

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Salvador Mendoza, Jr.

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

United States Circuit Judge for the Ninth 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.

Office: United States District Court for the Eastern District of Washington
Richland United States Courthouse & Federal Building
825 Jadwin Avenue, Suite 190
Richland, Washington 99352

Residence: West Richland, Washington

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

1971; Pacoima, California

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.

1994 – 1997, University of California, Los Angeles School of Law; J.D., 1997

1990 – 1994, University of Washington; B.A., 1994

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

2014 – present

United States District Court for the Eastern District of Washington

Richland United States Courthouse & Federal Building
825 Jadwin Avenue, Suite 190
Richland, Washington 99352
United States District Judge

2013 – 2014

Benton & Franklin Counties Superior Court
Benton County Justice Center
Superior Court Administration Office
7122 West Okanogan Place, Building A
Kennewick, Washington 99336
Franklin County Courthouse
Superior Court Administration Office
1016 North Fourth Avenue
Pasco, Washington 99301
Superior Court Judge

2006 – 2013

Benton County District Court
Benton County Justice Center
District Court Administration Office
7122 West Okanogan Place, Building A
Kennewick, Washington 99336
District Court Judge Pro Tempore

2002 – 2013

Franklin County District Court
Franklin County Courthouse
District Court Administration Office
1016 North Fourth Avenue
Pasco, Washington 99301
District Court Judge Pro Tempore

2002 – 2013

Benton-Franklin Counties Juvenile Court
Benton-Franklin Counties Juvenile Justice Center
5606 West Canal Drive
Kennewick, Washington 99336
Juvenile Court Judge Pro Tempore

2002 – 2013

City of Pasco Municipal Court
1016 North Fourth Avenue
Pasco, Washington 99301
Municipal Court Judge Pro Tempore

2002 – 2013

Mendoza & Johnson, P.S. (formerly Mendoza Law Office, P.S.)
7135 West Hood Place
Kennewick, Washington 99336
President

1999 – 2002

Haney & Mendoza, P.S. (formerly Mendoza Law Office)
7025 West Grandridge Boulevard, Suite B1
Kennewick, Washington 99336
Vice President (2001 – 2002)
Solo Practitioner (1999 – 2001)

1998 – 1999

Franklin County Prosecuting Attorney's Office
1016 North Fourth Avenue
Pasco, Washington 99301
Deputy Prosecuting Attorney

Summer 1996, 1997 – 1998

Office of the Washington State Attorney General
1433 Lakeside Court, Suite 102
Yakima, Washington 98901
Assistant Attorney General (1997 – 1998)
Legal Intern (Summer 1996)

Summer 1995

United Farm Workers of America
29700 Woodford-Tehachapi Road
Keene, California 93531
Legal Intern

Other affiliations (uncompensated unless otherwise indicated):

1999 – present

Mendoza Holdings, Inc.
7135 West Hood Place
Kennewick, Washington 99336
Governor (100% profit share)

2011 – 2013

Columbia Basin College
2600 North 20th Avenue
Pasco, Washington 99301
Board of Trustees

2011 – 2013
Tri-Cities Hispanic Chamber of Commerce
1600 North 20th Avenue, Suite D3
Pasco, Washington 99301
Advisor to Board of Directors

2007 – 2013
Benton & Franklin Counties Circle of Hope Foundation for Drug Courts
5606 West Canal Place, Suite 106
Kennewick, Washington 99336
Board of Directors

2009 – 2011
United Way of Benton & Franklin Counties
401 North Young Street
Kennewick, Washington 99336
Board of Directors

2002 – 2011
Benton-Franklin Legal Aid Society
418 North Kellogg Street
Kennewick, Washington 99336
Board of Directors

2009 – 2010
Mendoza Farms, Inc.
7135 West Hood Place
Kennewick, Washington 99336
Governor (100% profit share)

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.

Columbia Basin College, Martin Luther King, Jr. Spirit Award (2016)

Washington State Minority & Justice Commission, Tri-Cities Youth & Justice Forum Award (2013)

Tri-Cities Hispanic Chamber of Commerce, Leadership Award (2013)

Benton-Franklin Legal Aid Society, Award for Outstanding Service (2002, 2011)

Benton-Franklin Legal Aid Society, Certificate of Thanks (2009)

La Voz Newspaper, Community Leadership Award (2008)

Super Lawyers, Rising Star: Washington Law & Politics (2004)

University of California, Los Angeles School of Law, Public Interest Grant (1995)

Council on Legal Education Opportunity, Fellowship (1994)

American University, Minority Leaders Fellowship (1993)

University of Washington, Alumni Board Scholarship (1993)

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.

Benton Franklin Bar Association

Federal Civil CLE Planning Committee (2014 – present)

Federal Criminal CLE Planning Committee (2021 – present)

Benton-Franklin Legal Aid Society

Board of Directors (2002 – 2011)

Federal Bar Association of the Eastern District of Washington

Chair (2012 – 2013)

Lawyer Representative to Ninth Circuit Judicial Conference (2010 – 2013)

Leadership Tri-Cities

Law Enforcement & The Justice System (2006, 2009 – 2012)

MacArthur Foundation Models for Change Initiative for Juvenile Justice

Latino Community Leadership Committee, Chair (2010 – 2011)

Tri-Cities CJA Attorneys

Training Coordinating Committee (2009 – 2013)

United States District Court for the Eastern District of Washington

CJA Appeal Panel (2016, 2017)

Community Defender Organization Evaluation Committee

Chair (2022)

Member (2014, 2018)
Court Interpreter Selection Committee (2020)
Jury Trial Committee
Chair (2020 – present)
Member (2015 – 2019)
Magistrate Judge Selection Committee (2007, 2015, 2021, 2022)

Washington State Bar Association

Washington State Minority & Justice Commission
Tri-Cities Youth & Justice Forum Organizing Committee (2005 – present)

We the People Constitutional Law Competition
Volunteer Judge (2007, 2008, 2009)

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.

Washington, 1997

There have been no lapses in membership. My membership has been in “judicial status” since I became a judge in 2013.

- 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 Eastern District of Washington, 1999
United States District Court for the Western District of Washington, 2008
Washington, 1997

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.

Benton & Franklin Counties Circle of Hope Foundation for Drug Courts

Board of Directors (2007 – 2013)

Christ the King School

Sausage Fest Fundraiser, Pop Wagon Co-Chair (2012 – present)

Columbia Basin College

Board of Trustees (2011 – 2013)

Tri-Cities Hispanic Chamber of Commerce

Advisor to Board of Directors (2011 – 2013)

United Way of Benton & Franklin Counties

Board of Directors (2009 – 2011)

- 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 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.

12. Published Writings and Public Statements:

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

Letter to the Editor: Comforting Support, Tri-City Herald (Nov. 22, 2012). Copy supplied.

Letter to the Editor: District Court: Ekstrom, Tri-City Herald (Oct. 13, 2010). Copy supplied.

Letter to the Editor: KSD: Kintzley, Tri-City Herald (Oct. 7, 2009). Copy supplied.

Right Time. Right Place. Right Person., mendozaforjudge.com (2008). Copy supplied.

Candidate Statement, Washington State Voter's Guide (2008). Copy supplied.

When Maria Speaks Spanish: Hernandez, the Ninth Circuit and the Fallacy of Race Neutrality, 18 *Chicano-Latino L. Rev.* 193 (1996). Copy supplied.

With Carmen Santana, *Foreword*, 18 *Chicano-Latino L. Rev.* vi (1996). 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.

In 2002, I helped create the first drug court for juvenile offenders in Washington State's Benton and Franklin Counties. As part of that work, I assisted in the development of the court's policies and procedures manual. Copy supplied.

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

On March 12, 2014, I testified at my confirmation hearing before the United States Senate's Judiciary Committee to be a United States District Judge for the Eastern District of Washington. I also answered written Questions for the Record. Video of the hearing is available at <https://www.judiciary.senate.gov/meetings/nominations-2014-03-12> and a copy of my responses to the written questions is supplied.

From 2011 to 2013, I served on the Columbia Basin College Board of Trustees. As a trustee, I regularly participated in and made comments at the board's monthly meetings. Minutes from the meetings in which I participated are supplied:

Board Meeting (May 13, 2013). Minutes supplied.

Board Meeting (Mar. 11, 2013). Minutes supplied.

Board Meeting (Feb. 11, 2013). Minutes supplied.

Board Meeting (Jan. 14, 2013). Minutes supplied.

Board Meeting (Dec. 10, 2012). Minutes supplied.

Board Meeting (Aug. 10, 2012). Minutes supplied.

Board Meeting (Apr. 16, 2012). Minutes supplied.

Board Meeting (Feb. 13, 2012). Minutes supplied.

Board Meeting (Jan. 9, 2012). Minutes supplied.

Board Meeting (Dec. 12, 2011). Minutes supplied.

Board Meeting (Nov. 14, 2011). Minutes supplied.

Board Meeting (Oct. 3, 2011). Minutes supplied.

- 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.

October 22, 2021: Keynote Speaker, Tri-Cities Hispanic Chamber of Commerce, Pasco, Washington. I spoke about my path to becoming a state and federal judge. I have no notes, transcript, or recording. The address for the Tri-Cities Hispanic Chamber of Commerce is 1600 North 20th Avenue, Suite D, Pasco, Washington 99301.

September 28, 2021: Panelist, Brown Bag Presentation in Honor of Hispanic & Latinx Heritage Month, United States Court of Appeals for the Ninth Circuit (virtual). Video available at <https://www.youtube.com/watch?v=uoXvZZ1s3qA>.

July 1, 2021: Keynote Speaker, Naturalization Ceremony, United States Citizenship & Immigration Services, Richland, Washington. I gave congratulatory remarks to new U.S. citizens. I have no notes, transcript, or recording. The address for United States Citizenship & Immigration Services is 415 North Third Street, Yakima, Washington 98901.

June 11, 2021: Speaker, University of Washington Department of Philosophy Graduation, Seattle, Washington. Video available at <https://www.youtube.com/watch?v=X8H28WkGZg8entry>.

May 14, 2021: Co-Presenter, Cases and Rules Update, Federal Civil Trial Practice

Seminar, Benton-Franklin County Bar Association (virtual). Presentation and accompanying materials supplied.

February 27, 2021: Keynote Speaker, Virtual Conference, Washington State TRIO Association (virtual). I discussed my path to the bench and encouraged students to pursue their goals. I have no notes, transcript, or recording. The Washington State TRIO Association has no physical address.

January 18, 2021: Speaker, Martin Luther King, Jr. Virtual Celebration, Columbia Basin College (virtual). Video available at <https://www.youtube.com/watch?v=j-8zLz0BHYM>.

November 18, 2020: Presenter, Naturalization Ceremony, United States Citizenship & Immigration Services, Richland, Washington. I administered the citizenship oath and gave brief congratulatory remarks. I have no notes, transcript, or recording. The address for United States Citizenship & Immigration Services is 415 North Third Street, Yakima, Washington 98901.

October 14, 2020: Panelist, An Overview on Seeking an Appointment/Election, The Judicial Institute, Yakima, Washington. I discussed my path to becoming a state and federal judge. I have no notes, transcript, or recording. The Judicial Institute has no physical address.

February 12, 2020: Tour Leader, Public Services Day, Leadership Prosser, Prosser Economic Development Association, Richland, Washington. I spoke to students about the work of the federal courts while giving them a tour of the federal courthouse in Richland, Washington. I have no notes, transcript, or recording. The address for the Prosser Economic Development Association is 236 Port Avenue, Suite A, Prosser, Washington 99350.

