

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Patrick Casey Pitts

I have at times also used P. Casey Pitts, Casey Pitts, and Patrick Pitts.

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

United States District Judge for the Northern District of California

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.

Altshuler Berzon LLP
177 Post Street, Suite 300
San Francisco, California 94108

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

1980; Moorhead, Minnesota

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

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

1999 – 2003, Yale University; B.A., 2003

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.

2009 – present; Summer 2007; 2003 – 2005
Altshuler Berzon LLP
177 Post Street, Suite 300

San Francisco, California 94108
Partner (2017 – present)
Associate (2009 – 2016)
Summer associate (2007)
Paralegal (2003 – 2005)

2008 – 2009
The Honorable Stephen Reinhardt
United States Court of Appeals for the Ninth Circuit
312 North Spring Street, Suite 1747
Los Angeles, California 90012
Law Clerk

2006 – 2008
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Coker Teaching Fellow for Professor Reva Siegel (2007)
Research Assistant for Professors Reva Siegel and Robert Post (2006 – 2008)

Other affiliations (uncompensated)

2012 – present
Delano Foundation for Law in the Public Interest
3224 Folsom Street
San Francisco, California 94110
Board President

2006
ACLU Immigrants' Rights Project
39 Drumm Street
San Francisco, California 94111
Summer Intern

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

I did not serve in the U.S. Military. I timely registered for the selective service.

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

Northern California Super Lawyer (2021, 2022)

Lawdragon 500 Leading Plaintiff Employment Lawyers (2020 – 2022)

Northern California Rising Star (2016 – 2019)

Coker Teaching Fellowship (2007)

Yale College

Summa Cum Laude

Honors in Comparative Literature (2003)

Bishop Berkeley Prize (2003)

Bianca Maria Finzi-Contini Calabresi Prize (2003)

Dwight Hall Summer Fellowship (2002)

Phi Beta Kappa (2001)

President's Public Service Fellowship (2000)

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.

AFL-CIO Union Lawyers Alliance (2009 – present)

Bar Association of San Francisco (2009 – present)

Bay Area Lawyers for Individual Freedom (BALIF) (2012 – present)

Amicus Committee Member (2012 – 2016)

Judiciary Committee Member (2012 – 2016)

California Bar Association (2009 – present)

Ninth Circuit Judicial Conference

Appellate Lawyer Representative (2018 – present)

10. **Bar and Court Admission:**

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

California, 2009

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2012
United States Court of Appeals for the Second Circuit, 2019
United States Court of Appeals for the Third Circuit, 2011
United States Court of Appeals for the Sixth Circuit, 2012
United States Court of Appeals for the Eighth Circuit, 2021
United States Court of Appeals for the Ninth Circuit, 2009
United States Court of Appeals for the Eleventh Circuit, 2014
United States District Court for the Central District of California, 2014
United States District Court for the Eastern District of California, 2014
United States District Court for the Northern District of California, 2009
United States District Court for the District of Colorado, 2010
United States District Court for the Eastern District of Michigan, 2012

There have been no lapses in membership. I have also been admitted to appear pro hac vice in a number of federal district courts and state trial and appellate courts.

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.

Delano Foundation for Law in the Public Interest (2012 – present)

Legal Aid at Work Workers' Rights Clinic (2012 – present)
Volunteer Supervising Attorney

Point Foundation Cornerstone Society (2017 – present)

San Francisco FrontRunners (2013 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed 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.

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.

Included below are all of the responsive materials I was able to identify. There may be additional pieces that were published in *The New Journal* that I am unable to recall or access at this time.

To Young People, "Don't Ask, Don't Tell" Means "Don't Enlist", 116 YALE L.J. POCKET PART 254 (2006). Copy supplied.

With Louise Davis, *Levin Should Condemn Yale-New Haven Labor Arrests*, YALE DAILY NEWS (Sept. 17, 2002). Copy supplied.

Designing the Future's College Curriculum, YALE DAILY NEWS (Apr. 8, 2002). Copy supplied.

Bill and Grace, NEW JOURNAL (Oct. 19, 2001). I am unable to locate a copy.

A School for Scandal, NEW JOURNAL (Sept. 7, 2001). Copy supplied.

The Dean's the Thing, NEW JOURNAL (Apr. 20, 2001). Copy supplied.

I Want My CTV, NEW JOURNAL (Feb. 9, 2001). Copy supplied.

Hitchhiker's Guide to the University, NEW JOURNAL (Oct. 30, 2000). Copy supplied.

With Judy Miller, *Who Holds the Deeds to Yale's Intellectual Property?*, NEW JOURNAL (Apr. 14, 2000). I am unable to locate a copy.

- 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.

REPORT ON YALE COLLEGE EDUCATION (Committee on Yale College Education

2003). 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.

From August 2021 through February 2022, I served as legal counsel to the West Contra Costa Unified School District Independent Redistricting Commission. I have supplied copies of all minutes of Commission meetings that record any testimony, statement, or communication by me to the Commission. Video recordings of certain Commission meetings are available at

<https://www.youtube.com/watch?v=6MPXuAnCLZU> (Jan. 25, 2022)

<https://www.youtube.com/watch?v=aejFtCHODlw> (Dec. 7, 2021)

<https://www.youtube.com/watch?v=YZiKqxN-ZDQ> (Nov. 30, 2021)

<https://www.youtube.com/watch?v=If9P31qHHEg> (Nov. 16, 2021)

In addition to these materials, I have identified the following responsive documents:

Legal Counsel's Report Regarding Adoption of Recommended Plan (West Contra Costa Unified School District Independent Redistricting Commission 2022). Copy supplied.

