni Advisory Board (2021 – present)
Chair (2021 – 2023)

Orlando Museum of Art, Acquisition Trust Member (2018 – present)

Smithsonian Institution, Orlando Council Member (2016 – present)

Yale Law School Association, Executive Board (2022 – present)

Yale Law School Black Alumni Association, Vice President (2008 – 2014)

- 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 these organizations discriminates on the basis of race, sex, religion, or national origin, either through informal 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.

SGA survey got a bad rap, THE EMORY WHEEL (Nov. 2, 2004). Copy supplied.

Upping the activity fee: What do you think?, THE EMORY WHEEL (Oct. 26, 2004). 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.

None.

- 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.

April 2003 – April 2005: I was Treasurer of the Emory University Student Government Association (“SGA”) at Emory University, Atlanta, Georgia, and I delivered reports at SGA meetings. I am unable to locate any transcripts or recordings of these reports or meetings.

- 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 records, electronic databases, and the internet in an effort to identify all events responsive to this question, but there may be other events I have not been able to recall or identify.

Naturalization Ceremonies: I have conducted numerous naturalization ceremonies during my time as a U.S. Magistrate Judge, including on the following dates: April 25, 2024; September 28, 2023; June 24, 2023; June 1, 2023; April 13, 2023; February 9, 2023; September 22, 2022; July 14, 2022; June 25, 2022; March 31, 2022; March 10, 2022; January 13, 2022; November 18, 2021; May 5, 2021; March 11, 2021; December 10, 2020; September 25, 2020; February 27, 2020; and August 1, 2019. Naturalization ceremonies are considered part of the magistrate judge duty rotation. My standard remarks are supplied.

School visits: The Orlando Chapter of the Federal Bar Association arranges numerous school visits to the Orlando federal courthouse each year, and I participate in as many as my schedule allows. I have no notes, transcripts, or recordings. The Federal Bar Association's address is 25 East Pine Street, Orlando, Florida 32801.

January 17, 2024: Panelist, Pathways to the Bench, Paul C. Perkins Bar Association, Orlando, Florida. I spoke to the attendees about the selection process for U.S. magistrate judges. I have no notes, transcript, or recording. The organization's address is P.O. Box 1589, Orlando, Florida 32802.

November 17, 2023: Panelist, Judicial Academy, National Bar Association, Virgil Hawkins Florida Chapter, Orlando, Florida. I spoke to the attendees about the selection process for U.S. magistrate judges. I have no notes, transcript, or recording. The organization's address is P.O. Box 3067, Orlando, Florida 32801.

November 14, 2023: Co-Presenter, Habits of Highly Ethical Attorneys Engaged in Discovery, George C. Young American Inn of Court, Orlando, Florida. Presentation supplied.

August 4, 2023: Panelist, Basic Skills Judicial Panel, Florida Bar, Orlando, Florida (virtual). Outline supplied.

June 16, 2023: Panelist, Consenting to a Magistrate Judge, Federal Bar Association, Orlando, Florida. Outline supplied.

May 19, 2023: Panelist, Settlement Conferences in Federal Court, Florida Bar, Orlando, Florida (virtual). Outline supplied.

April 3, 2023: Moderator, Roadways to the Bench, Administrative Office of the U.S. Courts, Washington, DC (virtual and in-person in Orlando, FL). This was a

nationwide event with local host cities, including Orlando, Florida. The purpose was to discuss the selection process for U.S. magistrate and bankruptcy judges and for interested persons to interact with the judges. I have no notes, transcript, or recording. The address for the Administrative Office of the U.S. Courts is One Columbus Circle, Northeast, Washington, DC 20544.

March 31, 2023: Panelist, The Handling of Pretrial Motions by Federal Magistrates, Florida Law Con, Miami Dade Bar, Miami, FL (virtual). Outline supplied.

March 2, 2023: Panelist, E-Discovery, Federal Bar Association, Orlando, Florida. Outline supplied.

February 10, 2023: Federal Practice for the Occasional Practitioner, Federal Bar Association, Orlando, Florida. Outline supplied.

January 19, 2023: Panelist, Civil Litigation, Florida Bar, Orlando, Florida. This CLE discussed practice tips for attorneys engaged in federal civil litigation in each of Florida's districts. I have no notes, transcript, or recording. The address for the Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

October 13, 2022: Moderator, An Interview with the U.S. Attorney's Office and Federal Defender's Office, Federal Bar association, Orlando, Florida. Outline supplied.

June 6, 2022: Panelist, Summer series on criminal practice, Federal Bar Association, Orlando, Florida. Outline supplied.

May 17, 2022: Co-Presenter, Lessons Learned from Trial, George C. Young American Inn of Court, Orlando, Florida. Outline supplied.

April 29, 2022: Discovery Bootcamp, Federal Bar Association, Orlando, Florida. Presentation supplied.

March 26, 2022: Moderator, Robert W. Woodruff Alumni Leadership Summit, Emory University, Atlanta, Georgia. Notes supplied.

November 19, 2021: Panelist, Judicial Roundtable – Litigation after COVID-19, National Bar Association, Virgil Hawkins Florida Chapter, Orlando, Florida. A panel of judges discussed their experiences handling litigation during and after the COVID-19 pandemic. I have no notes, transcript, or recording. The address for the National Bar Association, Virgil Hawkins Florida Chapter is P.O. Box 3067, Orlando, Florida 32801.

May 25, 2021: Commencement address, Vincent High School, Vincent, Alabama. Notes supplied.

May 20, 2021: Discovery Bootcamp, Federal Bar Association, Orlando, Florida. Presentation supplied.

May 18, 2021: Co-Presenter, The Art of Effective Courtroom Advocacy, George C. Young American Inn of Court, Orlando, Florida. My pupillage group presented practice tips for each stage of a criminal and civil case. I have no notes, transcript, or recording. The address for the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

July 24, 2020: Discovery Bootcamp, Federal Bar Association, Orlando, Florida. Presentation supplied.

February 12, 2020: Prosecutor to Judge: An Evening with Magistrate Judge Embry Kidd, Pennsylvania State University Law School, University Park, Pennsylvania. Notes supplied.

January 24, 2020: Meet the New Magistrate Judge, Federal Bar Association, Orlando, Florida. Notes supplied.

January 8, 2020: Road to the Judiciary, Paul C. Perkins Bar Association, Orlando, Florida. I spoke to the attendees about the selection process for U.S. Magistrate Judges. I have no notes, transcript, or recording. The address for the Paul C. Perkins Bar Association is P.O. Box 1589, Orlando, Florida 32802.

November 15, 2019: Investiture address, U.S. District Court for the Middle District of Florida, Orlando, Florida. Notes supplied.

June 22, 2018: Panelist, Morning at the Federal Courthouse, Federal Bar Association, Orlando, Florida. I discussed the role of an Assistant United States Attorney to summer associates and interns. I have no notes, transcript, or recording. The address for the Federal Bar Association is 25 East Pine Street, Orlando, Florida 32801.