December 6, 2019: Presenter, Pro Bono or Low Bono in Federal Court, Attorney Appreciation Luncheon, Benton-Franklin County Bar Association, Kennewick, Washington. Presentation supplied.

November 5, 2019: Keynote Speaker, Naturalization Ceremony, United States Citizenship & Immigration Services, Richland, Washington. I gave congratulatory remarks to new U.S. citizens. I have no notes, transcript, or recording. The address for United States Citizenship & Immigration Services is 415 North Third Street, Yakima, Washington 98901.

July 26, 2019: Keynote Speaker, Washington Leadership Institute, Richland, Washington. I discussed my path from private practice to the state and federal benches. I have no notes, transcript, or recording. The address for the Washington Leadership Institute is University of Washington School of Law, William H. Gates Hall, Room 346, P.O. Box 353020, Seattle, Washington 98195.

May 17, 2019: Presenter, Navigating Peremptory Challenges in Federal and State Court, 13th Annual Federal Civil Trial Practice Seminar, Benton-Franklin County Bar Association, Richland, Washington. Presentation supplied.

March 29, 2019: Presenter, The 411 on Our District, Yakima County Bar Association, Yakima, Washington. Presentation and accompanying materials supplied.

September 28, 2018: Panelist, Bench Opinion, Federal Bar Association of the Eastern District of Washington, Spokane, Washington. The panel discussed tips for practicing before federal district courts. I have no notes, transcript, or recording. The address for the Federal Bar Association of the Eastern District of Washington is 422 West Riverside Avenue, Spokane, Washington 99201.

September 17, 2018: Keynote Speaker, Constitution Day Naturalization Ceremony, United States Citizenship & Immigration Services, Richland, Washington. I gave congratulatory remarks to new U.S. citizens. I have no notes, transcript, or recording. The address for United States Citizenship & Immigration Services is 415 North Third Street, Yakima, Washington 98901.

May 18, 2018: Presenter, Cases and Rules Update, 12th Annual Federal Civil Trial Practice Seminar, Benton-Franklin County Bar Association, Richland, Washington. Written materials supplied.

September 28, 2017: Co-Presenter, Defining Compensable Work in Washington State, Washington State Bar Association—Labor & Employment Law Section, Spokane, Washington. Presentation supplied.

September 18, 2017: Keynote Speaker, Naturalization Ceremony, United States Citizenship & Immigration Services, Richland, Washington. I gave congratulatory remarks to new U.S. citizens. I have no notes, transcript, or recording. The address for United States Citizenship & Immigration Services is 415 North Third Street, Yakima, Washington 98901.

August 18, 2017: Keynote Speaker, ¡Avanzando! Washington Hispanic Education Summit: Advancing Pathways from P-12 to College, Columbia Basin College, Pasco, Washington. I discussed my path to the bench and encouraged attendees to support students in reaching their goals. I have no notes, transcript, or recording. The address for Columbia Basin College is 2600 North 20th Avenue, Pasco, Washington 99301.

June 17, 2017: Panelist, Judge/Trustee Panel, 27th Annual Bankruptcy Seminar & Retreat, Eastern District of Washington Bankruptcy Bar Association, Winthrop, Washington. The panel discussed tips for practicing in federal courts. I have no notes, transcript, or recording. The address for the Eastern District of Washington Bankruptcy Bar Association is 1235 North Post Street, Suite Ten, Spokane,

Washington 99201.

June 16, 2017: Presenter, Becoming a Rockstar in Federal Court (Or At Least Getting a Little Bit Better): Practical Tips from the Bench, 27th Annual Bankruptcy Seminar & Retreat, Eastern District of Washington Bankruptcy Bar Association, Winthrop, Washington. I spoke about practicing before federal district courts. I have no notes, transcript, or recording. The address for the Eastern District of Washington Bankruptcy Bar Association is 1235 North Post Street, Suite Ten, Spokane, Washington 99201.

February 14, 2017: Presenter, Naturalization Ceremony, United States Citizenship & Immigration Services, Richland, Washington. I administered the citizenship oath and gave brief congratulatory remarks. I have no notes, transcript, or recording. The address for United States Citizenship & Immigration Services is 415 North Third Street, Yakima, Washington 98901.

December 2, 2016: Presenter, Federal Public Defense Anyone?, Benton County Office of Public Defense, Kennewick, Washington. I discussed the growing need for public defenders in federal court. I have no notes, transcript, or recording. The address for the Benton County Office of Public Defense is 7122 West Okanogan Place, Building A, Kennewick, Washington 99336.

November 5, 2016: Presenter, Richland United States Courthouse & Federal Building 50th Anniversary, United States General Services Administration, Richland, Washington. I welcomed attendees and spoke about the history of the Richland United States Courthouse & Federal Building. I have no notes, transcript, or recording. The address for the United States General Services Administration is 825 Jadwin Avenue, Richland, Washington 99352.

May 2, 2016: Presenter, Naturalization Ceremony, United States Citizenship & Immigration Services, Richland, Washington. I administered the citizenship oath and gave brief congratulatory remarks. I have no notes, transcript, or recording, but press coverage is supplied. The address for United States Citizenship & Immigration Services is 415 North Third Street, Yakima, Washington 98901.

March 30, 2016: Presenter, Advanced Placement U.S. Government & Politics Class, Chiawana High School, Pasco, Washington. I spoke to high school students about the role of and limits on federal courts in our system of government. I have no notes, transcript, or recording. The address for Chiawana High School is 8125 West Argent Road, Pasco, Washington 99301.

March 26, 2016: Guest Speaker, University of Washington Office of Minority Affairs & Diversity, Pasco, Washington. I spoke to students about my college experience and path to the federal bench. I have no notes, transcript, or recording. The address for the University of Washington Office of Minority Affairs & Diversity is 320 Mary Gates Hall, P.O. Box 352835, Seattle, Washington 98195.

January 18, 2016: Speaker, Martin Luther King, Jr. Spirit Award Recipient, Columbia Basin College, Pasco, Washington. Remarks and press coverage supplied.

November 17, 2015: Presenter, Naturalization Ceremony, United States Citizenship & Immigration Services, Richland, Washington. I administered the citizenship oath and gave brief congratulatory remarks. I have no notes, transcript, or recording. The address for United States Citizenship & Immigration Services is 415 North Third Street, Yakima, Washington 98901.

October 29, 2015: Presenter, Naturalization Ceremony, Judicial Institute for High School & Middle School Teachers, Spokane, Washington. Presentation supplied.

May 15, 2015: Co-Presenter, Federal Civil Trial Practice Seminar, Benton-Franklin County Bar Association, Richland, Washington. Presentation supplied.

March 10, 2015: Presenter, Naturalization Ceremony, United States Citizenship & Immigration Services, Richland, Washington. Video available at https://www.youtube.com/watch?v=e-R_eM63Gro.

February 6, 2015: Co-Presenter, Diversity Luncheon, Spokane County Bar Association, Spokane, Washington. Along with another federal judge, I discussed diversity in the Eastern District of Washington. I have no notes, transcript, or recording. The address for the Spokane County Bar Association is 1116 West Broadway Avenue, Spokane, Washington 99260.

January 14, 2015: Presenter, Housel Middle School, Prosser, Washington. I spoke with students about my path to the federal bench and encouraged them to pursue their goals. I have no notes, transcript, or recording. The address for Housel Middle School is 2001 Highland Drive, Prosser, Washington 99350.

December 9, 2014: Presenter, Naturalization Ceremony, United States Citizenship & Immigration Services, Richland, Washington. I administered the citizenship oath and gave brief congratulatory remarks. I have no notes, transcript, or recording. The address for United States Citizenship & Immigration Services is 415 North Third Street, Yakima, Washington 98901.

November 7, 2014: Keynote Speaker, Youth and Justice Forum, Washington State Minority & Justice Commission Administrative Office of the Courts, Pasco, Washington. I encouraged students to seek careers in the justice system. I have no notes, transcript, or recording. The address for the Washington State Minority & Justice Commission Administrative Office of the Courts is P.O. Box 41170, Olympia, Washington 98504.

September 19, 2014: Speaker, Swearing-In Ceremony for the Honorable Alex

Ekstrom, Benton & Franklin Counties Superior Court, Kennewick, Washington. I spoke about my experience working with Mr. Ekstrom in the Franklin County Prosecuting Attorney's Office. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Benton & Franklin Counties Superior Court is 7122 West Okanogan Place, Kennewick, Washington 99336.

August 1, 2014: Speaker, Swearing-In Ceremony for the Honorable Salvador Mendoza, Jr., United States District Court for the Eastern District of Washington, Richland, Washington. Video and press coverage supplied.

July 25, 2014: Speaker, Managing Your Career and Transitions, Washington Leadership Institute, Stevenson, Washington. I spoke about strategies for attorneys considering significant career transitions. I have no notes, transcript, or recording. The address for the Washington Leadership Institute is University of Washington School of Law, William H. Gates Hall, Room 346, P.O. Box 353020, Seattle, Washington 98195.

November 1, 2013: Speaker, Youth and Justice Forum, Washington State Minority & Justice Commission Administrative Office of the Courts, Pasco, Washington. I welcomed attendees and encouraged students to seek careers in the justice system. I have no notes, transcript, or recording. The address for the Washington State Minority & Justice Commission Administrative Office of the Courts is P.O. Box 41170, Olympia, Washington 98504.

October 18, 2013: Panelist, Washington State Minority Bar Association Conference, Washington State Bar Association, Seattle, Washington. Presentation supplied.

May 10, 2013: Presenter, Practice in Federal Court & Misdemeanor Criminal Convictions, Benton County Office of Public Defense, Kennewick, Washington. Presentation supplied.

May 6, 2013: Speaker, Swearing-In Ceremony, Benton & Franklin Counties Superior Court, Kennewick, Washington. I thanked family, friends, and colleagues for their support on my path to the bench. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Benton & Franklin Counties Superior Court is 7122 West Okanogan Place, Kennewick, Washington 99336.

May 6, 2013: Speaker, Meet and Greet with Judge Mendoza, Justice Gonzalez, and Justice McCloud, Latina/o Bar Association of Washington State, Kennewick, Washington. I answered questions about my background and legal experience. I have no notes, transcript, or recording. The address for the Latina/o Bar Association of Washington State is P.O. Box 21134, Seattle, Washington 98111.

December 2012 (specific date unknown): Speaker, Career in the Legal Field,

Delta High School, Richland, Washington. I spoke to students about careers in the legal field. I have no notes, transcript, or recording. The address for Delta High School is 901 Northgate Drive, Richland, Washington 99352.

2006, 2009 – 2012 (specific dates unknown): Panelist, Leadership Tri-Cities, Kennewick, Washington. On numerous occasions in 2006 and from 2009 to 2012, I participated in panels hosted by Leadership Tri-Cities about the justice system in Benton and Franklin Counties. I have no notes, transcripts, or recordings. The address for Leadership Tri-Cities is P.O. Box 4660, Kennewick, Washington 99336.

September 30, 2011: Moderator, Ethical Issues in Detecting and Disclosing Mental Health Impairment of Clients and Witnesses, Federal Bar Association of the Eastern District of Washington, Spokane, Washington. I moderated a panel about ethical issues for judges and lawyers that arise when litigants have mental health issues. I have no notes, transcript, or recording. The address for the Federal Bar Association of the Eastern District of Washington is 422 West Riverside Avenue, Spokane, Washington 99201.