Memorandum to Members of the WWUSD Independent Redistricting Commission re: Proposed Adoption of Preliminary Plan on December 14, 2021 (Dec. 13, 2021). Copy supplied.

Statement of Former Clerks to Judge Stephen Reinhardt (Feb. 20, 2020). Copy supplied.

Press Release, The Bar Association of San Francisco, BASF and JDC Mourn the Passing of Judge Stephen Reinhardt (Apr. 3, 2018). Copy supplied.

Legal Community Statement Regarding Rule of Law in Pakistan (Nov. 7, 2007). Copy supplied.

From 2012 to 2016 I served on the Amicus Committee of the Bay Area Lawyers for Individual Freedom (BALIF), during which time it filed the following amicus briefs. To the best of my recollection, I did not have any personal involvement in reviewing or approving the filing of those briefs.

Brief of Amici Curiae Bay Area Lawyers for Individual Freedom, et al., 2016 WL 6312111, in *Carcano v. McCrory*, No. 16-1989 (4th Cir.).

Brief of the National Queer Asian Pacific Islander Alliance, Inc., et al. as Amici Curiae, 2016 WL 891343, in *United States v. Texas*, 579 U.S. 547 (2016).

Brief of Amici Curiae National Center for Lesbian Rights, et al., 2016 WL 74958, in *Whole Woman's Health v. Hellerstedt*, 579 U.S. 582 (2016).

Brief of Bay Area Lawyers for Individual Freedom, et al., as Amici Curiae, 2015 WL 981541, in *Obergefell v. Hodges*, 576 U.S. 644 (2015).

Brief of Amici Curiae Bay Area Lawyers for Individual Freedom, et al., 2014 WL 4796333, in *De Leon v. Perry*, 791 F.3d 619 (5th Cir. 2015).

Brief of Amici Curiae Bay Area Lawyers for Individual Freedom, et al., 2014 WL 1511212, in *Bostic v. Schaefer*, 760 F.3d 352 (4th Cir. 2014).

Brief of Amici Curiae Bay Area Lawyers for Individual Freedom, et al., 2014 WL 991257, in *Kitchen v. Herbert*, 755 F.3d 1193 (10th Cir. 2014).

Brief for Amici Curiae Leadership Conference on Civil and Human Rights, et al., 2013 WL 769334, in *United States v. Windsor*, 570 U.S. 744 (2013).

Brief of Bay Area Lawyers for Individual Freedom, et al., as Amici Curiae, 2013 WL 769311, in *Hollingsworth v. Perry*, 570 U.S. 693 (2013).

- 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.

The following list reflects my best effort to identify the public speaking events in which I have participated, based on a review of my records and publicly-available information.

May 16, 2022: Panelist, "Applying *Bostock* to Bargaining, Benefits, and Litigation," AFL-CIO Union Lawyers Alliance Annual Conference, Portland, Oregon. Presentation and supporting paper supplied.

April 1, 2022: Speaker, "Yale Law School – Fridays with Firms, Question and Answer Session," Yale Law School, Virtual. I answered students' questions about my practice at Altshuler Berzon LLP. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut

06511.

April 21, 2021: Speaker, "OutLaws QALum Lunch with Casey Pitts, Partner at Altshuler Berzon LLP, Question and Answer Session," Yale Law School Outlaws, Virtual. I described, and answered students' questions about, my practice at Altshuler Berzon LLP. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

November 11, 2020: Panelist, "How Does Labor Law Intersect with Antitrust Law?," ABA Section of Labor and Employment Law Annual Conference, Virtual. Supporting paper supplied.

October 16, 2020: Panelist, "Private Public Interest and Plaintiff-Side Law Firm Practice Virtual Event," Yale Law School, New Haven, Connecticut. I described, and answered students' questions about, my practice at Altshuler Berzon LLP. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

November 7, 2019: Panelist, "The Changing Workplace," ABA Section on Labor and Employment Law Annual Conference, New Orleans, Louisiana. Supporting paper supplied.

October 10, 2019: Panelist, "The Case For and Against Back Fee Liability," Conference of the National Organization of Lawyers for Education Associations, Seattle, Washington. Presentation notes supplied.

May 9, 2019: Panelist, "Corporate Governance and Anti-Trust Law Reforms," Clean Slate Convening, Harvard Law School Labor and Worklife Program, Cambridge, Massachusetts. The panel considered possible changes to U.S. corporate governance and anti-trust laws to empower workers. I have no notes, transcript, or recording. The address for Harvard Law School is 1585 Massachusetts Avenue, Cambridge, Massachusetts 02138.

May 7, 2019: Speaker, "If They Could Turn Back Time: Litigating Damage and Other Claims Post-Janus," AFL-CIO Lawyers' Coordinating Committee Annual Conference, Detroit, Michigan. My co-panelists and I described the litigation that has been pursued following the Supreme Court's decision in *Janus v. AFSCME Council 31*, 138 S. Ct. 2448 (2018). I contributed to a supporting paper, but have not supplied a copy because the paper was prepared solely for the use of Committee members in connection with ongoing litigation.