April 4, 2018: Panelist, Federal Sentencing, Paul C. Perkins Bar Association, Orlando, Florida. I discussed the federal sentencing process and the role of an Assistant United States Attorney. I have no notes, transcript, or recording. The address for the Paul C. Perkins Bar Association is P.O. Box 1589, Orlando, Florida 32802.

July 12, 2017, and two other times in 2017 and 2018 for which I cannot locate dates: Panelist, Chasing the Dragon, U.S. Attorney's Office, Orlando, Florida. I have no notes, transcript, or recording. However, I did provide an interview that is available at <https://newsroom.ocfl.net/media-gallery/video-gallery/2017/08/ocfl-update-chasing-dragon-screening>. I also was interviewed by a local news outlet. I did not see or hear the interview, but I was told that it aired on NPR the following

morning. The address for the U.S. Attorney's Office is 400 West Washington Street, Orlando, Florida 32801.

June 23, 2017: Panelist, Morning at the Federal Courthouse, Federal Bar Association, Orlando, Florida. I discussed the role of an Assistant United States Attorney to summer associates and interns. I have no notes, transcript, or recording. The address for the Federal Bar Association is 25 East Pine Street, Orlando, Florida 32801.

November 16, 2016, and one other occasion for which I am unable to locate a date, but in Fall 2017 or 2018: Panelist at Boone High School, Orlando, Florida. I and other guest speakers discussed careers in law enforcement. I have no notes, transcript, or recording. The U.S. Attorney's Office address is 400 West Washington Street, Orlando, Florida 32801.

- 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.

Orange County, Florida, Office for a Drug Free Community (July 12, 2017). Available at <https://newsroom.ocfl.net/media-gallery/video-gallery/2017/08/ocfl-update-chasing-dragon-screening>. I also was interviewed that day by another news outlet. I was told that it aired on the local National Public Radio station (WMFE) the following morning, but am unable to obtain a transcript or recording.

Ronald Holmes, *What Career Path Can Lead to Being an Attorney at a Large Law Firm?*, THE HOLMES EDUC. POST (July 23, 2012). Copy supplied.

Podcasts, "Emerging Issues in State Law" and "Justice 'Promptly, and Without Delay': Court Reform and Judicial Independence," Yale Law Journal (Mar. 31, 2008). Recordings available at <https://itunes.apple.com/gb/itunes-u/yale-law-journal/id341654179?mt=10>. (The latter recording is my reading of an article by Chief Justice Margaret Marshall of the Supreme Judicial Court.)

Isaac Arnsdorf, *On-campus Housing for Law Students Dwindles*, YALE DAILY NEWS (Feb. 7, 2008). Copy supplied.

Andrew Mangino, *Law Faculty Rates High in Diversity*, YALE DAILY NEWS (Mar. 21, 2006). Copy supplied.

Chris Megerian, *SGA considers shifting legal funds to sports*, THE EMORY WHEEL (Feb. 4, 2005). Copy supplied.

Leigh Friedman, *Freshmen start new political magazine*, THE EMORY WHEEL (Apr. 26, 2002). Copy supplied.

Nidhi Jain, *New shuttles service Clairmont, aid more students*, THE EMORY WHEEL (Apr. 19, 2002). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

Since July 25, 2019, I have served as a United States Magistrate Judge on the United States District court for the Middle District of Florida. I was selected for that position following a two-stage process. In the first stage, members of a merit selection panel comprised of lawyers and non-lawyers chose five finalists. In the second stage, the United States District Judges of the Middle District of Florida made the final selection from the five finalists. I am currently serving an eight-year renewable term.

The United States District Court for the Middle District of Florida is an Article III court of limited jurisdiction, and the jurisdiction of United States Magistrate Judges is governed by 28 U.S.C. §§ 636–639. I preside over a docket that consists of both civil and criminal matters. I enter orders that rule on non-dispositive motions in my assigned cases, and I enter reports and recommendations to United States District Judges concerning dispositive motions that are referred to me by those judges. I preside over all phases of civil cases, including civil jury and non-jury trials when the parties consent to my exercise of jurisdiction. I conduct initial appearances, arraignments, detention hearings, preliminary hearings, competency hearings, and change of plea hearings in criminal cases. I also review and authorize search warrants, criminal complaints, arrest warrants, pen-trap requests, and nondisclosure orders while on the criminal duty rotation. Additionally, I preside over settlement conferences, central violation bureau citation proceedings, and naturalization ceremonies. The Middle District of Florida also has a heavy docket of appeals from the Social Security Administration, which requires a review of the underlying administrative record, and I typically enter final orders in those by the consent of the parties.

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

I have not presided over any cases that have gone to verdict or judgment.

- 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.

See attached list of opinions.

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

1. *Action Nissan, Inc. v. Hyundai Motor America Corp.*, Case No. 6:21-cv-2152 (M.D. Fla.): 2023 WL 4493962 (M.D. Fla. June 16, 2023); 2023 WL 5205953 (M.D. Fla. Aug. 14, 2023); 2023 WL 5352476 (M.D. Fla. Aug. 21, 2023); 2023 WL 6794283 (M.D. Fla. Oct. 13, 2023); 2023 WL 7017348 (M.D. Fla. Oct. 25, 2023)

This is the second in a series of cases involving a contractual dispute between Hyundai and one of its dealers that stem from a purported right of first refusal. In this case, the plaintiff alleged that the defendant reduced the number of cars provided to plaintiff because of the prior litigation between the parties. I handled all pretrial discovery matters and held several hearings to resolve disputes among the parties, such as whether and over what time period the defendant had to produce information regarding its allocation decisions, and whether the plaintiff could amend the complaint shortly before the close of discovery to allege that the defendant's actions caused it to lose a separate business contract. The case is scheduled for trial on October 8, 2024.

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2. *Adacel, Inc., et al. v. Adsync Technologies, Inc.*, Case No. 6:18-cv-1176, 2020 WL 6382618 (M.D. Fla. July 21, 2020)

This was a lawsuit alleging misappropriation of trade secrets, breach of contract, and copyright infringement related to air traffic control management systems. I handled all pretrial discovery matters and conducted hearings on several discovery disputes and requests for sanctions regarding the plaintiffs' failure to conduct a responsiveness review before serving approximately 300,000 documents, and separately, for the plaintiffs' failure to supplement their initial disclosures. I granted both motions, and the case settled before trial.

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3. *Conradis v. Geiger*, Case No. 6:18-cv-1486 (M.D. Fla.): 2020 WL 11193331 (M.D. Fla. May 15, 2020); 2020 WL 11193330 (M.D. Fla. Nov. 4, 2020)

This was a case in which the parties consented to trial before me. Two plaintiffs filed suit against individuals who allegedly violated the plaintiffs' copyrights by distributing explicit images of them without their permission. The case involved the plaintiffs' efforts to ascertain the identities of the John Doe defendants, the parties' discovery issues during the COVID-19 pandemic, and the complication of a parallel criminal investigation. After briefing on a John Doe defendant's motion to quash the plaintiffs' subpoenas issued to internet service providers, I denied the motion and determined that the plaintiffs were entitled to ascertain the identities of the John Doe defendants. The plaintiffs settled with one defendant, and I entered default judgment against another defendant who was facing criminal charges relating to the underlying conduct.