June 3, 2011: Speaker, Starting and Managing a Law Practice, Washington Leadership Institute, Kennewick, Washington. I spoke about practical strategies for operating, managing, and financing a successful law practice. I have no notes, transcript, or recording. The address for the Washington Leadership Institute is University of Washington School of Law, William H. Gates Hall, Room 346, P.O. Box 353020, Seattle, Washington 98195.

June 3, 2011: Panelist, Columbia Basin Badger Club, Richland, Washington. I spoke about judicial elections. I have no notes, transcript, or recording. The address for the Columbia Basin Badger Club is P.O. Box 5142, Pasco, Washington 99301.

2011 (specific date unknown): Award Recipient, Benton-Franklin Legal Aid Society, Kennewick, Washington. I gave words of appreciation for the award and discussed the importance of the Legal Aid Society's work. I have no notes, transcript, or recording. The address for the Benton-Franklin Legal Aid Society is 5219 West Clearwater Avenue, Suite 5A, Kennewick, Washington 99336.

December 2010 (specific date unknown): Guest Lecturer, Domestic Public Policy, Washington State University Department of Criminal Justice & Criminology, Richland, Washington. I spoke about basic principles of creating public policy and applying those principles in practice. I have no notes, transcript, or recording. The address for the Washington State University Department of Criminal Justice & Criminology is P.O. Box 644872, Pullman, Washington 99164.

November 2010 (specific date unknown): Guest Lecturer, Washington State Court System, Washington State University Department of Criminal Justice &

Criminology, Richland, Washington. I spoke about Washington's court system and career opportunities in the law. I have no notes, transcript, or recording. The address for the Washington State University Department of Criminal Justice & Criminology is P.O. Box 644872, Pullman, Washington 99164.

Fall 2010 (specific date unknown): Presenter, Ethics and Retainer Agreements, Washington Association of Criminal Defense Lawyers, Pasco, Washington. I spoke about ethical considerations related to fee agreements and changes in Washington's relevant rules of professional conduct. I have no notes, transcript, or recording. The address for the Washington Association of Criminal Defense Lawyers is 1511 Third Avenue, Suite 503, Seattle, Washington 98101.

2009 (specific date unknown): Volunteer Judge, We the People Constitutional Law Competition, Civic Education Washington State, Pasco, Washington. I judged groups of high school students in a constitutional law competition. I have no notes, transcript, or recording. The address for Civic Education Washington State is 560 South 158th Street, Burien, Washington 98148.

2008 (specific date unknown): Volunteer Judge, We the People Constitutional Law Competition, Civic Education Washington State, Pasco, Washington. I judged groups of high school students in a constitutional law competition. I have no notes, transcript, or recording. The address for Civic Education Washington State is 560 South 158th Street, Burien, Washington 98148.

2008 (specific dates unknown): From May to November 2008, in connection with my campaign to serve as a Superior Court Judge, I made a series of speeches about my background and legal experience at civic organizations, chambers of commerce, and town hall meetings in Benton and Franklin Counties, Washington. I have no notes, transcripts, or recordings, and I am unable to recall or identify the organizations that sponsored these events.

2007 (specific date unknown): Volunteer Judge, We the People Constitutional Law Competition, Civic Education Washington State, Pasco, Washington. I judged groups of high school students in a constitutional law competition. I have no notes, transcript, or recording. The address for Civic Education Washington State is 560 South 158th Street, Burien, Washington 98148.

May 2003 (specific date unknown): Keynote Speaker, Hispanic Academic Achievers Program, Pasco, Washington. I spoke to students about my path to becoming a lawyer and the importance of education. I have no notes, transcript, or recording. The address for the Hispanic Academic Achievers Program is P.O. Box 3376 Pasco, Washington 99302.

2002 (specific date unknown): Award Recipient, Benton-Franklin Legal Aid Society, Kennewick, Washington. I gave words of appreciation for the award and discussed the importance of the Legal Aid Society's work. I have no notes,

transcript, or recording. The address for the Benton-Franklin Legal Aid Society is 5219 West Clearwater Avenue, Suite 5A, Kennewick, Washington 99336.

- 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.

El Juez Mendoza: El Latino Que Está Haciendo Historia, Raíces (Sept. 2016). Copy supplied.

Tyler Richardson, *Martin Luther King, Jr. Spirit Award Winner—Latino Judge Practices Principles Preached By MLK*, Tri-City Herald (Jan. 18, 2016). Copy supplied.

Julie Garner, *Be the First*, Viewpoint (Spring 2015). Copy supplied.

Kristen M. Kraemer, *Mendoza States His Case*, Tri-City Herald (Mar. 13, 2014). Copy supplied.

Geoff Folsom, *New Judge Sworn in on Benton-Franklin Superior Court*, Tri-City Herald (May 6, 2013). Copy supplied in response to Question 12d.

Kristin M. Kraemer, *Benton-Franklin Sees First Latino Judge*, Tri-City Herald (Apr. 25, 2013). Copy supplied.

Kristin M. Kraemer, *Tri-City Lawyers Polled on Judicial Hopefuls*, Tri-City Herald (Mar. 30, 2013). Copy supplied.

Ty Beaver, *Database Measures Students' Success*, Tri-City Herald (Mar. 12, 2013). Copy supplied.

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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 2014, I have served as a United States District Judge on the United States District Court for the Eastern District of Washington. I was nominated for that position by President Barack Obama on January 16, 2014, confirmed by the United States Senate on June 17, 2014, and sworn in on June 19, 2014. The United States District Court for the Eastern District of Washington is an Article III court with jurisdiction that is provided to it by Congress, as set forth in Title 28 of the United States Code, sections 1330 to 1369, which includes cases arising under the Constitution or federal laws, certain cases between citizens of different states, actions against foreign states, and bankruptcy appeals.

From 2013 to 2014, I served as a Superior Court Judge on the Superior Court for Benton and Franklin Counties in Washington State. I was appointed to that position by Washington Governor Jay Inslee on April 23, 2013, sworn in on May 6, 2013, and elected for a successive three-year term in December 2013. The Superior Court for Benton and Franklin Counties is a state court of general jurisdiction, handling all types of criminal, civil, juvenile, and family law matters.

From 2006 to 2013, I served as a judge pro tempore for the Benton County District Court, in Kennewick, Washington. I was appointed to that position by the district court judges of Benton County. The Benton County District Court is a state court of limited jurisdiction: it hears misdemeanor and gross misdemeanor (but not other) criminal cases, and it hears civil proceedings only where the amount in controversy does not exceed a maximum dollar amount. As a judge pro tempore for the Benton County District Court, I handled civil and criminal matters.

From 2002 to 2013, I served as a judge pro tempore for the Franklin County District Court, in Pasco, Washington. I was appointed to that position by the district court judge of Franklin County. The Franklin County District Court is a state court of limited jurisdiction: it hears misdemeanor and gross misdemeanor (but not other) criminal cases, and it hears civil proceedings only where the amount in controversy does not exceed a maximum dollar amount. As a judge pro tempore for the Benton County District Court, I handled civil and criminal matters.

From 2002 to 2013, I served as a judge pro tempore for the Pasco Municipal Court in Pasco, Washington. I was appointed to that position by the district court judges of Benton and Franklin Counties. The Pasco Municipal Court is a state court of limited jurisdiction: it hears misdemeanor and gross misdemeanor criminal cases, as well as infractions. As a judge pro tempore for the Pasco Municipal Court, I handled criminal matters and

infractions.

From 2002 to 2013, I also served as a judge pro tempore for the Benton-Franklin Juvenile Court in Washington State. I was appointed to that position by Superior Court Commissioners Mike Johnson and Lonna Malone. The Benton-Franklin Counties Juvenile Court is a state court of limited jurisdiction: it hears certain juvenile offender matters, as well as dependency, truancy, Youth at Risk, and Children in Need of Services (CHINS) proceedings. As a judge pro tempore for the Benton-Franklin Counties Juvenile Court, I handled all of these types of proceedings.

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

As a United States District Judge, I have presided over 20 cases that have gone to verdict or judgment. As a Washington State Superior Court Judge, I presided over 36 cases that went to verdict or judgment.

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

jury trials:	75%
bench trials:	25%

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

civil proceedings:	40%
criminal proceedings:	60%

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

For opinions I have written as a United States District Judge, see the attached list of opinions. I also authored the following two opinions while sitting by designation on the United States Court of Appeals for the Ninth Circuit:

Kaur v. Garland, 2 F.4th 823 (9th Cir. 2021)

Sali v. Corona Reg'l Med. Ctr., 889 F.3d 623 (9th Cir. 2018), *amended*, 909 F.3d 999 (9th Cir. 2018), *pet. for writ of cert. dismissed*, 139 S. Ct. 1651 (2019)

As a Washington State Superior Court Judge, I wrote only two opinions, both in *Washington v. Arlene's Flowers Inc.*, No. 13-2-00871-5 (Benton Cty. Sup. Ct.). Otherwise, my decisions were generally recorded by the courtroom clerk as minute orders. My written decisions and minute orders were filed in the individual trial court file and are not identifiable by citation other than the case file number. The case files are stored in the Benton and Franklin Counties Superior Court Clerk's Offices.

- 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. *Baker v. United Parcel Service, Inc.*, No. 21-CV-00114 (E.D. Wash.)

Mr. Baker is an army reservist and a full-time driver for the United Parcel Service, Inc., an Ohio corporation (“UPS Ohio”). Since 2015, Plaintiff has taken annual short-term leave from UPS Ohio to engage in qualified military service. UPS Ohio allegedly does not compensate Plaintiff for this leave but does compensate its employees who take jury duty leave, bereavement leave, and sick leave. Mr. Baker brought a class action against UPS Ohio and United Parcel Service, Inc., a Delaware corporation (“UPS Delaware”), alleging that their failure to similarly compensate Mr. Baker and those similarly situated for military leave violates the protections set out in the Uniformed Services Employment and Reemployment Rights Act of 1994. UPS moved to dismiss, and I determined that based on the Act’s text, history, and purpose, Mr. Baker had sufficiently stated a claim on which relief could be granted. Dkt. 38 (E.D. Wash. Mar. 31, 2022) (copy supplied). I also determined that Defendants’ arguments that military leave is not comparable to the kinds of leave compensated by Defendants is a fact-based determination inappropriate for consideration at the motion to dismiss stage. *Id.* Finally, I ruled that even though he was directly employed by UPS Ohio, Mr. Baker had stated a valid claim against UPS Delaware because Mr. Baker had sufficiently alleged that UPS Delaware has control over his employment opportunities. *Id.*

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2. *United States v. Sampson*, No. 20-CR-02022 (E.D. Wash.)

Mr. Sampson was charged with assault with a dangerous weapon and assault resulting in serious bodily injury after he attacked a victim with a shod foot. The victim's injuries included a right orbital roof fracture, with a fragment from that fracture protruding into his brain, as well as rib fractures. Prior to trial, Mr. Sampson moved to limit the testimony of the emergency room physician who treated the victim. After a hearing, I limited the physician's testimony to opining that the victim suffered blunt trauma but barred him definitively determining what weapon or bodily movement inflicted the trauma. Dkt. 79 (E.D. Wash. Mar. 16, 2021) (copy supplied). After a three-day trial, the jury convicted Mr. Sampson on both counts. I subsequently sentenced Mr. Sampson to 70 months' imprisonment.