April 8, 2019: Panelist, "Many Paths: Yale Law School Alumni in the Private Sector," Yale Law School, New Haven, Connecticut. I described, and answered students' questions about, my practice at Altshuler Berzon LLP. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

March 23, 2019: Panelist, *Contingent Workers: The Next Unionized Workforce?*, ABA Employment Rights and Responsibilities Midwinter Meeting, Las Vegas, Nevada. Supporting paper supplied.

November 17, 2017: Panelist, "Tech Progress that Enables Age Bias: Discrimination in Hiring and Big Data's Potential to Limit Opportunities for Older Workers," Age Discrimination in Employment Act at 50 Conference, UC Berkeley School of Law, Berkeley, California. Outline and press coverage supplied.

March 30, 2017: Panelist, "The Use of Statistics in Employment Discrimination Class Actions," ABA National Conference on Equal Employment Opportunity Law, New Orleans, Louisiana. Supporting paper supplied.

October 21, 2016: Speaker, "Tips on Damages Analysis for Mediation and Settlement," 2016 Wage and Hour Litigation and Management, Bridgeport Continuing Education, San Francisco, California. I presented on methods for damages analysis in wage-and-hour litigation. I have no notes, transcript, or recording. The address for Bridgeport Continuing Education is 13636 Ventura Boulevard #215, Sherman Oaks, California 91423.

1999 – 2003: During college, as a volunteer member of Yale College's Community Health Educators and the Queer-Straight Alliance groups, I presented lessons on a variety of public health-related issues to high school students in New Haven, Connecticut. I do not have any notes, transcripts, or recordings of those presentations. The address for Yale College is P.O. Box 208241, New Haven, Connecticut 06520.

- 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.

David Ng, *WGA Sues 4 Major Talent Firms*, L.A. TIMES (Apr. 18, 2019). Copy supplied.

Peter Gosselin, *Supreme Court Won't Take Up R.J. Reynolds Age Discrimination Case*, PROPUBLICA (June 26, 2017). Copy supplied.

Adam Lidgett, *Supreme Court Denies Cert in RJR Job Seeker's Age Bias Suit*, LAW360 (June 26, 2017). Copy supplied.

Cara Bayles, *McDonald's Franchisee Gets Initial Nod on Wage Settlement*, LAW360 (May 4, 2017). Copy supplied.

Press Release, *National Center for Lesbian Rights, Transgender Employee in Louisiana Prevails in Employment Discrimination Case* (Dec. 7, 2016). Copy supplied.

Kelly Knaub, *Ex-RJR Job Seeker Loses Age Bias Suit at 11th Circ.*, LAW360 (Oct. 6, 2016). Copy supplied.

Vin Gurrieri, *Bias Tolling Won't 'Flood' Courts, EEOC Tells 11th Circ.*, LAW360 (Mar. 25, 2016). Copy supplied.

Alyson Palmer, *Older Job Applicants Can Sue Over Indirect Job Discrimination*, CLASS ACTION REPORTER (Feb. 2, 2016). Copy supplied.

Shayna Posses, *RJ Reynolds Asks 11th Circ. To Rethink Discrimination Ruling*, LAW360 (Jan. 5, 2016). Copy supplied.

Alyson M. Palmer, *In a First, Appeals Court Says Older Job Applicants Can Sue Over Indirect Age Bias*, DAILY REPORT (Dec. 3, 2015). Copy supplied.

Press Release, National Center for Lesbian Rights and Southern Poverty Law Center, *Civil Rights Groups Sue National Finance Company for Illegally Firing Transgender Employee* (Apr. 13, 2015). Copy supplied.

Is Teacher Tenure Unconstitutional?, National Constitution Center Podcast (June 27, 2014). I am unable to locate a recording of this podcast.

Freda Moon, *Strong, Silent Types*, NEW HAVEN ADVOCATE (Oct. 3, 2007). Copy supplied.

Mary E. O'Leary, *Law Students Protest 'Don't Ask' Ruling; Military Recruiters on Hand for Career Week Interviews*, NEW HAVEN REGISTER (Oct. 2, 2007). Copy supplied.

Rebellious Lawyering Conference to Explore Progressive Approaches to Social Change, YALE BULLETIN & CALENDAR (Feb. 16, 2007). Copy supplied.

Press Release, Yale University, *Yale Law School Hosts 13th Annual Rebellious Lawyering Conference* (Feb. 12, 2007). Copy supplied.

Lauren Henry and Andrew Mangino, *Breyer Weighs in on Constitution, Politics*, YALE DAILY NEWS (Sept. 15, 2006). Copy supplied.

Mila Koumpilova, *An Ivy League of Their Own*, FARGO FORUM (May 21, 2006). Copy supplied.

Martha Fulford, *Brodhead Holds Open Forum on Academic Review*, YALE DAILY

NEWS (Apr. 24, 2003). Copy supplied.

Jonathan Sack, *Sanchez Advocates Bilingual Education*, YALE DAILY NEWS (Nov. 7, 2002). Copy supplied.

'Intersections' Aims to Close the Rift Between Academic Theories and Community Advocacy, YALE BULLETIN & CALENDAR (Sept. 27, 2002). Copy supplied.

Martha Fulford, *Committee Reviews Yale Education*, YALE DAILY NEWS (May 26, 2002). Copy supplied.