The plaintiffs and the defendants were pro se.

4. *Local Access, LLC v. Peerless Network, Inc.*, Case No. 6:17-cv-236 (M.D. Fla.): 2023 U.S. Dist. LEXIS 94921 (M.D. Fla. May 31, 2023); 2023 WL 3751977 (M.D. Fla. May 4, 2023); 2023 WL 3995013 (M.D. Fla. June 14, 2023); 2023 WL 4562549 (M.D. Fla. July 17, 2023); 2023 WL 4847587 (M.D. Fla. July 28, 2023); 2023 WL 5153486 (M.D. Fla. Aug. 10, 2023); 2023 WL 5672205 (M.D. Fla. Sept. 1, 2023); 2023 WL 5983820 (M.D. Fla. Sept. 14, 2023); 2023 WL 6463468 (M.D. Fla. Oct. 4, 2023); 2023 WL 7221415 (M.D. Fla. Nov. 2, 2023); 2023 WL 7551794 (M.D. Fla. Nov. 14, 2023); 2023 WL 8452003 (M.D. Fla. Dec. 6, 2023); 2020 WL 13575059 (M.D. Fla. Mar. 27, 2020); 2022 WL 3646055 (M.D. Fla. July 26, 2022); 2022 WL 17452314 (M.D. Fla. Dec. 6, 2022); 2022 WL 17586031 (Dec. 12, 2022); 2022 U.S. Dist. LEXIS 236881 (M.D. Fla. Nov. 2, 2022); 2023 WL 2787368 (M.D. Fla. Apr. 5, 2023); 2023 WL 2817554 (M.D. Fla. Apr. 6, 2023); 2023 WL 3043643 (M.D. Fla. Apr. 21, 2023); 2023 WL 3058655 (M.D. Fla. Apr. 24, 2023); 2021 WL 1819230 (M.D. Fla. Jan. 6, 2021), R. &

R. adopted, 2021 WL 8200193; 2021 WL 9613924 (M.D. Fla. Jan. 6, 2021),
R. & R. adopted, 2021 WL 9599892

This case involves an alleged breach of contract relating to a right of first refusal between two telecommunications companies, and the decision by one company to enter into an agreement with a competitor. In this case, I have handled all discovery matters since my appointment. The underlying case was stayed for approximately two years to address an alleged violation of the parties' protective order and the resulting sanctions. That phase was concluded with my reports and recommendations regarding the sanctions that should issue, including the payment of more than \$1 million in attorneys' fees to the plaintiff due to the defendants' violations of the protective order. The presiding district judge adopted my recommendation in full. Since then, I have resolved multiple motions regarding the scope of the communications data that each side is required to produce. The case is scheduled for trial on October 7, 2024.

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5. *Mandala v. Tire Stickers LLC, et al.*, Case No. 6:19-cv-1468, 2020 WL 4743041 (M.D. Fla. May 27, 2020), *R. & R. adopted*, 2020 WL 4743021 (M.D. Fla. July 29, 2020)

This was an action seeking a declaratory judgment that the plaintiff had not violated Michelin's trademarks by modifying the sidewall of certain tires and then reselling them, as modified, to the public. I issued a report and recommendation on the motion to dismiss and found that the court lacked personal jurisdiction as to the primary defendant. The district judge adopted my recommendation, and the remaining parties eventually settled the matter.

Plaintiff was pro se.

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6. *Perez-Kocher v. Commissioner of Social Security*, Case No. 6:20-cv-2357 (M.D. Fla.): 2021 WL 6334838 (M.D. Fla. Nov. 23, 2021); 2022 WL 12120752 (M.D. Fla. Apr. 29, 2022); 2022 WL88160 (M.D. Fla. Jan. 7, 2022); 2022 WL 12133449 (M.D. Fla. July 1, 2022); 2022 WL 4448606 (M.D. Fla. Sept. 23, 2022)

The plaintiff in this case appealed the Social Security Administration's denial of social security benefits and also raised a separation of powers argument based on the Supreme Court case *Seila Law LLC v. Consumer Financial Protection Bureau*, 140 S. Ct. 2183 (2020). The plaintiff argued that the statutory removal provisions concerning the Commissioner of Social Security violated the constitution in the same way that the Supreme Court found a constitutional violation regarding the statutory removal provisions for the Director of the

Consumer Financial Protection Bureau. I agreed with the plaintiff as to the constitutional violation, but ultimately found that the plaintiff had not established compensable harm or entitlement to remand, and that the properly appointed Acting Commissioner had ratified the appointment of the administrative law judge who considered the plaintiff's claim. Therefore, I recommended that the constitutional challenge be dismissed, and my recommendation was adopted by the presiding district judge. Afterward, the parties' consented to my jurisdiction, and I reversed and remanded the case to the Social Security Administration based on the remaining substantive issue that the plaintiff raised.

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7. *Reguena v. Doug Connor, Inc., et al.*, Case No. 6:20-cv-1670, 2022 WL 17609073 (M.D. Fla. Dec. 13, 2022)

This was a Fair Labor Standards Act collective action in which the parties consented to trial before me. The plaintiff alleged that he and others similarly situated to him worked as grapple truck drivers for the defendants and were not properly compensated for overtime that they worked. I handled all aspects of the case, including conditional certification of the class. I eventually denied the defendants' motion for summary judgment and granted in part the plaintiff's motion for summary judgment, leaving the issues of liquidated damages and the applicable statute of limitations for trial. The case then settled.

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8. *United States v. Coleman, Jr.*, Case No. 6:20-mj-1179 (M.D. Fla.)

The underlying criminal conviction in this case was for misdemeanor drug possession, and the defendant consented to sentencing by a magistrate judge in a different district. I received the case on a probation violation based on a state battery charge and the defendant's drug use, and I was the sentencing judge for the probation violation. I sentenced him to 60 hours of community service, and with close collaboration between the court, the defendant, the U.S. Attorney's Office, and the U.S. Probation Office, the defendant ultimately successfully completed his community service and period of probation.

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9. *United States v. Yester-Garrido*, Case No. 6:17-cr-238, Docs. 60 (M.D. Fla. Jan. 8, 2020); 149 (M.D. Fla. July 8, 2020); 193 (M.D. Fla. July 31, 2020). Copies supplied.

This criminal case charged a conspiracy to distribute 1,000 kilograms or more of marijuana. The parties filed numerous motions related to discovery, particularly with regard to DEA's written policies concerning witness and co-defendant interviews, drafting investigative reports, conducting proffers, and preserving evidence and information obtained during the course of a proffer. To strike the proper balance between the government's concerns regarding the sensitivity of the policies and the defendant's discovery rights, I reviewed the policies *in camera* and ordered certain ones to be produced in redacted form. Ultimately, the defendant pleaded guilty before the district judge and was sentenced to 60 months of imprisonment.