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3. *United States v. Cloud*, No. 19-CR-02032 (E.D. Wash.)

This case involves the deadliest homicide in the Eastern District of Washington's recent history. In June 2019, five victims were found dead from gunshot wounds on the Yakima Indian Reservation. The two defendants were charged with the murders, along with related crimes, including kidnapping, carjacking, and assault. Before trial, I resolved numerous complex pretrial motions, including denying the defendants' motion to exclude eyewitness and photo lineup identifications of them, granting in part and denying in part their motion to limit forensic evidence testimony, granting their motion for an intra-district transfer, and granting their motion to sever their trials. Dkt. 219 (E.D. Wash. Oct. 14, 2020) (copy supplied); Dkt. 489 (E.D. Wash. Dec. 17, 2021) (copy supplied); Dkt. 488 (E.D. Wash. Dec. 14, 2021) (copy supplied); Dkt. 525 (E.D. Wash. Jan. 7, 2022) (copy supplied). In February and March 2022, I presided over the first defendant's trial, which took

approximately one and a half weeks. Prior to the jury verdict, I entered an order finding the Government had violated its constitutional obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny. Dkt. 776 (E.D. Wash Mar. 9, 2022) (copy supplied). As a consequence, I sanctioned the Government and excluded a witness who admitted she was willing to provide false testimony in exchange for negotiated benefits. The jury ultimately convicted the defendant on thirteen of fourteen counts. Shortly thereafter, the second defendant entered a guilty plea on one count of carjacking and one count of brandishing a firearm in furtherance of a crime of violence. Sentencing is scheduled for July 26, 2022.

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4. *Busselman v. Battelle Mem'l Inst.*, No. 18-CV-05109 (E.D. Wash.)

Ms. Busselman was an employee at Battelle Memorial Institution, a Department of Energy contractor that managed the Pacific Northwest National Laboratory in Richland, Washington. The defendant's contract with the Department of Energy required it to comply with various federal policies and guidelines for combating fraud. After the defendant authorized payment of a \$530,000 invoice submitted by a fraudulent entity posing as a subcontractor, Ms. Busselman's team investigated

the transaction and determined the root cause of the payment was management's failure to clearly define adequate controls. The defendant was dissatisfied with the root cause finding and altered it. Ms. Busselman then sent an email to the defendant's associate laboratory director expressing concern that changing the root cause finding violated internal policy, after which Ms. Busselman was reassigned to a different position. Ms. Busselman then filed this action, alleging unlawful whistleblower retaliation under 41 U.S.C. § 4712. Following a two-week trial over which I presided, the jury found the defendant not liable, concluding that Ms. Busselman's disclosures were not protected under law. After trial, Ms. Busselman moved to set aside the verdict, arguing that the jury's decision ran contrary to the clear weight of the evidence. I denied the motion, ruling that there was sufficient evidence to support the jury's conclusion. Dkt. 350 (E.D. Wash. Mar. 18, 2020) (copy supplied).

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5. *Empire Health Found. v. CHS/Cnty. Health Sys. Inc.*, No. 17-CV-00209, 2019 WL 2995912 (E.D. Wash. July 9, 2019)

In this multi-year dispute, a Washington nonprofit sued a community health organization and its hospital systems, alleging that the defendants failed to fulfill charity-care commitments they agreed to upon acquiring two Spokane-area hospitals from the nonprofit in 2008. Following significant discovery, the parties cross-moved for summary judgment. After briefing, I granted partial summary judgment in favor of the plaintiff (but otherwise denied the parties' motions), holding that the defendants violated the Washington Charity Care Act and breached the parties' acquisition contract by asking self-paying patients to pay deposits before screening them for charity-care eligibility. Thereafter, the parties settled the case.

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6. *Carranza v. Dovex Fruit Co.*, No. 16-CV-00054 (E.D. Wash.)

In this class action, migrant farmworkers filed suit against Dovex Fruit Company, alleging that Dovex violated its workers' wage-and-hour rights. Specifically, the plaintiffs alleged (among other things) that Dovex failed to provide and pay for breaks, pay wages for work performed, keep accurate records of hours worked, and provide pay statements reflecting accurate work hours. The plaintiffs' claims relied on two novel theories of liability not established under Washington law, so I ordered the parties to submit briefing regarding what questions, if any, should be certified to the Washington Supreme Court. After considering the parties' briefs, I certified two questions: (1) whether Washington law requires agricultural employers to pay pieceworkers for time spent performing activities outside of piece-rate picking work, and (2) if so, how agricultural employers must calculate the rate of pay for that other activity. On certification, the Washington Supreme Court ruled that pieceworkers must be paid for time spent performing activities outside of piece-rate picking work at either the applicable minimum wage or the agreed-upon rate, whichever is greater. *Carranza v. Dovex Fruit Co.*, 416 P.3d 1205 (Wash. 2019). Thereafter, the parties agreed to a class action settlement, which I approved.

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7. *City of Spokane v. Monsanto Co.*, No. 15-CV-00201 (E.D. Wash.)

In this case, the City of Spokane sued Monsanto Company, Solutia Inc., Pharmacia Corp., and various individuals for compensatory damages—alleging that for decades the companies contaminated the Spokane River with polychlorinated biphenyls (“PCBs”). The defendants moved to dismiss on several grounds, including that the City lacked standing to bring a products liability action and that its common-law claims were preempted by the Washington Products Liability Act. I granted the defendants’ motion in part and denied it in part, concluding that the City had standing to assert each of its claims except for its common-law products liability claims, and that the City had stated claims for public nuisance, products liability under the Washington Products Liability Act, negligence, and equitable indemnity sufficient to survive a Federal Rule of Civil Procedure 12(b)(6) motion to dismiss. Dkt. 74 (E.D. Wash. Oct. 26, 2016) (copy supplied). I also granted the City’s motion to dismiss the defendants’ counterclaims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the Declaratory Judgment Act, ruling that defendant Monsanto failed to allege facts plausibly showing that it had incurred or would incur responsive costs that were necessary and consistent with the national contingency plan, as required to state a CERCLA cost-recovery claim. 237 F. Supp. 3d 1086 (E.D. Wash. 2017). The case then proceeded through discovery, and 23 dispositive and other motions are now pending before me. Recently, however, the parties reached a settlement in *City of Long Beach v. Monsanto Co.*, No. 16-CV-3493 (C.D. Cal.), a nationwide class action that encompasses this case. As a result, I stayed proceedings in the matter pending approval of that settlement agreement.

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8. *United States v. Youker*, No. 14-CR-0152 (E.D. Wash.)

Mr. Youker was charged with 35 counts arising from his participation in a drug-distribution conspiracy. I presided over a two-week trial in which Mr. Youker represented himself, and the jury found Mr. Youker guilty of all but one of the charged counts. I then sentenced him to 20 years’ imprisonment. Mr. Youker

appealed his conviction to the United States Court of Appeals for the Ninth Circuit, arguing that he received ineffective assistance of counsel and was denied his Fifth Amendment right to due process and his Sixth Amendment right to self-representation while incarcerated pending trial. The Ninth Circuit affirmed without oral argument, concluding that Mr. Youker's claims were meritless. *United States v. Youker*, 718 F. App'x 492 (9th Cir. 2017).

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9. *United States v. Henrikson*, No. 14-CR-00124 (E.D. Wash.)

In this case, six defendants were charged with various crimes related to two murders-for-hire committed in 2014. I presided over the trial of Mr. Henrikson, the defendant accused of paying and promising to pay an associate a significant sum of money to murder two people connected to certain of his North Dakota oil business dealings that went awry. While Mr. Henrikson initially pleaded guilty, I permitted him to withdraw his plea after it became apparent that he was subject to a mandatory minimum penalty of life imprisonment. Thereafter, Mr. Henrikson elected to take the case to trial. Over the course of approximately two years, I issued several pretrial orders regarding the parties' discovery disputes and evidentiary issues. Following an approximately month-long trial over which I presided, a jury convicted Mr. Henrikson on all counts. I then sentenced him to two concurrent life terms of imprisonment. Mr. Henrikson did not file an appeal from his conviction and sentencing.

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10. *Langley v. GEICO Gen. Ins. Co.*, No. 14-CV-03069 (E.D. Wash.)

In this matter, an insured Plaintiff brought an action in state court against his insurer alleging that Geico violated the Washington Insurance Fair Conduct Act (IFCA) when it offered to pay Plaintiff \$50,500 for a recreational vehicle (RV) destroyed by fire. This offer amount was based on the RV's salvage title purchase price instead of the \$270,000 Plaintiff later paid the repair shop for the RV. Following removal, Geico moved for summary judgment on the IFCA claim. I denied the motion, finding that an implied cause of action exists under the IFCA for violations of enumerated Washington Administrative Code provisions. 89 F. Supp. 3d 1083, 1091 (E.D. Wash. 2015). After a four-day bench trial, I concluded that Geico breached its duty of good faith and violated Washington's Consumer Protection Act and IFCA by making an unreasonable and unsupported \$50,500 offer of settlement. Dkt. 304 (E.D. Wash. Sept. 23, 2016) (copy supplied). I later determined that Plaintiff was entitled to lost use and punitive damages in the amount of \$621,808.92. Dkt. 309 (E.D. Wash. Dec. 20, 2016) (copy supplied). Finally, I determined that Plaintiff's attorneys were entitled to a reduced award of \$540,255.00 in attorney fees and \$31,399.27 in costs. Dkt. 333 (E.D. Wash. Apr. 5, 2017) (copy supplied).

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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. *United States v. Cloud*, No. 19-CR-02032, Dkt. 489 (E.D. Wash. Dec. 17, 2021) (copy supplied in response to Question 13c)

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2. *United States v. Howard*, No. 19-CR-06036, Dkt. 132 (E.D. Wash. Sept. 17, 2021) (copy supplied)

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3. *Garcia v. Stemilt Ag Servs. LLC*, No. 20-CV-00254, Dkt. 193 (E.D. Wash. Aug. 20, 2021) (copy supplied)

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4. *Zirkle Fruit Co. v. U.S. Dep't of Lab.*, 442 F. Supp. 3d 1366 (E.D. Wash. 2020)

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5. *Empire Health Found. v. CHS/Cnty. Health Sys. Inc.*, No. 17-CV-00209, 2019 WL 2995912 (E.D. Wash. July 9, 2019)

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6. *Goetz v. Life Ins. Co. of N. Am.*, 272 F. Supp. 3d 1225 (E.D. Wash. 2017)

Counsel for Plaintiff:

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Counsel for Defendant:

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7. *Ochoa v. Campbell*, 266 F. Supp. 3d 1237 (E.D. Wash. 2017)

Counsel for Plaintiff:

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Counsel for Defendants:

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8. *City of Spokane v. Monsanto Co.*, 237 F. Supp. 3d 1086 (E.D. Wash. 2017)

Counsel for Plaintiff:

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Counsel for Defendants:

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9. *Wild Fish Conservancy v. Irving*, 221 F. Supp. 3d 1224 (E.D. Wash. 2016)

Counsel for Plaintiff:

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Counsel for Defendants:

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P.O. Box 7369
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(202) 305-0342

10. *Langley v. Geico Gen. Ins. Co.*, 89 F. Supp. 3d 1083 (E.D. Wash. 2015)

Counsel for Plaintiff:

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Law Offices of David B. Trujillo
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Counsel for Defendant:

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

I have reviewed my files and searched Westlaw, Lexis, and other electronic databases in an effort to identify all cases responsive to this question. Based on that review, and to the best of my knowledge, certiorari has not been granted in any of my cases, and certiorari was requested, but denied or dismissed, in only the following two cases:

Sali v. Corona Reg'l Med. Ctr., 889 F.3d 623 (9th Cir. 2018), *amended*, 909 F.3d 999 (9th Cir. 2018), *pet. for cert. dismissed*, 139 S. Ct. 1651 (2019)

United States v. Nava-Arellano, 639 F. App'x 512 (9th Cir. 2016), *cert. denied*, 137 S. Ct. 601 (2016)

- 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.