Jia Lynn Yang, *Dwight Hall Endorses No One in Corporation Race*, YALE DAILY NEWS (Apr. 2, 2002). Copy supplied.

Nathan Littlefield, *Do Niche Subjects Fit into Yale's Future?*, YALE HERALD (Feb. 18, 2002). Copy supplied.

Steve Courtney, *Slavery Under the Elms*, HARTFORD COURANT (Jan. 20, 2002). Copy supplied.

Najah Farley, *Wary of Slave Past, Dwight Hall Mulls Name Change*, YALE DAILY NEWS (Sept. 26, 2001). Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
- i. Of these cases, approximately what percent were:
- jury trials: _____%
- bench trials: _____% [total 100%]
- ii. Of these cases, approximately what percent were:
- civil proceedings: _____%
- criminal proceedings: _____% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- 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).

- 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.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - 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.
 - 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.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. 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.
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:

I have not held judicial office.

- 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.

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.

I have not held any public office.

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

None.

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

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

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

From 2008 to 2009, I served as a judicial law clerk to the Honorable Stephen Reinhardt of the United States Court of Appeals for the Ninth Circuit.

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

I have not practiced law alone.

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

2009 – present
Altshuler Berzon LLP
177 Post Street, Suite 300

San Francisco, California 94108
Associate (2009 – 2016)
Partner (2017 – present)

- 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.

My law practice has primarily involved complex litigation in federal and state court; legal advice work for public interest clients including government entities and international and local labor unions; and representation of local labor unions in collective bargaining, including in contract negotiations and grievance arbitrations.

After completing my federal court of appeals clerkship, I joined Altshuler Berzon LLP as an associate in 2009. I have remained at the firm since that time, and became a partner at the start of 2017. As an attorney at Altshuler Berzon LLP, I represent individuals, worker representatives, consumers, and non-profit and governmental organizations. The majority of my practice involves representing both plaintiffs and defendants in complex impact and appellate litigation. My practice includes all aspects of litigation, from motions practice, discovery, and trial to appellate briefing and oral argument. I handle my clients' cases at all phases of the litigation process, from the start of (and often before) litigation in the trial court through the completion of any appeals, including any Supreme Court proceedings.

As part of my litigation practice, I have litigated in federal and state courts around the country, including in the Supreme Court of the United States; the Second, Third, Fourth, Sixth, Eighth, Ninth, and Eleventh Circuit Courts of Appeal; the federal district courts in Alaska, Arizona, California (the Central, Eastern, and Northern Districts), Colorado, Connecticut, Georgia, Louisiana (the Eastern District), Michigan (the Eastern District), Minnesota, Mississippi, Ohio (the Southern District), Pennsylvania (the Eastern, Middle, and Western Districts), and Washington (the Western District); the California and Indiana Supreme Courts; intermediate state appellate courts in California and Ohio; and state trial courts throughout California as well as in Ohio and Wisconsin. I have presented oral

argument in the Third, Eighth, Ninth, and Eleventh Circuits (including before the *en banc* Eleventh Circuit in 2016); in federal district courts in Alaska, California, Minnesota, Ohio, and Pennsylvania; in state appellate courts in both California and Ohio; and in numerous California state trial courts.

In addition to my litigation practice, I represent local unions in collective bargaining, including in negotiating contracts and pursuing grievances to enforce those contracts. As part of this practice, I regularly represent my union clients and their members in grievance arbitrations, where I am responsible for presenting opening argument, handling all evidentiary submissions and objections, examining all witnesses, delivering any closing argument, and preparing any post-hearing brief.

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

My typical clients include individual workers; groups of workers pursuing collective or class actions; local and international labor unions and other worker representatives; consumers pursuing class or representative actions; public entities like the City of Seattle and the West Contra Costa United School District Independent Redistricting Commission; and public interest organizations like As You Sow and Dolores Street Community Services.

- 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.

During my career at Altshuler Berzon LLP, approximately 86 percent of my practice has been in litigation, and approximately 14 percent has involved advice, policy, collective bargaining, and other non-litigation work. When calculating the percentages listed below, I considered only my litigation practice that occurred in whole or in part in the listed forums, and included arbitrations pursued entirely outside the federal or state court system in "other courts." My litigation practice requires regular court appearances, with the frequency of such appearances increasing notably since approximately July 2018.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 58%
- 2. state courts of record: 28%
- 3. other courts: 2% (arbitrations)
- 4. administrative agencies: 1%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 100%

2. criminal proceedings: 0%

- 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.

During my time as an attorney at Altshuler Berzon LLP, I tried one case to judgment: *Vergara v. California*, 246 Cal. App. 4th 619 (2016), *review denied* (Aug. 22, 2016). In that matter, I served as associate counsel and was responsible for working on all of the trial court motions and briefing; playing a lead role in fact and expert discovery, including by taking and defending depositions; and preparing and presenting trial witnesses. I also served as one of the primary counsel on appeal, with substantial responsibility for drafting our opening and reply briefs; response to the plaintiffs' amicus briefs; and opposition to plaintiffs' petition for California Supreme Court review.

Each of the non-*Vergara* matters that I litigated at Altshuler Berzon LLP was resolved without a trial (such as after issuance of injunctive relief or on motions for dismissal or summary judgment) or settled before final judgment. Approximately 111 of these matters were resolved through a decision on the merits rather than through settlement.