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10. *Wyndham Vacation Ownership et al. v. Slattery, Sobel & Decamp, LLP, et al.*, Case No. 6:19-cv-1908 (M.D. Fla.): 2020 WL 13595868 (M.D. Fla. Aug. 21, 2020); 2020 WL 13862027 (M.D. Fla. Sept. 16, 2020); 2020 WL 5876951 (M.D. Fla. Oct. 2, 2020); 2020 WL 13862054 (M.D. Fla. Oct. 7, 2020); 2020 WL 13862029 (M.D. Fla. Nov. 6, 2020); 2021 WL 4948121 (M.D. Fla. Sept. 10, 2021); 2021 WL 4948122 (M.D. Fla. Oct. 7, 2021); 2021 WL 5275700 (M.D. Fla. Nov. 10, 2021), *R. & R. adopted*, 2022 WL 291787 (M.D. Fla. Jan. 18, 2022); 2021 WL 6125522 (M.D. Fla. Nov. 18, 2021); 2021 WL 11726102 (M.D. Fla. Nov. 22, 2021); 2021 WL 9779418 (M.D. Fla. Dec. 23, 2021); 2022 WL 21374382 (M.D. Fla. Feb. 2, 2022); 2022 WL 1619376 (M.D. Fla. Apr. 5, 2022); 2022 WL 17474765 (M.D. Fla. Apr. 6, 2022); 2022 WL 1619241 (M.D. Fla. Apr. 21, 2022); 2022 WL 17463335 (M.D. Fla. May 16, 2022); 2022 WL 20113284 (M.D. Fla. July 22, 2022); 2022 WL 8217011 (M.D. Fla. July 22, 2022); 2022 WL 9964898 (M.D. Fla. Oct. 17, 2022); 2022 WL 11210784 (M.D. Fla. Oct. 19, 2022); 2022 WL 17417109 (M.D. Fla. Dec. 5, 2022); 2022 WL 17541230 (M.D. Fla. Dec. 8, 2022); 2023 WL 6458846 (M.D. Fla. Oct. 4, 2023); 2023 WL 7475622 (M.D. Fla. Oct. 10, 2023).

This was an action in which a timeshare company sued several individuals and entities associated with the timeshare-exit industry. The allegations concern false advertising, in violation of the Lanham Act, 15 U.S.C. § 1125(a)(1); contributory false advertising, in violation of 15 U.S.C. § 1125(a)(1); tortious interference with contractual relations; violation of Florida's Deceptive and Unfair Trade Practices Act; and civil conspiracy to commit tortious interference.

I handled all pretrial discovery matters, and the case involved several complex discovery issues, including a motion for sanctions for violations of attorney-client privilege, for which I awarded the defendants their attorneys' fees. I also recommended that the court enter a default against a defendant for several willful discovery violations, including the withholding of nearly two million documents after the discovery deadline. The presiding district judge adopted my recommendations. Plaintiffs prevailed at trial and were awarded disgorgement damages and a permanent injunction.

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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. *Perez-Kocher v. Commissioner of Social Security*, Case No. 6:20-cv-2357, 2021 WL 6334838 (M.D. Fla. Nov. 23, 2021), *R. & R. adopted*, 2022 WL 88160 (M.D. Fla. Jan. 7, 2022)

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2. *Wyndham Vacation Ownership et al. v. Slattery, Sobel & Decamp, LLP, et al.*, Case No. 6:19-cv-1908, 2021 WL 5275700 (M.D. Fla. Nov. 10, 2021), *R. & R. adopted*, 2022 WL 291787 (M.D. Fla. Jan. 18, 2022)

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3. *Taveras v. Bank of America, N.A., et al.*, Case No. 6:21-cv-189, 2021 WL 7501183 (M.D. Fla. Nov. 1, 2021), *R. & R. adopted*, 2022 WL 1296549 (M.D. Fla. Mar. 23, 2022), *aff'd*, 89 F.4th 1279 (11th Cir. 2024)

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4. *MSP Recovery Claims, Series LLC v. Atlantic Specialty Insurance Company*, Case No. 6:20-cv-553, 2021 WL 4935767 (M.D. Fla. Mar. 10, 2021), *objections overruled*, 2021 WL 7448472 (M.D. Fla. July 29, 2021)

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5. *Datto v. University of Central Florida*, Case No. 6:19-cv-1456 2021 WL 2792135 (M.D. Fla. Feb. 5, 2021), *R. & R. adopted*, 2021 WL 2792168 (M.D. Fla. Mar. 12, 2021)

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6. *Surgery Center of Viera, LLC v. UnitedHealthCare Insurance Company*, Case No. 6:20-cv-836, 2021 WL 7629392 (M.D. Fla. Feb. 1, 2021)

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7. *Local Access, LLC v. Peerless Network, Inc.*, 6:17-cv-236, 2021 WL 1819230 (M.D. Fla. Jan. 6, 2021), *R. & R. adopted*, 2021 WL 8200193 (M.D. Fla. Oct. 4, 2021)

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8. *Mandala v. Tire Stickers LLC, et al.*, 6:19-cv-1468, 2020 WL 4743041 (M.D. Fla. May 27, 2020), *R. & R. adopted*, 2020 WL 4743021 (M.D. Fla. July 29, 2020)

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9. *Randall et al. v. Offplan Millionaire AG et al.*, Case No. 6:17-cv-02103, 2020 WL 2365258 (M.D. Fla. Apr. 21, 2020), *R. & R. adopted*, 2020 WL 2331222 (M.D. Fla. May 11, 2020)

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Defaulted defendants did not enter an appearance.

10. *Balassiano v. Fogo De Chao Churrascaria (Orlando) LLC, et al.*, Case No. 6:19-cv-2140, 2020 WL 7365264 (M.D. Fla. Dec. 15, 2020), *R. & R. adopted*, 2021 WL 2019722 (M.D. Fla. Jan. 7, 2021)

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

Sterling v. De La Rosa, Case No. 6:21-cv-723, 2021 WL 3134723 (M.D. Fla. June 8, 2021), *aff'd*, 2022 WL 2112091 (M.D. Fla. Feb. 2, 2022), *mandamus denied*, 2022 WL 2092887 (11th Cir. Mar. 9, 2022), *cert. denied*, 143 S. Ct. 2431 (May 1, 2023)

- 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.

Williams v. Harris Sanitation, Inc., Case No. 21-cv-1906, 2023 WL 6292410 (M.D. Fla. Aug. 1, 2023), *R. & R. adopted in part and rejected in part*, 2023 WL 7394977 (M.D. Fla. Oct. 6, 2023). In this FLSA case, I found that there was a genuine dispute of fact as to whether the plaintiff was an exempt employee acting in an executive capacity under the FLSA and recommended that the district judge deny summary judgment to the defendant. The district judge concluded that the plaintiff had not presented sufficient evidence on this point and granted summary judgment against the plaintiff.