Kramer v. Saul, No. 20-CV-00079, Dkt. 18 (E.D. Wash. Mar. 8, 2021) (copy supplied), *vacated and remanded*, No. 21-35360, Dkt. 19 (9th Cir. 2021) (copy supplied). Ms. Kramer sought judicial review of the decision of a Social Security Administration (SSA) administrative law judge (ALJ), denying Ms. Kramer's application for benefits. I denied Ms. Kramer's challenges to the merits of the SSA's decision, finding that although the ALJ did not cite to a nurse practitioner's opinion, the error was harmless because the ALJ properly discounted a nearly identical opinion from a different treatment provider. On appeal the parties filed a joint motion to vacate and remand. Accordingly, the Ninth Circuit vacated my judgment and remanded the case to me with instructions to remand the case to the SSA for further proceedings.

United States v. Sanchez, No. 19-CR-06052, Dkt. 42 (E.D. Wash. Mar. 11, 2020) (copy supplied), *rev'd and remanded*, 853 F. App'x 201 (9th Cir. 2021). Mr. Sanchez was charged with unlawful reentry following removal from the United States in violation of 8 U.S.C. § 1326. Mr. Sanchez filed two motions to dismiss attacking the removal order upon which the charge was based. I denied Mr. Sanchez's first motion, but granted his second, concluding that the immigration judge denied Mr. Sanchez due process during the removal hearing by failing to give him a genuine opportunity to present evidence in support of his application for voluntary departure in lieu of removal. The United States Court of Appeals for the Ninth Circuit reversed, concluding that Mr. Sanchez failed to exhaust his administrative remedies and that it was implausible that the immigration judge would have granted Mr. Sanchez relief even if he had presented evidence favoring his voluntary departure application.

United States v. Muniz-Sanchez, No. 19-CR-06011, 2019 WL 3162458 (E.D.

Wash. July 15, 2019), *rev'd and remanded*, 835 F. App'x 294 (9th Cir. 2021). Mr. Muniz-Sanchez was charged with unlawful reentry after removal from the United States in violation of 8 U.S.C. § 1326. Mr. Muniz-Sanchez moved to dismiss the indictment, arguing that his underlying removal order was invalid because the initial notice to appear did not list the address of the immigration court, as required by 8 C.F.R. § 1003.15(b)(6). I agreed and granted Mr. Muniz-Sanchez's motion. The United States Court of Appeals for the Ninth Circuit reversed, concluding that Ninth Circuit precedent issued subsequent to my decision had made clear that a defective notice can be cured by a subsequent notice of hearing.

United States v. Prigan, No. 18-CR-00123, Dkt. 47 (E.D. Wash. Nov. 21, 2018) (copy supplied), *rev'd and remanded*, 8 F.4th 1115 (9th Cir. 2021). I concluded that Mr. Prigan's Hobbs Act robbery conviction was a crime of violence under U.S.S.G. § 4B1.2(a). My ruling was based on *United States v. Howard*, 650 F. App'x 466 (9th Cir. 2016), which had held that Hobbs Act robbery is a crime of violence under a similarly worded statute, 18 U.S.C. § 924(c)(3). On appeal, the United States Court of Appeals for the Ninth Circuit reversed and remanded for resentencing, concluding, as a matter of first impression, that Hobbs Act robbery is not a crime of violence for purposes of § 4B1.2(a).

Harter v. Brennan, No. 16-CV-00438, 2017 WL 5180333 (E.D. Wash. Nov. 8, 2017) & 2018 WL 3318888 (E.D. Wash. July 5, 2018), *rev'd and remanded*, 783 F. App'x 783 (9th Cir. 2019). The plaintiff, a postal support employee, appealed my dismissal of his breach of contract claim and award of summary judgment to the Postmaster General on his Title VII employment discrimination claim. The United States Court of Appeals for the Ninth Circuit affirmed my grant of summary judgment for the Postmaster General on the Title VII claim. The Ninth Circuit reversed and remanded my dismissal of the breach of contract claim, however, concluding that I had erroneously relied on an excerpt of the parties' agreement.

Hymas v. U.S. Dep't of Interior, No. 16-CV-05091, Dkt. 130 (E.D. Wash. May 29, 2018) (copy supplied), *rev'd and remanded*, 789 F. App'x 43 (9th Cir. 2019). In 2016, the plaintiff, who resided near two National Wildlife Refuges, filed suit against the United States Department of Interior, its Secretary, and the Acting Director of the Fish and Wildlife Service, alleging that his bids for cooperative farming agreements were denied and instead granted to incumbent farmers in violation of the Federal Grant and Cooperative Agreement Act. I dismissed the case, in part because a new Fish and Wildlife Service regulation issued in August 2017 rendered the plaintiff's claim moot. The United States Court of Appeals for the Ninth Circuit reversed, holding that—despite the new regulation—the case presented a live issue because the Fish and Wildlife Service was free to amend or revoke its regulation at any time, and the regulation did not prevent the Service from engaging in its previous practice of favoring incumbent farmers when awarding cooperative farming agreements.

Renfro v. Quality Loan Serv. Corp. Wash., No. 17-CV-00194, 2017 WL 6733968 (E.D. Wash. Dec. 29, 2017), *vacated and remanded*, 776 F. App'x 415 (9th Cir. 2019). This quiet-title matter involved a non-judicial foreclosure commenced against the plaintiff's Washington home under Washington's Deed of Trust Act. I granted summary judgment to the defendants on the plaintiff's quiet-title claim, holding primarily that the foreclosure was timely under Washington law. The United States Court of Appeals for the Ninth Circuit vacated and remanded for me to consider significant developments in Washington law relevant to the issue that occurred subsequent to my decision.

United States v. Loreto, No. 16-CR-02047, Dkt. 129 (E.D. Wash. Aug. 24, 2017) (copy supplied), *rev'd and remanded*, 765 F. App'x 407 (9th Cir. 2019). A jury convicted Mr. Loreto of conspiring to possess and attempting to possess with the intent to distribute 50 grams or more of methamphetamine, and I sentenced Mr. Loreto to 30 years' imprisonment. The United States Court of Appeals for the Ninth Circuit reversed and remanded for resentencing, concluding that the jury's drug quantity finding was not supported by the evidence.

Peterson v. Kelly Servs., Inc., No. 15-CV-00074, Dkt. 97 (E.D. Wash. Oct. 5, 2016) (copy supplied), *rev'd and remanded*, 730 F. App'x 471 (9th Cir. 2018). In this employment discrimination case, I granted partial summary judgment for the defendant employer. The United States Court of Appeals for the Ninth Circuit reversed, concluding that there was a genuine dispute of material fact on the plaintiff's relevant claims.

Hewson v. Key, No. 15-CV-00136, Dkt. 26 (E.D. Wash. Feb. 17, 2016) (copy supplied), *rev'd and remanded*, 683 F. App'x 578 (9th Cir. 2017). A state prisoner challenged his convictions pursuant to 28 U.S.C. § 2254, arguing that the government failed to correct a cooperating witness's false testimony at trial that his sentence had been reduced by three years for cooperating. I adopted the magistrate judge's report and recommendation and granted the petition on the ground that the petitioner's conviction was obtained through the presentation of false evidence. The United States Court of Appeals for the Ninth Circuit reversed, concluding there was no record evidence that the challenged testimony was false.

Farias v. Colvin, No. 14-CV-03093, Dkt. 23 (E.D. Wash. Sept. 24, 2015) (copy supplied), *vacated and remanded sub nom. Farias v. Berryhill*, 707 F. App'x 905 (9th Cir. 2017). In this social security matter, the plaintiff appealed the administrative law judge's (ALJ) denial of her application for supplemental security income. I adopted the magistrate judge's report and recommendation concluding the ALJ did not commit reversible error and afforded appropriate weight to the evidence. The United States Court of Appeals for the Ninth Circuit vacated that decision on the ground that the ALJ had posed an incomplete hypothetical to the vocational expert and remanded the case to the ALJ for further proceedings.

Roybal v. Toppenish Sch. Dist., No. 14-CV-03092, 2015 WL 3886016 (E.D. Wash. June 24, 2015), *rev'd and remanded*, 871 F.3d 927 (9th Cir. 2017). In this case, a principal filed suit against his school district and its superintendent under 42 U.S.C. § 1983, alleging that the district's reduction of his salary violated procedural due process and that the defendants retaliated against him for exercising his First Amendment right to free speech. I denied the defendants' motion for summary judgment, holding that the principal was denied due process as a matter of law and the superintendent was not entitled to qualified immunity. On an interlocutory appeal, the United States Court of Appeals for the Ninth Circuit concluded it had no jurisdiction to review my First Amendment ruling, but reversed and remanded on the due process claim, concluding that the principal received all the process due to him under federal law before the district reduced his salary.

Birrueta v. Dep't of Lab. & Indus., No. 12-2-50755-7 (Franklin Cty. Sup. Ct. Jan. 8, 2014) (copy supplied), *rev'd and remanded*, 379 P.3d 120 (Wash. 2016). After the Washington Department of Labor and Industries learned that it had been overpaying the plaintiff, it issued two orders, one assessing an overpayment and another changing plaintiff's status from married to unmarried for compensation purposes. The Board of Industrial Insurance Appeals eventually granted the government summary judgment. The plaintiff sought review in Superior Court, and I granted summary judgment in favor of the plaintiff, finding that the Department was without authority to issue either of its orders. The Washington Court of Appeals affirmed my decision in a unanimous, published opinion. 355 P.3d 320 (Wash. App. 2015). The Washington Supreme Court, as a matter of first impression, later held that the Department's orders were authorized by law, reversed the Court of Appeals, and reinstated the Board's decision affirming the Department's orders.

State v. Kinsey, No. 12-1-50655-7 (Franklin Cty. Sup. Ct. Apr. 29, 2014) (copy supplied), *vacated in part*, 190 Wash. App. 1045 (2015). A jury convicted the defendant of felony harassment, and I sentenced him to sixty months' confinement and imposed \$3,989.50 in legal financial obligations, \$1,964.50 of which were discretionary costs. The Washington Court of Appeals affirmed the sentence, except for the discretionary legal financial obligations, finding I did not make an individual determination on the record as to the defendant's ability to pay financial obligations.

- 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.

As a United States District Judge, I have issued about 9,011 orders and opinions, all but approximately 24 of which were unpublished. All of my decisions are filed and stored electronically in the United States District Court for the Eastern

District of Washington case management system. Many of my decisions are also available on Westlaw or Lexis.

As a Washington State Superior Court Judge, I did not author any published opinions, and I authored only two unpublished opinions. My decisions were usually recorded by the courtroom clerk as minute orders, and they were filed in the individual trial court file. The case files are stored in the Benton and Franklin Counties Superior Court Clerk's Offices.

- 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.