- i. What percentage of these trials were:

1. jury:	0%
2. non-jury:	100%

- 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 argued before the Supreme Court of the United States. I have briefed the following cases:

Brice v. California Faculty Association, 142 S. Ct. 587 (2021) (brief in opposition, 2021 WL 5138249) (cert. denied).

Boardman v. Inslee, 142 S. Ct. 387 (2021) (brief in opposition, 2021 WL 2862846) (cert. denied).

Seidemann v. Professional Staff Congress Local 2334, 142 S. Ct. 104 (2021) (brief in opposition, 2021 WL 3601402) (cert. denied).

Belgau v. Inslee, 141 S. Ct. 2795, 2021 WL 2519114 (2021) (brief in opposition, 2021 WL 1967366) (cert. denied).

Diamond v. Pennsylvania State Education Association, 141 S. Ct. 2756 (2021) (brief in opposition, 2021 WL 1927441) (cert. denied).

Thompson v. Marietta Education Association, 141 S. Ct. 2721 (2021) (brief in opposition, 2021 WL 1832276) (cert. denied).

Wholean v. CSEA SEIU Local 2001, 141 S. Ct. 1735 (2021) (brief in opposition, 2021 WL 781218) (cert. denied).

Danielson v. Inslee, 141 S. Ct. 1265 (2021) (brief in opposition, 2020 WL 2557725; supplemental brief in opposition, 2021 WL 118985) (cert. denied).

Villarreal v. R.J. Reynolds Tobacco Co., 137 S. Ct. 2292 (June 26, 2017) (cert. petition, 2017 WL 491053; reply in support of cert., 2017 WL 2460815) (cert. denied).

Harris v. Quinn, 573 U.S. 616 (2014) (brief for respondents, 2013 WL 6805686).

Knox v. Service Employees International Union, Local 1000, 567 U.S. 298 (2012) (brief for respondents, 2011 WL 5908951; motion to dismiss as moot and reply in support of motion to dismiss as moot supplied).

National Federation of Independent Business v. Sebelius, 567 U.S. 519 (2012) (brief of amici curiae Service Employees International Union et al., 2012 WL 242898).

Rent-A-Center, West, Inc. v. Jackson, 561 U.S. 63 (2010) (brief of amici curiae Service Employees International Union et al., 2010 WL 1393446).

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. *SEIU Local 87 v. NLRB*, 995 F.3d 1032 (9th Cir. 2021) (Watford, Friedland, Miller,

JJ.)

This Ninth Circuit petition for review challenged a National Labor Relations Board decision dismissing an unfair labor practice complaint against two janitorial services contractors that terminated certain workers after the workers demonstrated on the public sidewalk outside the building to protest their working conditions, including pervasive sexual harassment. The NLRB concluded that the workers' demonstrations involved an unlawful "secondary boycott" prohibited by the NLRA. *Preferred Building Services, Inc.*, 366 NLRB No. 159, 2018 WL 4106356 (Apr. 28, 2021). I served as lead counsel for the union that petitioned for judicial review of that decision, and presented oral argument to a panel of the Ninth Circuit. The panel issued a unanimous decision granting our petition and reversing the NLRB's ruling. The matter is now on remand to the National Labor Relations Board, and I continue to serve as lead counsel for the union in those administrative proceedings.

Dates of representation: 2018 – present

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2. *California by & Through Becerra v. Azar*, 501 F. Supp. 3d 830 (N.D. Cal. 2020)
(Chhabria, J.)

This lawsuit challenged a final rule issued by the Center for Medicaid Services that purported to prohibit individual providers of Medicaid-funded homecare services from voluntarily authorizing payroll deductions to pay for expenses like insurance, retirement savings, union dues, and other customary employee benefits. The lawsuit was filed by six States, two labor unions, and nine individual providers against the U.S. Department of Health and Human Services and its Secretary. The District Court granted summary judgment to the plaintiff States and intervenors on their Administrative Procedure Act claims, concluding that the final rule was arbitrary and capricious because it was premised upon an incorrect interpretation of the authorizing statute. Along with my partner Stacey Leyton, I served as co-lead counsel for the intervenor labor unions and individual providers. I was responsible for preparing our pleadings, briefing our motion for summary judgment and opposition to the government's motions to dismiss and for summary judgment, participating in oral arguments, and coordinating with the States.

Dates of Representation: 2017 – 2022

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3. *William Morris Endeavor Entertainment, LLC et al. v. Writers Guild of America, West, Inc. et al.*, 424 F. Supp. 3d 684 (C.D. Cal. 2020); 2020 WL 2559491 (C.D. Cal. Apr. 27, 2020); 478 F. Supp. 3d 932 (C.D. Cal. 2020); 2020 WL 8175546 (C.D. Cal. Dec. 30, 2020) (Birotte Jr., J.)

This lawsuit was brought by the three largest Hollywood talent agencies against Writers Guild of America, West, Inc. and Writers Guild of America, East, Inc. The lawsuit arose from the Guilds' adoption of a Code of Conduct prohibiting agents who represent Guild members from engaging in certain practices that create conflicts of interest and from the subsequent decision by thousands of Guild members to terminate their relationships with any agent who refused to sign the Code. The Agencies filed suit against the Guilds alleging that the Guilds' adoption and enforcement of the Code of Conduct violated federal antitrust and labor law. The Guilds and a number of individual Guild members filed counterclaims under RICO, federal and state antitrust law, and California's laws of fiduciary duty and constructive fraud. The agencies ultimately dismissed their claims and agreed to comply with the Code.