Pennington v. CGH Technologies, Inc., Case No. 6:19-cv-2056, 2022 WL 4125064 (M.D. Fla. Aug. 23, 2022), *R. & R. adopted in part and rejected in part*, 2022 WL 18772229 (M.D. Fla. Nov. 16, 2022). In this case, a jury ultimately found that the plaintiff committed fraud against the defendant, with the net result that the defendant was awarded damages against the plaintiff. After an evidentiary hearing, I recommended that the plaintiff's attorneys be sanctioned for their conduct in the litigation. The presiding district judge decided that a previous

denial of attorneys' fees was a sufficient sanction and declined to award further sanctions.

Parks v. Ivey et al., Case No. 6:21-cv-1079, 2022 WL 2838313 (M.D. Fla. Mar. 11, 2022), *R. & R. adopted in part and rejected in part*, 2022 WL 2838312 (M.D. Fla. June 13, 2022). In this this civil rights action, the district judge largely adopted my reasoning as to why plaintiff's claims should be dismissed, but allowed the plaintiff an additional opportunity to replead her claims to avoid dismissal based on qualified immunity and sovereign immunity.

Martinez v. Commissioner, Case No. 6:20-cv-211, 2021 WL 1531582 (M.D. Fla. Apr. 21, 2021), *rev'd*, 2022 WL 1531582 (11th Cir. May 16, 2022). Upon de novo review, the Eleventh Circuit reversed my decision in an appeal of a denial of social security benefits. Both the Eleventh Circuit and I found that the administrative law judge erred in reaching the underlying decision; but whereas I upheld the decision, finding that the error was harmless, the Eleventh Circuit determined that the error was not harmless.

Wickboldt v. Mass. Mut. Life Ins. Co., 2021 WL 4393257 (M.D. Fla. July 26, 2021), *R. & R. adopted in part and rejected in part*, 2021 WL 4438374 (M.D. Fla. Sept. 28, 2021). Under Florida law, a party is entitled to attorneys' fees in certain circumstances if it makes an "offer of judgment" that is not accepted. The district judge disagreed with my assessment of whether the defendant's offer of judgment was valid, but agreed with my recommendation to reduce the amount of attorneys' fees that the defendant sought.

United States v. Mandras et al., Case No. 6:20-cv-164, 2021 WL 3508095 (M.D. Fla. Jan. 6, 2021), *R. & R. adopted in part and rejected in part*, 2021 WL 3508090 (M.D. Fla. Mar. 10, 2021). The district judge adopted my recommendation as to plaintiff's motion for default judgment, but found that default judgment should be entered against an additional defendant based on information presented in the objection to my report and recommendation.

Li v. Roger Holler Chevrolet Co., et al., Case No. 6:19-cv-1249, 2020 WL 4740522 (M.D. Fla. Mar. 13, 2020), *R. & R. adopted in part and rejected in part*, 2020 WL 2537781 (M.D. Fla. May 19, 2020). After an evidentiary hearing, I recommended that the district judge find that the plaintiff's claims should be sent to arbitration. The district judge adopted in part and rejected in part my report and recommendation, finding that plaintiff's claims were outside of the arbitration agreement.

RCI Hospitality Holdings, Inc. v. Junkyard Saloon/Bombshell's Tavern LLC, Case No. 6:19-cv-972, 2020 WL 3978205 (M.D. Fla. Mar. 31, 2020), *R. & R. adopted in part and rejected in part*, 2020 WL 1934187 (M.D. Fla. Apr. 21, 2020). The district judge adopted the reasoning in my report and recommendation to deny the plaintiff's motion for default judgment, but found that service should

have been analyzed under the Florida statute governing service of process on LLCs rather than corporations.

Nwobi v. Azar, Case No. 6:19-cv-1404 (Doc. 11), *vacated*, 2019 WL 13185820 (M.D. Fla. Oct. 21, 2019). This concerned a motion to seal filed by a doctor who claimed that information was falsely entered into the National Practitioner Data Bank. I found that the plaintiff did not provide any legal basis to file the subject documents from the data bank under seal. The district judge found that one of the cited regulations arguably authorized the sealing and allowed plaintiff to file the subject documents under seal.

- 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.

To my knowledge, all of my orders and opinions are entered into the court's electronic case filing system (CM/ECF) and accessible to the public. Of my approximately 13,700 decisions, approximately 900 appear to be available on legal databases such as Westlaw or Lexis, and five have been published in official reporters.

- 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.

Taveras v. Bank of America, N.A., et al., Case No. 6:21-cv-189, 2021 WL 7501183 (M.D. Fla. Nov. 1, 2021), *R. & R. adopted*, 2022 WL 1296549, *aff'd*, 89 F.4th 1279 (11th Cir. 2024)

Perez-Kocher v. Commissioner of Social Security, Case No. 6:20-cv-2357, 2021 WL 6334838 (M.D. Fla. Nov. 23, 2021), *R. & R. adopted*, 2022 WL 88160

- 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.

The Middle District of Florida's Clerk's Office maintains a conflicts list that I regularly update with financial conflicts. Additionally, I have recused myself from the following cases, pursuant to 28 U.S.C. § 455, either by notice from the United States, based on prior involvement in the case or knowledge of the case gained while I was an Assistant United States Attorney, or sua sponte:

Alvarez v. United States, Case No. 6:20-cv-1776 (M.D. Fla.)
Amodeo v. United States, Case No. 6:18-cv-316 (M.D. Fla.)
Barbati v. Flowers, Case No. 6:21-cv-1362 (M.D. Fla.)
Barbati v. Scarborough et al., Case No. 6:23-cv-538 (M.D. Fla.)
Bruso v. Merit Systems Protection Board, Case No. 6:19-cv-1987 (M.D. Fla.)
Reyes v. Florida A&M University Board of Trustees, Case No. 6:22-cv-1525 (M.D. Fla.)
Reyes-Castillo v. United States, Case No. 6:18-cv-1228 (M.D. Fla.)
Riley v. United States, Case No. 6:19-cv-69 (M.D. Fla.)
Rivera v. United States, Case No. 6:19-cv-209 (M.D. Fla.)
Rodriguez-Ruiz v. United States, Case No. 6:19-cv-260 (M.D. Fla.)
Scott v. United States, Case No. 6:20-cv-1057 (M.D. Fla.)
Smith v. Florida Agricultural & Mechanical University Board of Trustees, Case No. 6:24-cv-457 (M.D. Fla.)
United States v. Almeida et al., Case No. 6:19-cr-254 (M.D. Fla.)
United States v. Alvarez, Case No. 6:19-cr-65 (M.D. Fla.)
United States v. Bentley et al., Case No. 6:18-cr-246 (M.D. Fla.)
United States v. Carrasquillo et al., Case No. 6:19-cr-66 (M.D. Fla.)
United States v. Dupre, Case No. 6:19-cr-13 (M.D. Fla.)
United States v. Freeney, Case No. 6:19-cr-136 (M.D. Fla.)
United States v. Garrett, Case No. 6:8-cr-21 (M.D. Fla.)
United States v. Gonzalez et al., Case No. 6:19-cr-93 (M.D. Fla.)
United States v. Lopez Almeida, Case No. 6:19-cr-28 (M.D. Fla.)
United States v. Molina-Quinones, Case No. 6:18-cr-75 (M.D. Fla.)
United States v. Palmer, Case No. 6:18-cr-12 (M.D. Fla.)
United States v. Patel, Case No. 6:24-cr-93 (M.D. Fla.)
United States v. Reed, Case No. 6:15-cr-162 (M.D. Fla.)
United States v. Tillman et al., Case No. 6:14-cr-110 (M.D. Fla.)