United States v. Cloud, No. 19-CR-02032, Dkt. 776 (E.D. Wash. Mar. 9, 2022) (copy supplied in response to Question 13c)

United States v. Howard, No. 19-CR-06036, Dkt. 132 (E.D. Wash. Sept. 17, 2021) (copy supplied in response to Question 13d)

United States v. Cloud, No. 19-CR-02032, Dkt. 219 (E.D. Wash. Oct. 14, 2020) (copy supplied in response to Question 13c)

Blais v. Hunter, 493 F. Supp. 3d 984 (E.D. Wash. 2020)

United States v. Guzman-Hernandez, 487 F. Supp. 3d 985 (E.D. Wash. 2020)

Jackson v. Patzkowski, 468 F. Supp. 3d 1328 (E.D. Wash. 2019)

Davis v. Wash. State Dep't of Soc. & Health Servs., No. 17-CV-00062, 2018 WL 443000 (E.D. Wash. Jan. 16, 2018), *aff'd*, 773 F. App'x 367 (9th Cir. 2019)

Ochoa v. Campbell, 266 F. Supp. 3d 1237 (E.D. Wash. 2017)

Meske v. Renzelman, No. 15-CV-00359, 2017 WL 4185474 (E.D. Wash. Sept. 21, 2017), *aff'd*, 749 F. App'x 496 (9th Cir. 2018)

Carranza v. Dovex Fruit Co., No. 16-CV-00054, Dkt. 41 (E.D. Wash. Mar. 3, 2017) (copy supplied in response to Question 13c)

- 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.

Between 2016 and 2021, I sat by designation on the United States Court of Appeals for the Ninth Circuit on six occasions—participating in 31 cases, authoring two published opinions, and joining 29 other decisions:

Kaur v. Garland, 2 F.4th 823 (9th Cir. 2021). Ms. Kaur, a noncitizen native of India, petitioned for direct review of an order of the Board of Immigration Appeals (BIA) denying her out-of-time motion to reopen removal proceedings. In an opinion I authored, the panel unanimously granted Ms. Kaur's petition and remanded the case to the BIA for further proceedings. At bottom, the panel concluded that the BIA had abused its discretion in denying Ms. Kaur's motion to reopen removal proceedings to allow her to pursue relief under the Convention Against Torture (CAT), as there was insufficient evidence to support the BIA's conclusion that Ms. Kaur had not established a prima facie case of eligibility for CAT relief.

United States v. Mora-Alcaraz, 986 F.3d 1151 (9th Cir. 2021)

United States v. Stagno, 839 F. App'x 112 (9th Cir. 2020)

United States v. Dougan, 839 F. App'x 81 (9th Cir. 2020)

Navichoque v. Barr, 831 F. App'x 839 (9th Cir. 2020)

Andres-Galeote v. Barr, 831 F. App'x 267 (9th Cir. 2020)

Aboud v. Barr, 829 F. App'x 816 (9th Cir. 2020)

Karasek v. Regents of Univ. of Cal., 948 F.3d 1150 (9th Cir.), *amended*, 956 F.3d 1093 (9th Cir. 2020)

Tatum v. Davita Healthcare Partners, Inc., 790 F. App'x 58 (9th Cir. 2019)

Matter of Spielbauer, 785 F. App'x 369 (9th Cir. 2019)

Hernandez-Romero v. Barr, 783 F. App'x 758 (9th Cir. 2019)

Kaloud, Inc. v. Shisha Land Wholesale, Inc., 741 F. App'x 393 (9th Cir. 2018), *amended*, 741 F. App'x 393 (9th Cir. 2018)

Sali v. Corona Reg'l Med. Ctr., 889 F.3d 623 (9th Cir. 2018), *amended*, 909 F.3d 999 (9th Cir. 2018), *pet. for cert. dismissed*, 139 S. Ct. 1651 (2019). In this employment case, the district court denied the plaintiffs' motion for certification of various classes, concluding that the typicality requirement was not satisfied, one of the named plaintiffs was not an adequate class representative, the named plaintiffs' attorneys failed to demonstrate they would adequately serve as class counsel, and the predominance requirement was not satisfied for the proposed rounding-time and wage-statement classes. In an opinion I authored, the panel unanimously reversed. The panel first held that the district court's typicality determination was premised on an error of law—that it could exclude evidence

supporting class certification solely because the evidence would not be admissible at trial. The panel also ruled that while plaintiff Spriggs was not an adequate class representative, plaintiff Sali remained an adequate representative. In addition, the panel concluded that the district court abused its discretion in ruling that certain attorneys could not serve as adequate class counsel. Finally, the panel held that the district court erred by denying certification of the proposed rounding-time and wage-statement classes on predominance grounds. Following the panel's decision, defendant Corona sought en banc review, but failed to obtain the required votes for rehearing. Defendant Corona then filed a petition for a writ of certiorari with the U.S. Supreme Court, but dismissed its petition before the Supreme Court acted upon the petition.

Sosa-Sanchez v. Mosley, 714 F. App'x 757 (9th Cir. 2018)

Platas v. Scribner, 713 F. App'x 727 (9th Cir. 2018)

United States v. Bowman, 713 F. App'x 601 (9th Cir. 2018)

United States v. Lavinsky, 713 F. App'x 593 (9th Cir. 2018)

Lopez-Guzman v. Sessions, 718 F. App'x 508 (9th Cir. 2017)

Parks Found. v. Comm'r of Internal Revenue, 717 F. App'x 712 (9th Cir. 2017)

Patino v. Las Vegas Metro. Police Dep't, 706 F. App'x 427 (9th Cir. 2017)

Nasby v. McDaniel, 853 F.3d 1049 (9th Cir. 2017)

Byrd v. Maricopa Cty. Bd. of Supervisors, 845 F.3d 919 (9th Cir. 2017)

United States v. Geringer, 672 F. App'x 651 (9th Cir. 2016)

Aguilar v. Werner Enters., Inc., 671 F. App'x 503 (9th Cir. 2016)

Nelson v. Cal. Dep't of Corr., 670 F. App'x 968 (9th Cir. 2016)

Hussain v. Lynch, No. 10-71926, Dkt. 76 (9th Cir. 2016)

Gallegos v. Troncoso, No. 14-55089, Dkt. 65 (9th Cir. 2016)

Rosenberg v. Renal Advantage Inc., 649 F. App'x 580 (9th Cir. 2016)

Fifer v. United States, 649 F. App'x 426 (9th Cir. 2016)

United States v. Nava-Arellano, 639 F. App'x 512 (9th Cir. 2016), *cert. denied*, 137 S. Ct. 601 (2016)

Peel v. Beard, 639 F. App'x 440 (9th Cir. 2016)

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 judges of the United States District Court for the Eastern District of Washington give the Clerk’s Office a list of individuals and entities in whose cases we would recuse. I have provided, and regularly updated, such a list to the Clerk’s Office. I have also recused myself *sua sponte* on various occasions.

I recused myself in the following cases because they involved prior clients:

United States v. Chavez-Garcia, No. 21-CR-06030 (E.D. Wash.)
United States v. Mendoza-Ruelas, No. 21-CR-06028 (E.D. Wash.)
United States v. Davis, No. 21-CR-06025 (E.D. Wash.)
United States v. Wertman, No. 21-CR-06024 (E.D. Wash.)
United States v. Quantrell, No. 21-CR-06006 (E.D. Wash.)
Garcia v. Franklin Cty., No. 21-CV-05028 (E.D. Wash.)
United States v. Wakauwn, No. 21-CR-00157OR (E.D. Wash.)
United States v. Safford, No. 20-CR-06031 (E.D. Wash.)
United States v. Rose, No. 20-CR-06027 (E.D. Wash.)
United States v. Vantiger, No. 20-CR-06010 (E.D. Wash.)
United States v. Murillo, No. 20-CR-06006 (E.D. Wash.)
United States v. Schott, No. 19-CR-06066 (E.D. Wash.)
United States v. Leon, No. 19-CR-06062 (E.D. Wash.)
United States v. Agli, No. 19-CR-06043 (E.D. Wash.)
United States v. Bautista-Morales, No. 19-CR-06020 (E.D. Wash.)
United States v. Gullett, No. 19-CR-06017 (E.D. Wash.)

United States v. Candido, No. 19-CR-06015 (E.D. Wash.)
United States v. Rodriguez, No. 19-CR-00056 (E.D. Wash.)
United States v. Rodriguez, No. 19-CR-00055 (E.D. Wash.)
United States v. Cano Jimenez, No. 15-CR-06010 (E.D. Wash.)
United States v. Rodriguez, No. 10-CR-00072 (E.D. Wash.)

I recused myself in the following case because I represented a defendant in a related case:

United States v. Prochaska, No. 18-CR-06058 (E.D. Wash.)

I recused myself in the following cases because they involved lawyers from my former firm:

United States v. Yaser, No. 21-CR-06042 (E.D. Wash.)
United States v. Olvera, Nos. 21-CR-02046 & 21-CR-06038 (E.D. Wash.)
United States v. Hernandez, No. 20-CR-06016 (E.D. Wash.)
United States v. Bunting, No. 19-CR-06047 (E.D. Wash.)
United States v. Stocking, No. 19-CR-06032 (E.D. Wash.)
Alexander v. Croskey, No. 19-CV-05204 (E.D. Wash.)
United States v. Anwar, No. 18-CR-06054 (E.D. Wash.)
United States v. Arnold, No. 18-CR-06044 (E.D. Wash.)
S.R. v. Pasco Sch. Dist., No. 16-CV-05112 (E.D. Wash.)
Hyde v. Miller, No. 16-CV-05015 (E.D. Wash.)

I recused myself in the following cases because they involved lawyers with whom I had a longstanding working relationship while in private practice:

Telequist McMillen Clare PLLC v. Clare, No. 18-CV-05045 (E.D. Wash.)
Harms v. Dibartolo, No. 15-CV-05029 (E.D. Wash.)

I recused myself in the following cases because I had previously held other matters in abeyance pending resolution of bankruptcy proceedings involving one of the parties:

Dam v. Waldron, No. 20-CV-00391 (E.D. Wash.)
Dam v. Giga, No. 20-CV-00351 (E.D. Wash.)

I recused myself in the following cases because they involved judges whom I know and with whom I associate:

Mendez v. Spanner, No. 16-CV-05016 (E.D. Wash.)
Fearing v. Columbia Basin Satellite Co., No. 15-CV-05001 (E.D. Wash.)

I recused myself in the following case because the plaintiff had previously named me as a defendant in another case:

Hubley v. Spokane Cty., No. 16-CV-00058 (E.D. Wash.)

I recused myself in the following case because the plaintiffs are challenging the rejection of ballots in an election in which I participated and in which my ballot was initially rejected:

Reyes v. Chilton, No. 21-CV-05075 (E.D. Wash.)

I recused myself in the following case because a recently departed former law clerk was the acting Special Assistant United States Attorney for the case:

United States v. Tatshama, No. 20-CR-00064 (E.D. Wash.)

I recused myself in the following case because a litigant referenced me and my family in the pleadings:

Youker v. Hillhouse, No. 19-CV-00177 (E.D. Wash.)

I recused myself in the following case because I work closely on a committee with a lawyer representing a party in the action:

Walbridge Aldinger LLC v. Vanfossen, No. 18-CV-05141 (E.D. Wash.)

I recused myself in the following cases because one or more of my former law clerks was previously associated with a law firm involved in the case:

RCB Int'l v. Labbeemint Inc., No. 16-CV-03109 (E.D. Wash.)

Mayo v. City of Yakima, No. 16-CV-03092 (E.D. Wash.)