Along with my law partners Stephen Berzon and Stacey Leyton, I served as co-lead counsel for the defendant Guilds and the individual counterclaimants. In that role, I provided legal advice to the Guilds as they planned for and implemented the Code of Conduct and was responsible for drafting the pleadings, briefing numerous motions, managing discovery, and negotiating and finalizing the Guilds' settlement agreements with the agencies.

Dates of Representation: 2015 – 2021

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4. *Danielson v. Inslee*, 340 F. Supp. 3d 1083 (W.D. Wash. 2018) (Bryan, Jr., J.), *aff'd*, 945 F.3d 1096 (9th Cir. 2019) (Gould, Nguyen, Presnell, JJ.), *cert. denied*, 141 S. Ct. 1265 (Jan. 25, 2021)

Danielson was one of dozens of lawsuits filed around the country after *Janus v. AFSCME Council 31*, 138 S. Ct. 2448 (2018), in which the plaintiffs sought a refund of fair-share fees received by public employee unions prior to *Janus*. My client moved to dismiss, arguing that AFSCME Council 28 was entitled to assert a good-faith defense to Section 1983 liability, and the district court agreed. The Ninth Circuit affirmed, and the Supreme

Court denied plaintiffs' petition for certiorari.

I served as co-lead counsel for defendant AFSCME Council 28 with my colleague Scott Kronland. I briefed our successful motion to dismiss, briefed and argued the plaintiffs' appeal to the Ninth Circuit, and served as counsel of record in successfully opposing plaintiffs' petition for a writ of certiorari to the United States Supreme Court.

Dates of Representation: 2018 – 2021

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5. *Chamber of Commerce v. City of Seattle*, 2017 WL 3267730 (W.D. Wash. Aug. 1, 2017) (Lasnik, J.), *rev'd*, 890 F.3d 769 (9th Cir. 2018) (M. Smith, Murguia, Robreno, JJ.); 426 F. Supp. 3d 786 (W.D. Wash. 2019); 334 F.R.D. 440 (W.D. Wash. 2020); *see also Clark v. City of Seattle*, 899 F.3d 802 (9th Cir. 2018)

This lawsuit by the Chamber of Commerce of the United States and Uber-subsiidiary Rasier LLC challenged a Seattle ordinance creating a process through which independent contractor drivers for transportation network companies like Uber and Lyft could designate a representative to engage in collective negotiations with those companies. In a companion case entitled *Clark v. City of Seattle*, a group of drivers contended that the ordinance violated the First Amendment and was preempted by federal labor law. The district court granted our motions to dismiss in August 2017. The Ninth Circuit affirmed in part and reversed in part, concluding that the district court had erred in holding that the ordinance was entitled to “state action” immunity from the Chamber’s federal antitrust claims, while affirming the dismissal of the drivers’ challenge to the ordinance. Following remand, the Chamber and Uber dismissed their challenge to the ordinance.

I served as co-lead counsel for Seattle with my law partners Stacey Leyton and Stephen Berzon. I was responsible for briefing the Chamber’s preliminary injunction motion and our motions to dismiss both lawsuits, and for briefing the *Chamber* and *Clark* appeals. I presented oral argument for Seattle in the drivers’ Ninth Circuit appeal, which resulted in the published decision captioned *Clark v. City of Seattle*, 899 F.3d 802 (9th Cir. 2018). On remand, I was responsible for pursuing affirmative discovery and for briefing our Rule 56(d) request and motion to compel.

Dates of representation: 2016 – 2019

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6. *Ochoa v McDonald's Corp.*, 133 F. Supp. 3d 1228 (N.D. Cal. 2015); No. 3:14-CV-02098-JD, 2016 WL 3648550 (N.D. Cal. July 7, 2016) (Donato, J.)

Ochoa was one of three class-action lawsuits filed in March 2014 in which workers at franchisee-operated McDonald's stores sought to hold McDonald's Corporation liable as a joint employer for state wage-and-hour violations occurring at franchisee-operated stores. After the workers had settled their claims against the franchisee, the parties had engaged in substantial fact and expert discovery, and the district court had granted in part and denied in part McDonald's motion for summary judgment and granted in part and denied in part our motion for class certification, the workers and McDonald's reached a settlement providing the workers with substantial monetary relief. The settlement was granted final approval on August 4, 2017.

I served as associate counsel in *Ochoa* with my law partners Michael Rubin and B.J. Chisholm serving as co-lead counsel and my law partner Matthew Murray also serving as associate counsel. My responsibilities included undertaking fact and expert discovery relating to the merits of our wage-and-hour claims, the viability of class certification, and joint-employer liability, and drafting the briefing on our motion for class certification and McDonald's motion for summary judgment.