I declined to recuse myself in the following cases because there was no statutory or ethical basis to do so:

Deppe v. Sovinski et al., Case No. 6:23-cv-1484 (M.D. Fla.). The pro se plaintiff sought my recusal because he believed that his motions were not being ruled upon quickly enough. I declined to recuse myself, citing case law that establishes that dissatisfaction with rulings is an insufficient basis for recusal.

Konieczko et al. v. Orange County et al., Case No. 6:23-cv-2109 (M.D. Fla.). The pro se plaintiffs filed a motion seeking my recusal because I denied their motion for a temporary restraining order. I declined to recuse myself, citing case law that establishes that dissatisfaction with rulings is an insufficient basis for recusal.

Simpson v. U.S. Government et al., Case No. 6:22-cv-66 (M.D. Fla.). The pro se plaintiff filed a motion seeking my recusal because he was suing the United States and I had been employed as an Assistant United States Attorney at the time the underlying events occurred. I declined to recuse myself because the underlying events involved the Department of Veterans Affairs, and I had no involvement with the events at that agency or decisions concerning those events.

Taveras et al. v. Bank of America, N.A., et al., Case No. 6:21-cv-189 (M.D. Fla.). The pro se plaintiffs filed a motion seeking my recusal because they believed that defendants were attempting to delay the proceedings and that rulings were not being issued quickly enough. I declined to recuse myself, citing case law that establishes that dissatisfaction with rulings is an insufficient basis for recusal. Plaintiffs subsequently filed a motion seeking my recusal because of my past employment with Williams & Connolly LLP, arguing that the firm's representation of financial institutions presented a conflict. I declined to recuse myself, citing case law and noting that I had not been employed by the firm during the time period at issue.

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

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

None.

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

None.

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

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

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

From 2008 to 2009, I served as a law clerk to the Honorable Roger L. Gregory of the United States 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;

2009 – 2014
Williams & Connolly LLP
680 Maine Avenue, Southwest
Washington, DC 20024
Associate Attorney

2014 – 2019
United States Attorney's Office for the Middle District of Florida
400 West Washington Street
Suite 3100
Orlando, Florida 32801
Assistant United States Attorney

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 never served as a mediator or arbitrator except in my capacity as a United States Magistrate Judge.

b. Describe:

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

In 2009, following my clerkship, I joined Williams & Connolly LLP as an associate attorney. I litigated a variety of complex federal and state civil cases. I also represented a pro bono client in two jury trials and argued a direct appeal before the Maryland Court of Special Appeals.

In 2014, I joined the United States Attorney's Office for the Middle District of Florida as an Assistant United States Attorney. I investigated and prosecuted individuals for violations of federal criminal law, including public corruption, wire and mail fraud, financial crimes, violent crimes, crimes against children, and narcotics importation and distribution. For cases in which appeals were filed, I worked closely with attorneys in the office's appellate division to assist them with the factual record and the arguments made at the trial level. I typically reviewed each appellate brief prior to filing and provided feedback to the appellate attorney regarding the factual and legal arguments presented.

In 2019, I was appointed as a United States Magistrate Judge for the Middle District of Florida.

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

At Williams & Connolly, my clients were typically corporations, but I also represented individuals in both civil and criminal matters on a pro-bono basis. As an Assistant United States Attorney, my client was the United States.

- 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.

Prior to my appointment to the bench, 100 percent of my practice was in litigation. As an Assistant United States Attorney from 2014 to 2019, I appeared in federal court frequently (typically multiple times per week). As an associate attorney from 2009 to 2014, approximately half of my appearances were in federal court.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 80%
 - 2. state courts of record: 19%
 - 3. other courts: 0%
 - 4. administrative agencies: 1%
- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 50%
 - 2. criminal proceedings: 50%

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

I tried 15 cases to verdict, judgment, or final decision. I served as sole counsel in nine of these proceedings, chief counsel in three, and associate counsel in three. Additionally, as a prosecutor, I charged hundreds of cases that resulted in a guilty plea without a trial, and as an associate attorney, I briefed and argued a criminal appeal.

- i. What percentage of these trials were:
- | | |
|--------------|-----|
| 1. jury: | 80% |
| 2. non-jury: | 20% |

- 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 did not practice 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:

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

- United States v. Conage*, Case No. 6:17-cr-28-Orl-18GJK (M.D. Fla.), *certifying question*, 976 F.3d 1244 (11th Cir. 2020), *answering certified question*, 346 So. 3d 594 (Fla. 2022), and *aff'd*, 50 F.4th 81 (11th Cir. 2022)

This case involved the prosecution of an individual with a lengthy criminal history for dealing multiple types of narcotics from an apartment complex while armed. The defendant was convicted after a trial and sentenced to 15 years of imprisonment. The case presented the novel legal question of whether Florida's cocaine trafficking statute, which

included “purchasing” as an element, qualified as a “serious drug offense” for the Armed Career Criminal Act. Due to the number of defendants charged under the statute, “the significance of the answer to this question [was] enormous.” *United States v. Conage*, 976 F.3d 1244, 1248 (11th Cir. 2020). The U.S. Court of Appeals for the Eleventh Circuit certified to the Florida Supreme Court the question of whether “purchasing” under the Florida statute necessarily entailed the manufacture, distribution, or possession with the intent to distribute a controlled substance under federal law, which was necessary to qualify as a serious drug offense. The Florida Supreme Court answered that question in the affirmative, and the Eleventh Circuit affirmed the defendant’s conviction.

I made the initial legal argument at the trial level and consulted extensively with the appellate division of the U.S. Attorney’s Office during the drafting and filing of the initial appeal.

Dates of Representation: 2017 – 2019

Judge and Court: Hon. G. Kendall Sharp, U.S. District Court for the Middle District of Florida

Opposing Counsel

Alisha Marie S. Nair
Consumer Financial Protection Bureau
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2. *United States v. Alvarez-Rodriguez et al.*, Case No. 6:17-cr-87-Orl-37DCI (M.D. Fla.)

This investigation involved a conspiracy among several individuals who were shipping dozens of kilograms of cocaine from Puerto Rico to the Orlando area and then distributing the drugs in the Orlando area. After months of investigation, including court-authorized wiretaps, agents with the Drug Enforcement Administration seized several kilograms of cocaine and fentanyl, as well as firearms and ammunition used in furtherance of the conspiracy. I was the sole prosecutor on the case, and was responsible for obtaining the wiretaps, search warrants, criminal complaints, indictment, and plea agreements. All defendants pleaded guilty and received sentences ranging from 32 to 168 months of imprisonment.