Olen v. Yakima HMA LLC, No. 16-CV-03047 (E.D. Wash.)

I recused myself in the following cases where I construed the pleadings as requests for my recusal (though a party never formally moved that I recuse):

United States v. Prochaska, No. 18-CR-06058 (E.D. Wash.). In this criminal case, the government informed me that it intended to call a former client of mine as a witness. Accordingly, I recused myself from the case.

United States v. Campos, No. 17-CR-06006 (E.D. Wash.). In this criminal case, defense counsel informed me that the defendant's prior convictions might be the subject of motion practice and that I was listed as the prosecuting attorney on some filings in those other matters. Accordingly, I recused myself from the case.

United States v. Llerenas, No. 14-CR-06053 (E.D. Wash.). In this criminal case, defense counsel informed me that the victim was also a victim in a case where I

represented a different defendant in state court. Accordingly, I recused myself from the case.

In the following cases, a party moved for my recusal, and I denied the motion upon finding no legitimate basis to recuse:

Nation v. Souza, No. 22-CV-05004 (E.D. Wash.). In this habeas case, the petitioner challenged his pretrial detention in Benton County Jail. The petitioner requested that I recuse on the ground that I had served as a Benton County Superior Court Judge and thus was supposedly biased in favor of Benton County. I denied the motion because the petitioner failed to file an affidavit of bias and alleged no specific facts indicating that I was biased.

Stanley v. Uttecht, No. 20-CV-05152 (E.D. Wash.). In this civil case, the *pro se* plaintiff moved for my recusal, alleging I substantially deviated from the law in my Order to Amend or Voluntarily Dismiss Complaint and Denying Motion for Preliminary Injunction and Related Motions, Dkt. 8 (E.D. Wash. Oct. 8, 2020). I denied the motion because the plaintiff's filing contained no specific factual allegations tending to show personal bias stemming from an extrajudicial source.

Kennedy v. Patzkowski, No. 18-CV-05028 (E.D. Wash.). In this civil case, the *pro se* plaintiff moved for my recusal on the grounds that I was biased against him, denied plaintiff oral argument on certain motions, delayed the hearing on his motion for a preliminary injunction, and that he had accused me of bias in another case, *Jackson v. Patzkowski*, No. 17-CV-05189 (E.D. Wash.). I struck the motion because the plaintiff had failed to sign the motion, as required by local rules.

Jackson v. Patzkowski, No. 17-CV-05189 (E.D. Wash.). In this civil case, the *pro se* plaintiff moved for a new judge to be assigned to his case, which I construed as a motion for my recusal. He alleged that I was treating him unfairly, citing my previous scheduling orders, order denying plaintiff appointment of counsel, and order dismissing his complaint in part. I denied the motion because the plaintiff's filing contained no specific factual allegations tending to show personal bias stemming from an extrajudicial source.

Hymas v. U.S. Dep't of Interior, No. 16-CV-05091 (E.D. Wash.). In this civil case, the plaintiff sought my recusal after all of his claims had been dismissed, alleging that defense counsel had purportedly submitted communications that made me aware of the plaintiff's personal opinions that I was "not ruling according to law and justice." I denied the motion because the plaintiff's filing contained no specific factual allegations tending to show personal bias stemming from an extrajudicial source.

Shirts v. Rodriguez, No. 15-CV-05066 (E.D. Wash.). In this prisoner civil rights case, the plaintiff moved for my recusal, claiming (without any factual support) that I was biased and prejudiced against him. I denied the motion because the

plaintiff's motion contained no specific factual allegations tending to show personal bias stemming from an extrajudicial source.

United States v. Youker, No. 14-CR-00152 (E.D. Wash.). In this criminal case, Mr. Youker moved for my recusal, alleging (without any factual support) that I was secretly working with and favored the United States Attorney's Office; that, through my discovery procedures, I was denying him his right to manage his own case; and that I wrongfully denied and reset obviously meritorious motions. I denied the motion because Mr. Youker failed to present any specific factual allegations tending to show personal bias stemming from an extrajudicial source. (As referenced above, Mr. Youker later filed a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255, *Youker v. Hillhouse*, No. 19-CV-00177 (E.D. Wash.), alleging that he was entitled to relief because I had been biased against him, and I recused myself from that subsequent case since the case involved me and Mr. Youker mentioned my family in the pleadings.)

Vorak v. Sevatius, No. 13-CV-00335 (E.D. Wash). In this prisoner civil rights case, plaintiff filed an affidavit of prejudice, which I construed as a motion for recusal. Plaintiff maintained that I had a personal bias or prejudice against him because of his status as an inmate litigant. I denied the motion because the plaintiff's motion contained no specific factual allegations tending to show personal bias stemming from an extrajudicial source.

As a Superior Court Judge, I handled a large volume of criminal and civil matters daily. Typically, I was assigned to preside over cases with little to no notice, so I routinely had to recuse myself *sua sponte* from certain matters. Most notably, given my extensive criminal defense work as a lawyer, I regularly recused myself *sua sponte* in cases where I had previously represented a defendant or other interested party. No formal recusal orders were entered; rather, I recused myself from the bench and the Clerk's Office reassigned the matter to another judge.

To the best of my knowledge, a party requested my recusal in only one case during my service as a Superior Court Judge:

Washington v. Arlene's Flowers Inc., No. 13-2-00871-5 (Benton Cty. Sup. Ct.). In this civil case, the defendants moved for my recusal after I disclosed that I had previously served as a trustee for Columbia Basin College (CBC), the employer of one of the plaintiffs. As a trustee, I did not supervise any CBC employees except the college's president, and while the plaintiff had presented information to the trustees on occasion, I did not recognize the plaintiff's name when I initially reviewed the case file, and I had no relationship with him. Moreover, the defendants had already filed two affidavits of prejudice against other judges, even though Washington law allows a party to file only one such affidavit per case. I accordingly denied the defendants' motion to recuse me, and they did not appeal that ruling.

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.

From 2011 to 2013, I served on the Columbia Basin College Board of Trustees. I was nominated for that position by Washington Governor Christine Gregoire in 2011, and confirmed by the Washington State Senate during its 2012 session. Although I was appointed for a five-year term, I resigned from the position following my appointment as a Superior Court Judge in 2013 to avoid any potential conflicts of interest.

In 2008, I unsuccessfully ran to fill the position vacated by Superior Court Judge Dennis Yule on the Benton and Franklin Counties Superior Court.

- 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.

I participated in the Mendoza for Judge Election Committee as part of my nonpartisan campaign to become a Superior Court Judge in 2008. Otherwise, I have neither held any memberships or offices in or rendered any services to any political party or election committee, nor held a position or played a role in a political campaign.

Prior to becoming a judge, I endorsed several individuals in their campaigns for public office. In 2010, I endorsed Steve Lowe when he was running to serve as Franklin County Prosecutor. Also in 2010, I endorsed Alex Ekstrom when he was running to become a judge on the Franklin-Benton County District Court. And in 2009, I endorsed Heather Kintzler when she was running for the Kennewick School District Board.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk to a judge.

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

1999 – 2001

Mendoza Law Office
7025 West Grandridge Boulevard, Suite A
Kennewick, Washington 99336
Solo Practitioner

2002 – 2004

Mendoza Law Office, P.S.
7025 West Grandridge Boulevard, Suite B1
Kennewick, Washington 99336
Solo Practitioner

- 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;

1997 – 1998

Office of the Washington State Attorney General
1433 Lakeside Court, Suite 102
Yakima, Washington 98901
Assistant Attorney General

1998 – 1999

Franklin County Prosecuting Attorney's Office
1016 North Fourth Avenue
Pasco, Washington 99301
Deputy Prosecuting Attorney

1999 – 2002

Haney & Mendoza, P.S. (formerly Mendoza Law Office)
7025 West Grandridge Boulevard, Suite B 1
Kennewick, Washington 99336
Vice President

2002 – 2013

Mendoza & Johnson, P.S. (formerly Mendoza Law Office, P.S.)
7135 West Hood Place
Kennewick, Washington 99336
President

- 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 in alternative dispute resolution proceedings.

b. Describe:

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

In 1997, I began my legal career as an Assistant Attorney General in the Regional Services Division of the Office of the Washington State Attorney General in Yakima, Washington, where I provided legal services to a variety of state agencies and institutions of higher education. I primarily represented the Washington Department of Social and Health Services in dependency proceedings. I also tried administrative licensing hearings for the Washington Department of Licensing. Additionally, I handled contested workers' compensation matters on behalf of the Washington Department of Labor and Industries.

In 1998, I became a Deputy Prosecutor at the Franklin County Prosecuting Attorney's Office, where I was responsible for all juvenile court prosecutions in the county. I prosecuted all manner of felony and misdemeanor crimes, including theft, assault, sex offenses, and homicide, from pretrial motion practice through sentencing.

From 1999 to 2013, I worked as a lawyer in private practice, where I focused on criminal defense work and represented both private and court-appointed clients in state and federal court. I litigated all types of felony, misdemeanor, and juvenile matters, including drug distribution, conspiracy, fraud, assault, from pretrial motion practice through sentencing. Throughout this period, I maintained a busy docket, handling approximately 150 to 250 criminal cases each year.

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

My career as a lawyer primarily focused on criminal law, though I also handled various civil matters. As an Assistant Attorney General in the Regional Services Division of the Office of the Washington State Attorney General, I represented state agencies in all types of civil proceedings, and I focused primarily on representing the Washington Department of Social and Health Services in dependency proceedings. As a Deputy Prosecutor in the Franklin County Prosecuting Attorney's Office, I investigated and prosecuted juvenile felony and misdemeanor matters on behalf of Franklin County. And during my decade-and-a-half in private practice, I represented individuals and corporations in state and federal courts in a

wide array of criminal matters.

- 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.

Essentially all of my practice as a lawyer involved litigation. As an Assistant Attorney General from 1997 to 1998, the entirety of my practice was civil litigation in state court, and I appeared in court regularly. As a Deputy Prosecuting Attorney from 1998 to 1999, all of my practice was criminal litigation in state court, and I appeared in court regularly. While in private practice from 1999 to 2013, approximately 95 percent of my practice was criminal litigation, and I appeared in state court daily and in federal court regularly.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 20% |
| 2. state courts of record: | 80% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

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

- 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 approximately 75 cases to verdict in state court, and I tried two cases to verdict in federal court. I was lead counsel in all of these cases.

- 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 have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases

were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

1. *United States v. Olsen*, No. 11-CR-06001 (E.D. Wash.) (Shea, J.)

From 2012 to 2013, I served as sole counsel for defendant Mr. Ackerman in this court-declared complex case involving multiple individual and corporate defendants and extensive discovery. The government alleged that Mr. Ackerman, an insurance agent, spearheaded a conspiracy to defraud several insurance companies whose policies were secured by the United States. According to the government, Mr. Ackerman worked with his co-conspirators to craft insurance agreements that were set up to fail and obtained nearly \$10 million in insurance proceeds over the course of several years. During my representation of Mr. Ackerman, I litigated multiple pretrial motions in anticipation of trial, including a successful motion to exclude government witnesses. After I became a judge and my involvement in the case ended, the case went to trial, the jury hung, and the government chose not to retry Mr. Ackerman.

Opposing Counsel:

Tyler Tornabene
United States Attorney's Office for the Eastern District of Washington
920 West Riverside Avenue, Suite 300
Spokane, WA 99201
(509) 353-2767

2. *Washington v. Williams*, No. 12-1-00111-5 (Benton Cty. Sup. Ct.) (Spanner, J.)