Dates of Representation: 2014 – 2017

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7. *Villarreal v. R.J. Reynolds Tobacco Co.*, No. 2:12-CV-0138-RWS, 2013 WL 823055 (N.D. Ga. Mar. 6, 2013) (Story, J.), *rev'd and remanded*, 806 F.3d 1288 (11th Cir. 2015) (Wilson, Martin, Vinson, JJ.), *rev'd*, 839 F.3d 958 (11th Cir. 2016) (*en banc*), *cert. denied*, 137 S. Ct. 2292 (June 26, 2017)

Villarreal was a proposed collective action under the Age Discrimination in Employment Act challenging the criteria used by R.J. Reynolds Tobacco Company when hiring individuals for certain sales positions, which among other things instructed recruiters to “stay away from” more experienced applicants. The district court dismissed our disparate impact claim on the ground that the ADEA does not permit applicants for employment to pursue such claims, and dismissed our disparate treatment claim on the ground that the claim was time-barred. On November 30, 2015, a panel of the Eleventh Circuit reversed, holding that Mr. Villarreal was entitled to equitable tolling under longstanding Circuit precedent and that the Court would defer to the EEOC’s conclusion that the ADEA permits disparate impact claims by applicants. The Eleventh Circuit reheard the case *en banc*, and reversed the panel’s decision on October 5, 2016. The Supreme Court denied our petition for a writ of certiorari on June 26, 2017.

I served as co-lead counsel with my partner James Finberg in the litigation, and had primary responsibility for briefing and arguing the case in both the district court and on appeal, including before the eleven-judge *en banc* Court of Appeals.

Dates of Representation: 2010 – 2017

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8. *Broussard v. First Tower Loan Corp., LLC*, 150 F. Supp. 3d 709 (E.D. La. 2015)
(Barbier, J.)

Broussard arose from the decision by First Tower Loan Corp. to terminate our client Mr. Broussard after discovering that he was transgender and insisting that he begin presenting as female rather than male. Along with the National Center for Lesbian Rights and the Southern Poverty Law Center, we brought a Title VII lawsuit asserting that Tower Loan's actions constituted impermissible sex discrimination. The District Court ordered Mr. Broussard to arbitrate his claims against Tower Loan, and we thereafter held a week-long evidentiary hearing in Jackson, Mississippi before Arbitrator J. William Manuel, who ultimately ruled in Mr. Broussard's favor and awarded him substantial backpay and emotional damages. Tower Loan subsequently agreed to implement company-wide policies to prevent future discrimination against its transgender employees.

I served as co-lead counsel in *Broussard*. My responsibilities included briefing Tower Loan's motion to compel arbitration, undertaking significant pre-arbitration discovery,

preparing and examining multiple witnesses at the arbitration hearing, and preparing our post-hearing brief.

Dates of Representation: 2014 – 2017

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9. *Vergara v. California*, No. BC484642, 2014 WL 6478415 (Cal. Super. Aug. 27, 2014) (Treu, J.), 246 Cal. App. 4th 619 (2016) (Boren, Ashmann-Gerst, Hoffstadt, JJ.), *review denied* (Aug. 22, 2016)

Vergara involved a state constitutional challenge to certain provisions of California law that provide public school teachers with limited protections against budgetary layoffs and termination without cause. I represented the California Teachers Association and the California Federation of Teachers, which both intervened to defend the challenged statutes. The trial court concluded, after a multi-week trial, that the challenged statutes were unconstitutional. The court's decision was reversed on appeal in a published decision concluding that the plaintiffs had failed to show that the challenged statutes were the cause of the educational disparities about which the plaintiffs complained.

I served as associate counsel at all stages of the trial court proceedings, including in drafting substantive motions, conducting fact and expert discovery, presenting witnesses at trial, and briefing post-trial matters. I was one of the primary attorneys responsible for briefing our successful appeal and defending the Court of Appeal's decision against plaintiffs' petition for California Supreme Court review.

Dates of Representation: 2013 – 2016

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10. *Gomez v. City of Escondido*, San Diego Super. Ct. Case No. 37-2011-00060480-CU-CR-NC (Hon. Earl H. Mass III)

Gomez was a California Voting Rights Act lawsuit against the City of Escondido. As associate counsel with my colleagues James Finberg and Scott Kronland, I represented several Latino voters in Escondido, as well as a state labor federation, in challenging the

at-large election system then used to elect City Council members under the California Voting Rights Act, on the ground that the at-large system unlawfully impaired the ability of minority voters to elect candidates of their choice or otherwise influence the outcome of elections. As part of a consent decree reached between the parties to settle our lawsuit, the City agreed to convert its City Council elections to a district-based system. The Court approved the parties' proposed consent decree on April 19, 2013.

Dates of Representation: 2011 – 2013

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

The most significant legal activity I have pursued in my career is the complex impact and appellate litigation that I have undertaken while at Altshuler Berzon LLP. My non-litigation legal activities primarily involve advising organizational clients regarding matters such as collective bargaining negotiations, pursuing contractual grievances, governance, and potential or proposed legislation or administrative rulemaking. As part of my representation of local union clients like the Contra Costa County Defenders Association and Amalgamated Transit Union Local 1574, I represent those clients and their members in grievance arbitrations, where I am responsible for presenting opening argument, handling evidentiary submissions and objections, examining witnesses, delivering closing argument, and preparing post-hearing briefing. My non-litigation practice also includes representing individual employees seeking legal advice with

respect to unlawful conduct by their employers, such as retaliatory termination.

From 2021 to 2022, my non-litigation practice included serving as legal counsel to the West Contra Costa Unified School District Independent Redistricting Commission. In that role, I was responsible for advising the Commission on all legal matters, including federal and state laws regarding voting rights and redistricting and California laws regarding government transparency, and for providing the legal and administrative support necessary for the Commission to complete its work.