Dates of Representation: 2016 – 2017

Judge and Court: Hon. Roy B. Dalton, Jr., U.S. District Court for the Middle District of Florida

Opposing Counsel

Sandra Lee Woodall (for Alvarez-Rodriguez)
Office of the State Attorney

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John Christopher Notari (for Jackson)
Sigman, Sigman, Notari & Sigman
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Tim Bower-Rodriguez (for Desue)
Tim Bower Rodriguez, P.A.
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Fletcher Law Firm
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(407) 971-4727

3. *United States v. Taylor*, Case No. 6:17-cr-64-Orl-41GJK (M.D. Fla.)

This was a public corruption prosecution of a member of the Florida House of Representatives who misappropriated a significant amount of campaign contributions for his personal use. I worked with agents from the Federal Bureau of Investigation to investigate the case, and I was lead co-counsel on the case with another Assistant United States Attorney. The case proceeded to a trial before a jury, and I was responsible for the direct examination of several witnesses and closing argument. The jury returned a guilty verdict, and the defendant was sentenced to 13 months of imprisonment. On appeal, the U.S. Court of Appeals for the Eleventh Circuit affirmed the conviction.

Dates of Representation: 2016 – 2017

Judge and Court: Hon. Carlos E. Mendoza, U.S. District Court for the Middle District of Florida

Co-counsel

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U.S. Attorney's Office
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(407) 648-7500

Opposing Counsel

A. Brian Phillips
A. Brian Phillips, PA
912 Highland Avenue
Orlando, FL 32803
(407) 872-0777

4. *United States v. Hampton et al.*, Case Nos. 6:16-cr-00232-Orl-22TBS, 6:16-cr-00233-22GJK, 6:16-cr-00234-Orl-22KRS, 6:16-cr-00235-Orl-22KRS, 6:16-cr-00245-Orl-22KRS (M.D. Fla.)

This was a long-term investigation involving court-authorized wire interceptions that targeted the Oviedo Soldiers drug trafficking organization in central Florida. The organization distributed heroin, cocaine, and other narcotics, and was the source of several violent crimes in the area. During the investigation, agents recovered multiple firearms and narcotics. I was the sole prosecutor on the cases, and was responsible for obtaining the wiretaps, search warrants, criminal complaints, and plea agreements. All defendants pleaded guilty and received sentences ranging from 37 to 90 months of imprisonment. I received the FBI Director's Award for this investigation.

Dates of Representation: 2016 – 2017

Judge and Court: Hon. Anne C. Conway, U.S. District Court for the Middle District of Florida

Opposing Counsel

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Law Office of Corey I. Cohen, PA
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Debra L. Ferwerda (for Dellafield)
Jacobson, Chmelir & Ferwerda
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Federal Public Defender's Office
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Charles E. Taylor, Jr. (for Materazzi)
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Clearwater Business Law
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(727) 314-3865

5. *United States v. Medvednik et al.*, Case No. 6:15-cr-00152-Orl-37GJK (M.D. Fla.)

This investigation targeted Larex, Inc., a commercial truck driving school that marketed itself online to Russian speakers. Individuals residing out of state seeking to obtain Florida commercial driver licenses ("CDLs") contacted Larex's owner, Medvednik, to arrange for Larex's services. Those individuals then traveled to Florida to obtain their CDLs with the intention of returning to their home states immediately afterward. However, to obtain a Florida CDL, an individual must first possess a Florida driver license. The State of Florida restricts its driver licenses and CDLs to Florida residents. The Larex conspirators provided false residency documentation to allow the individuals to obtain Florida driver licenses.

Larex also assisted the students with additional requirements for obtaining a CDL. For instance, one co-conspirator, using covert communication equipment, provided answers to the students during the written portion of the CDL exam, the successful completion of which led to the issuance of a commercial learner's permit.

I was the sole prosecutor on the case, and none of the individuals charged went to trial. I was responsible for authorizing the undercover investigation, obtaining the search warrant, filing the criminal complaint, obtaining the indictment, and negotiating the plea agreements. I voluntarily dismissed charges against one individual once additional information came to light regarding that person's involvement. The remaining individuals received sentences ranging from 6 to 12 months of imprisonment. Moreover, as a result of this investigation and to ensure the public's safety, the State of Florida required

hundreds of CDL holders associated with Larex and its affiliates to be retested to ensure that they were properly certified.

Dates of Representation: 2015 – 2016

Judge and Court: Hon. Roy B. Dalton, Jr., U.S. District Court for the Middle District of Florida

Opposing Counsel

Elon Berk (for Medvednik and Dontsova)
Gurovich, Berk & Associates, APC
15250 Ventura Boulevard
Suite 1220
Sherman Oaks, CA 91403
(818) 205-1555

A. Mauricio Hued (for Salari)
Hued & Valedon, PA
555 Winderley Place
Suite 300
Maitland, FL 32751
(407) 374-2900

Daniel W. Perry (for Davis)
Law Office of Daniel Perry
4767 New Broad Street
Suite 1007
Orlando, FL 32814
(407) 894-9003

6. *United States v. Guite*, Case No. 6:14-cr-00265-Orl-37GJK (M.D. Fla.)

This was an investigation of a parent who molested and distributed explicit images of his young children. The investigation began when an FBI task force officer, acting in an undercover capacity, posted an advertisement on a website frequented by individuals who have a sexual interest in children and incest. Guite responded to the advertisement and, during the ensuing conversation, sent the agent sexually explicit images of a young boy.

Subsequently, FBI agents executed a federal search warrant at Guite's residence. During an interview, he admitted to manufacturing, possessing, and distributing sexually explicit images of minor children. A search and subsequent analysis of Guite's smart phone and computer revealed hundreds of sexually explicit images and videos of young children. I was responsible for obtaining the search warrants, filing the criminal complaint, obtaining the indictment, and negotiating the plea agreement. I also worked with the office's victim-witness coordinator to assist the victims. The defendant was sentenced to

65 years of imprisonment. On appeal, the U.S. Court of Appeals for the Eleventh Circuit affirmed the conviction.

Dates of Representation: 2014 – 2015

Judge and Court: Hon. Roy B. Dalton, Jr., U.S. District Court for the Middle District of Florida

Opposing Counsel

Angela Parrott (retired)

7. *Lehman Brothers Holdings Inc. v. Intel Corp.*, Case No. 1:13-ap-01340 (Bankr. S.D.N.Y.)

In this case, Williams & Connolly LLP represented Intel Corp. in a matter arising from the 2008 financial crisis. Specifically, the case involved an agreement by which Lehman would execute a stock repurchase on behalf of Intel in 2008. However, the financial collapse occurred in the midst of the transaction, and Intel claimed that Lehman owed the \$1 billion that Intel prepaid Lehman to engage in the transaction. Ultimately, the case settled following proposed findings of fact and conclusions of law by the bankruptcy judge in favor of Intel. I was an associate on the case from approximately 2010 through 2014, and I was involved in all aspects of the case until my departure from the firm, including drafting and responding to discovery requests, preparing witnesses for depositions, and drafting discovery motions.

