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October 14, 2021

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The Honorable Richard Durbin, Chair
The Honorable Charles Grassley, Ranking Member
U.S. Senate Committee on the Judiciary
UNITED STATES SENATE
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Nomination of Judge Jennifer L. Thurston to the
U.S. District Court, Eastern District of California

Dear Senator Durbin and Senator Grassley:

In consideration of the confirmation of Jennifer L. Thurston for her judicial appointment to the District Court for the Eastern District of California, I am writing this letter to assist you in your evaluation of her. As you can see from my remarks below, I have extensive experience in her courtroom as a practicing civil attorney representing both plaintiffs and defendants. It is true that I have pending cases before her currently, but that fact has absolutely no impact on my remarks below and why I feel we need more jurists like her. I am a 43+ year litigator and have practiced extensively in the federal system. I have tried cases before many judges, but find Judge Thurston to be exceptional. I see her nomination as a win for all litigants and STRONGLY encourage her appointment.

When I learned of Judge Thurston's application from some friends of mine, I wrote the following and asked them to pass my remarks on to anyone who could assist Judge Thurston in her appointment as a District Court judge:

I was so pleased to hear about Jennifer Thurston and her potential elevation to the District Court level. This would be a no brainer in my view. As a member of the American College and ABOTA, I can honestly say without any hesitation that she is the best trial judge I have ever been before. I do not make this statement lightly. Since 1975 as a certified law student, I have tried to verdict well over 150 jury trials, with most of them being civil cases either as plaintiffs' counsel or defense counsel. I am what I call a "blended trial lawyer," meaning I have had the good fortune of not being limited to either plaintiff or defense cases. I have handled civil cases on each

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side of the courtroom. In addition, my cases have been varied involving environmental, civil rights, employment, insurance bad faith, motor vehicle, premises tort liability, medical malpractice, business litigation, etc. I have also had the great privilege of having these cases tried in state and federal courts throughout California and other states.

With this said, I believe that I and my partner, Heather Cohen, have probably tried more cases before Jennifer Thurston than any other practicing lawyer(s). I would estimate that we have tried at least ten (10) jury trials to verdict with her as the presiding judge. I have tried plaintiffs' cases and defense cases before her. I have always found her prepared, knowledgeable and well-reasoned. Her demeanor is also exceptional. She is firm in her decisions and can fairly control the process effectively. I have always found her to be fair and respectful to all parties. When it comes to civil rights litigation, she is exceptionally knowledgeable and sensitive to the issues presented.

There is something else that I would like to add to my comments about Jennifer Thurston that goes directly to her commitment to the judicial process. I recall a fiercely litigated insurance bad faith case I had before her in which I served as plaintiffs' counsel. When the case came up for trial, her Bakersfield courtroom was not available. Instead of continuing the case, and without any request from counsel, she decided to move the case to Fresno where there was an available courtroom and for two weeks, she lived out of a hotel room in order to get the case tried with a jury. To me, this was absolute proof of her commitment as a judge and her desire to serve all litigants.

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In terms of her integrity, she is fair and honest in her rulings which are based on law and fact. She is brave and does not "pull any punches" in her rulings. At the same time, she is courteous and sensitive to the needs of all litigants that come before her. I have never seen or experienced any conduct by her that would come close to being defined as arrogant, demeaning, or condescending.

In conclusion, I would strongly recommend Jennifer Thurston's confirmation to the United States District Court, Eastern District of California, and would be happy to answer any questions the Committee may have.

Thank you.

Very truly yours,

MARDEROSIAN & COHEN

A handwritten signature in blue ink, appearing to read "M. Marderosian", with a stylized flourish at the end.

Mick Marderosian

MGM:kf