Since 2010, I have also served as a volunteer attorney supervisor for Legal Aid at Work's Workers' Rights Clinic. The clinic provides free legal advice regarding work-related issues to indigent individuals. As an attorney supervisor, I supervise the law student participants in the clinic to ensure they are providing appropriate advice to clinic clients. More generally, I have continually sought out opportunities to provide teaching and mentorship to future lawyers, including the staff and interns hired by our law firm, student volunteers in Legal Aid at Work's Workers' Rights Clinic, and Yale Law School students interested in careers in public interest law.

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

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

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.

In certain circumstances, former partners of Altshuler Berzon LLP are entitled to receive deferred income from full- or partial-contingency cases that were litigated while they were partners but that resolve favorably following the partners' departure from the partnership. The amount I would receive for any such case, as defined in the partnership agreement, is based upon the law firm's total recovery in the case, the work performed by attorneys of the firm on that case in each year during which I was a partner, and my personal interest in the partnership for each such year. Given the number of variables involved in each case, it is not possible to provide an estimate of amount of income I might be entitled to receive under this formula for any particular case. I have not yet determined whether I will waive any claim for such future income immediately upon taking the oath of office or at some point thereafter.

I have not made any arrangements to be compensated in the future for any other financial or business interest.

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

None.

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

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.

If confirmed, potential conflicts could be presented in matters being litigated by lawyers from Altshuler Berzon LLP. I would immediately recuse myself from any matter that was pending in the law firm while I was a partner, and would recuse myself from any matter being litigated by lawyers from Altshuler Berzon LLP for so long as there remains a possibility that I will receive any future deferred income from the law firm. I will consult with ethics counsel, as well as with colleagues on the bench, to determine an appropriate length of time during which I will automatically recuse from matters being litigated by Altshuler Berzon LLP even if neither of these circumstances exists. I would immediately recuse myself from any other matter in which the applicable ethical rules require recusal.

I am not aware of any family member that has, or is likely to have, a matter in the Northern District of California.

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

If faced with a potential conflict of interest, I would review 28 U.S.C. § 455, Canon 3 of The Code of Conduct for United States Judges, the Published Advisory Opinions issued by the Committee on Codes of Conduct, and any other potentially relevant canons, rules, statutes, and treatises. If appropriate, I would advise the parties before me of the potential conflict and seek their input. I would evaluate each situation on a case-by-case basis to determine the appropriate action, seek counsel as needed, and recuse myself where necessary.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

My career at Altshuler Berzon LLP has been spent advocating on behalf of the disadvantaged. My clients at Altshuler Berzon LLP have included, among others, Indonesian factory workers denied severance payments guaranteed to them under Indonesian law; a man terminated from his employment in western Louisiana because of his transgender status; Latino voters in Escondido, California who were unable to participate in city politics on the same footing as non-Latino voters; a nonprofit community services organization dedicated to providing representation to indigent immigration detainees; low-wage fast food workers denied minimum wages, overtime pay, and legally-mandated meal and rest breaks; and unions representing bus drivers, homecare workers, public defenders, and public school teachers. All of this work has been performed either on a "low bono" basis, in which the clients pay hourly rates far below the market rates Altshuler Berzon LLP charges to commercial clients, or on a contingency basis, in which we represent our clients for free and any financial recovery depends on achieving ultimate success in the lawsuit.

I have provided free legal services to the disadvantaged in other ways as well. Since 2010, I have served as a volunteer attorney supervisor for Legal Aid at Work's Workers' Rights Clinic. The clinic provides free legal advice regarding work-related issues to indigent individuals. As an attorney supervisor, I supervise the law student participants in the clinic to ensure they are providing appropriate advice to clinic clients.

In 2014, I served as lead counsel in drafting a Sixth Circuit amicus brief for Capitol University Law School Trustees Professor of Law Mark P. Strasser in *DeBoer v. Snyder*, 772 F.3d 388 (6th Cir. 2014), *rev'd*, *Obergefell v. Hodges*, 576 U.S. 644 (2015). The appeal considered the constitutionality of state prohibitions on same-sex marriage, and our amicus brief explained why Tennessee's prohibition violated the constitutionally-protected right to travel of individuals in same-sex marriages. We represented Professor Strasser on a pro bono basis.

Finally, in my role as an Appellate Lawyer Representative for the United States Court of Appeals for the Ninth Circuit, I serve as a volunteer mentor to less-experienced counsel with cases in the Ninth Circuit.

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.

In California, both Senator Dianne Feinstein and Senator Alex Padilla have established Judicial Evaluation Commissions to review candidates for United States District Court Judge positions. In February 2021, I submitted applications to each of the Senators' Commissions. On February 1, 2022, I interviewed with members of Senator Padilla's Judicial Evaluation Commission for the Northern District of California. In April 2022, I interviewed with the chairs of Senator Padilla's Judicial Evaluation Commission, Senator Padilla's staff, and Senator Padilla. On May 2, 2022, I interviewed with the chair of Senator Feinstein's Judicial Evaluation Commission. On June 8, 2022, I interviewed with attorneys from the White House Counsel's Office. Since June 12, 2022, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 6, 2022, my nomination was submitted to the Senate.

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

No.