In 2012, I served as sole counsel for Mr. Williams, who was charged with first degree murder after he experienced a schizophrenic episode and killed his grandmother, believing he was commanded to do so by Satan. Upon investigation, I learned that Mr. Williams had recently been released from a state mental health hospital after being detained for five years. I presented that information to the prosecutor, who agreed to allow Mr. Williams to plead not guilty by reason of insanity, ensuring that Mr. Williams could receive the treatment he needed at a mental health facility.

Opposing Counsel:

Andy Miller

Benton County Prosecutor's Office
7122 West Okanogan Place
Kennewick, WA 99336
(509) 735-3591

3. *Washington v. Magana*, No. 10-1-01316-8 (Benton Cty. Sup. Ct.) (Mitchell, J.)

In 2010, Mr. Magana was charged with rape in the first degree. After nearly two years of discovery and pretrial proceedings on various issues—including the application of the marital privilege and the validity of certain DNA evidence—the case proceeded to trial in 2012. On the fourth day of trial, the State produced a jailhouse informant as a potential rebuttal witness who would contradict Mr. Magana's statements and purportedly recite new admissions. In light of that evidence, Mr. Magana pleaded guilty, and he was later sentenced to at least 12.5 years' imprisonment, after which Washington's Indeterminate Sentence Review Board will decide if and when Mr. Magana should be released. From 2011 to 2012, I served as sole counsel for Mr. Magana, handling every aspect of his defense, from discovery through trial to the plea bargaining negotiations.

Opposing Counsel:

Terry Bloor
Benton County Prosecutor's Office
7122 West Okanogan Place
Kennewick, WA 99336
(509) 735-3591

4. *Washington v. Welch*, No. 10-1-01238-2 (Benton Cty. Sup. Ct.) (Yule, J.)

From 2010 to 2011, I served as sole counsel for Mr. Welch in this first degree murder case. Mr. Welch was arrested in 2010 for the alleged murder of a woman in 1982. At the time of his arrest, Mr. Welch was 56 years old and had become severely impaired as the result of an accident that had occurred several years prior. I obtained medical and mental health expert evidence demonstrating that Mr. Welch was not competent to stand trial. In light of that evidence, the State dismissed the charges against Mr. Welch, agreeing that he would not be able to assist in his own defense, as required by the Sixth Amendment of the United States Constitution.

Opposing Counsel:

Andy Miller
Benton County Prosecutor's Office
7122 West Okanogan Place
Kennewick, WA 99336
(509) 735-3591

5. *Washington v. Goering*, No. 09-1-01182-0 (Benton Cty. Sup. Ct.) (Matheson, J.)

From 2009 to 2010, I served as sole counsel for Mr. Goering in this first degree rape case. The victim identified Mr. Goering as her perpetrator a few days following the attack. After reviewing the evidence, however, I convinced the prosecutor to send a previously untested piece of evidence to the crime lab for DNA testing, which showed that Mr. Goering did not perpetrate the rape. I also conducted a forensic interview of the victim that further strengthened my belief that Mr. Goering was innocent. Based on this evidence, the State dismissed the charges against Mr. Goering prior to trial, and a different person was later prosecuted and convicted of the rape.

Opposing Counsel:

Terry Bloor
Benton County Prosecutor's Office
7122 West Okanogan Place
Kennewick, WA 99336
(509) 735-3591

6. *Washington v. Schalchlin*, No. 08-1-00857-0 (Benton Cty. Sup. Ct.) (Matheson, J.)

From 2008 to 2009, I served as co-counsel for Mr. Schalchlin in this double murder case. Mr. Schalchlin allegedly stood by as another teenager murdered Mr. Schalchlin's sister and mother. Following significant discovery and negotiations with the prosecution, Mr. Schalchlin agreed to plead guilty to manslaughter and rendering criminal assistance, and he was sentenced to nine and a half years in prison. As co-counsel for Mr. Schalchlin, I developed significant mitigation evidence showing, among other things, that he suffered from emotional abuse and substandard living conditions, and I spearheaded the successful plea bargain negotiations.

Co-counsel:

Norma Rodriguez
Rodriguez, Interiano, Hanson & Rodgers PLLC
7502 West Deschutes Place
Kennewick, WA 99336
(509) 783-5551

Opposing Counsel:

Andy Miller
Benton County Prosecutor's Office
7122 West Okanogan Place
Kennewick, WA 99336
(509) 735-3591

7. *United States v. Ireland*, No. 05-CR-6019 (E.D. Wash.) (Nielsen, J.)

From 2005 to 2006, I served as sole counsel for Mr. Ireland in this felony wire fraud and conspiracy case. The charges stemmed from an arson involving the Moore Mansion, at the time a local Tri-City, Washington attraction. Mr. Ireland allegedly assisted the

building's owner in securing loans and dummy valuations for the property to obtain higher insurance coverage. The owner then allegedly burned down the building to collect the insurance proceeds. This case required forensic and other analysis of insurance documents, comparison studies, and business records. After several months of negotiations, the government dismissed the case against Mr. Ireland for lack of evidence.

Opposing Counsel:

Robert Ellis
(retired)

8. *United States v. Cisneros*, No. 05-CR-206-3 (E.D. Wash.) (Van Sickle, J.)

Mr. Cisneros was charged with conspiracy to distribute multi-kilo quantities of methamphetamine, exposing him to a minimum sentence of over ten years. The case involved multiple defendants, government informants, and complex issues of language and interpretation. Following a four-day trial, the jury found Mr. Cisneros not guilty of all charges. From 2005 to 2006, I served as sole counsel for Mr. Cisneros. In that capacity, I handled every aspect of Mr. Cisneros' defense, from pretrial motion practice through trial.

Opposing Counsel:

Earl Hicks
United States Attorney's Office for the Eastern District of Washington
920 West Riverside Avenue, Suite 300
Spokane, WA 99201
(509) 353-2767

9. *Washington v. Sanchez*, No. 04-1-01039-3 (Benton Cty. Sup. Ct.) (Yule, J.)

From 2004 to 2005, I represented Mr. Sanchez in this first degree murder case. The prosecution initially alleged that Mr. Sanchez was eligible for the death penalty. I worked with co-counsel to prepare a mitigation packet showing a history of domestic violence between the victim and Mr. Sanchez, and that Mr. Sanchez had been diagnosed with limited cognitive functioning and mental retardation. Following the presentation of that evidence, the State chose not to seek the death penalty. Thereafter, as sole counsel, I briefed and argued various pretrial motions, obtaining the suppression of certain of Mr. Sanchez' statements, and demonstrating that the Spanish version of the advisement of rights provided to Mr. Sanchez was incorrect. Mr. Sanchez later pleaded guilty, and he was sentenced to 25 years' imprisonment.

Co-counsel:

Mark E. Vovos
Mark E. Vovos, P.S.
2721 South Pittsburg Street
Spokane, WA 99203
(509) 326-5220

Opposing Counsel:

Andy Miller
Benton County Prosecutor's Office
7122 West Okanogan Place
Kennewick, WA 99336
(509) 735-3591

10. *Washington v. C.J.J.*, No. 04-8-00054-7 (Benton Cty. Sup. Ct.) (Matheson, J.)

In 2004, C.J.J., then a juvenile, was charged with child molestation and assault with sexual motivation. After extensive investigation, discovery, and negotiation, the case proceeded to trial. Following a four-day bench trial, the judge found C.J.J. not guilty. Throughout 2004, I served as sole counsel for C.J.J., handling every aspect of his defense. Years later, the alleged victim disclosed to his family that the allegations he had made against C.J.J. were false.

Opposing Counsel:

Sharon M. Swanson (formerly with Benton County Prosecutor's Office)
Association of Washington Cities
1076 Franklin Street, Southeast
Olympia, WA 98501
(360) 753-4137

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

My career has focused on litigation, but I have also been involved in various other significant legal activities. For instance, during my time as a United States District Judge, I have served as a member of the Federal Civil CLE Planning Committee (2014 to present), the Federal Criminal CLE Planning Committee (2021 to present), the Court Interpreter Selection Committee (2020), and four Magistrate Judge Selection Committees (2007, 2015, 2021, and 2022).

Before I joined the bench, I was also involved in various non-litigation matters. For example, from 2010 to 2013, I served as a Lawyer Representative to the Ninth Circuit Judicial Conference, where I acted as a link between the judges and the bar. I was selected for that position by the federal judges of the Eastern District of Washington. I also coordinated CLE presentations for both the Eastern District of Washington Conference and the Ninth Circuit Chief District Judges Conference. Prior to my appointment as a Lawyer Representative, I likewise coordinated with the Federal

Defenders of Eastern Washington office to set up a series of CLEs held on a quarterly basis to better inform local practitioners about criminal practice.

I have not performed any lobbying activities, and I am not and have never been 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.

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.

My wife's firm, Mendoza Law Office, P.S., and four sole practitioners lease office space in a building that my wife and I own and manage through Mendoza Holdings, Inc. The amount of monthly rent is \$4,000. Otherwise, I have no anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts, or other future benefits that I expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers.

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.

No.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My wife, Mia Mendoza, and my former law partner, Scott Johnson, practice in federal and state courts within the Ninth Circuit, and I would recuse myself from any cases involving either of them. Otherwise, I am not aware of any persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest when I first assume the position to which I have been nominated. If confirmed, I will continue to evaluate any actual or potential conflict of interest by applying 28 U.S.C. § 445, Canon 3 of the Code of Conduct for United States Judges, and all other applicable laws, canons, and rules.

- 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 will continue to evaluate any actual or potential conflict of interest by applying 28 U.S.C. § 445, Canon 3 of the Code of Conduct for United States Judges, and all other applicable laws, canons, and rules.

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.

As a judge, I am and have been unable to take on direct pro bono representations, but I have sought to serve the community in other ways. For example, during my time as a United States District Judge, I have served on the Community Defender Organization Evaluation Committee (as a Member in 2014 and 2018 and as the Committee Chair in 2022). I have also served on the CJA Appeal Panel (in 2016 and in 2017) and the Jury Trial Committee (as a Member from 2015 to 2019 and as the Chair from 2020 to present).

Throughout my time as a lawyer, I maintained a strong commitment to pro bono work. Roughly half of my cases involved representing indigent defendants in state and federal court. I also regularly worked with the Northwest Justice Project to help individuals who could not afford private legal counsel. Most notably, I successfully obtained the dismissal of an agency's civil suit against 93-year-old Ms. Degood, whom the agency had erroneously overcharged for public housing assistance and would have been removed from her assisted living residence without my assistance with the case.

I devoted significant time to community organizations that serve the disadvantaged, as

well. For example, from 2002 to 2011, I served on the Board of Directors for the Benton-Franklin Legal Aid Society, raising money and otherwise supporting the organization's work ensuring access to justice for the indigent. In addition, since 2005, I have helped plan and implement the Washington State Minority & Justice Commission's Tri-Cities Youth and Justice Forum—a day-long event at which volunteer attorneys, judges, law enforcement officers, and court staff encourage hundreds of students from underrepresented communities to pursue careers within the legal system.

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 18, 2022, I submitted a letter to Senator Patty Murray expressing my interest in serving on the United States Court of Appeals for the Ninth Circuit. On January 23, 2022, Senator Murray's staff asked me to submit additional information. On January 26, 2022, I provided the requested information. On February 7, 2022, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On April 13, 2022, 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.