Dates of representation: approximately 2010 – 2014

Judge and Court: Hon. Shelley C. Chapman, U.S. Bankruptcy Court for the Southern District of New York

Co-counsel

John Buckley, Jr.
Craig Singer
Edward Barnidge
David Kurtzer-Ellenbogen
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(202) 434-5000

James Weingarten
Federal Trade Commission
600 Pennsylvania Avenue, Northwest
Washington, DC 20580
(202) 326-3570

Opposing Counsel

Jayant Tambe
Robert Gaffey
Jones Day
250 Vesey Street
New York, NY 10281
(212) 326-3939

8. *AM General LLC v. BAE Systems, Inc.*, Case No. 71D07-0907-PL00195 (Super. Ct. St. Joseph Cnty. Ind.)

Williams & Connolly LLP represented AM General, a government contractor and manufacturer of the HMMWV (“Humvee”), which sued BAE Systems for breach of a contract related to the provision of vehicles to the Department of Defense. BAE Systems filed a counterclaim alleging that AM General violated certain trade secrets. After a month-long bench trial, AM General prevailed on both issues and was awarded \$277 million. As an associate, I worked on all aspects of the litigation, including taking and defending depositions, responding to discovery requests, drafting dispositive motions, preparing witnesses for trial, and presenting argument before the court.

Dates of representation: approximately 2010 – 2013

Judge and Court: Hon. Michael Scopelitis, Superior Court, St. Joseph County, Indiana

Co-Counsel

David E. Kendall
J. Andrew Keyes
C. Bryan Wilson
Williams & Connolly LLP
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Washington, DC 20024
(202) 434-5000

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Fluet
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Tysons, VA 22102
(703) 590-1234

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Morrison Foerster
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(415) 268-6080

Opposing Counsel

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Jonathan E. Paikin
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(202) 663-6000

Danielle Conley
Latham & Watkins
555 Eleventh Street, Northwest
Suite 1000
Washington, DC 20004
(202) 637-1068

9. *Maryland v. Ramos*, Case Nos. 121414C, 121559C (Cir. Ct. Montgomery Cnty. Md.)

I was appointed to be an assistant public defender in Montgomery County, Maryland, as part of a pro-bono partnership with Williams & Connolly. I, along with another associate at the firm, represented an individual who faced two sets of charges. For each case, we conducted an investigation, filed pretrial motions, and argued the motions at pretrial hearings. Thereafter, we represented our client during two consecutive jury trials. My co-counsel and I split first-chair duties evenly. In the first case, Mr. Ramos was charged with conspiracy to commit armed robbery and second-degree assault. The jury acquitted him of both charges. In the second case, Mr. Ramos was charged with possession of narcotics with intent to distribute, possession of a controlled substance, failure to obey a reasonable and lawful order, and possession of drug paraphernalia. The second jury acquitted him of all charges except failure to obey a lawful order, for which he received a sentence of time served.

Dates of Representation: 2012 – 2013

Judge and Court: Hon. Richard E. Jordan, Circuit Court for Montgomery County, Maryland

Co-counsel

Geoffrey Starks
Federal Communications Commission
45 L Street, Northeast
Washington, DC 20554
(202) 418-2500

Opposing Counsel

Jeffrey Wennar (retired)

10. *Elavon, Inc. v. Wachovia Corp., et al.*, Case No. 1:09-cv-139-ODE (N.D. Ga.)

In this case, Williams & Connolly LLP represented merchant processor Elavon, Inc., in its lawsuit against Wachovia Bank for breach of contract and tortious interference related to its merger with Wells Fargo Bank. The case involved significant discovery and extensive motions practice before the court, including a motion to dismiss, motions for summary judgment, and motions in limine. I was an associate on the case from approximately 2010 through 2011, and was involved in all aspects of its litigation, including drafting and responding to discovery requests, preparing witnesses for deposition and trial, and drafting dispositive and pretrial motions. The case ultimately settled on the eve of trial.

Dates of representation: approximately 2010 – 2011

Judge and Court: Hon. Orinda D. Evans, U.S. District Court for the Northern District of Georgia

Co-counsel

Bruce R. Genderson
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JAMS
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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.)

As an Assistant United States Attorney, most of my cases, including large drug-conspiracy investigations, did not progress to trial even though charges were filed. Yet those investigations had significant impacts on the local community.

As a United States Magistrate Judge, I handle matters concerning all stages of litigation, but I find settlement conferences to be among the most important and most rewarding of my duties, particularly if they involve parties with limited resources who might otherwise find themselves owing significant amounts of attorneys' fees. I also sit on the Middle District of Florida's Bench-Bar Fund Committee, which provides funding for programs that benefit the District's bar and those that provide educational opportunities to attorneys and students. Additionally, I frequently present to the local chapters of the Federal Bar Association, National Bar Association, and American Inns of Court regarding federal practice and professionalism.

I have not performed any lobbying activities or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Federal Practice, Spring Semesters 2022, 2023, and 2024, Florida A&M University College of Law – This course was a procedural overview of civil and criminal litigation in federal courts, including federal laws, regulations, rules, and policies. Students met weekly in my courtroom and were able to observe civil and criminal hearings, and we discussed many of the recurring issues that arise during litigation. I also arranged for panels with judges and practitioners so that we could discuss practical and ethical

considerations facing civil litigators, prosecutors, criminal defense attorneys, and judges. Syllabi for 2022, 2023, and 2024 supplied.

Crime and Punishment, Fall Semester 2007, Yale University – Under the direction of Professor Gregory Huber, I taught a small-group section of Crime and Punishment to undergraduates. The course examined political philosophers, politicians, and academics who have helped to shape the modern criminal justice system. Syllabus supplied.

Moral Foundations of Politics, Spring Semester 2008, Yale University – Under the direction of Professor Ian Shapiro, I taught a small group section of the Moral Foundations of Politics, which was a survey course in political philosophy. Syllabus supplied.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

None.

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

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.

If confirmed, I would continue to follow the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical laws, rules, or canons. I would continue to recuse myself from all cases and matters of which I had knowledge that were pending before the United States Attorney's Office for the Middle District of Florida at the time I left that office in 2019. Additionally, my spouse is employed by a private company. I would recuse myself from any matters involving that company and its affiliates.

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

If confirmed, I would continue to evaluate and resolve any potential conflict of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical laws, rules, or canons.

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.

I have served the public as a United States Magistrate Judge from 2019 to the present, and during my tenure as a federal prosecutor from 2014 to 2019. In those roles, I am and was unable to take on direct pro bono representations. However, I frequently speak at local schools about the role of the judiciary and participate in bar association programs to educate lawyers regarding federal court practice. While in private practice, I represented indigent persons in criminal, civil, and post-conviction review cases.

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 January 22, 2024, I was contacted by the White House Counsel's Office about my interest in an upcoming vacancy on the U.S. Court of Appeals for the Eleventh Circuit. On January 24, 2024, I interviewed with attorneys from the

White House Counsel's Office. On March 18, 2024, I had a follow-up meeting with attorneys from the White House Counsel's Office. Since March 18, 2024, 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.