

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Nina Nin-Yuen Wang
Nina Y. Wang

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

United States District Judge for the District of Colorado

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

United States District Court for the District of Colorado
Alfred A. Arraj United States Courthouse
901 19th Street, Suite C-502
Denver, Colorado 80294

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

1972; Taipei, Taiwan

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, Harvard Law School; J.D., 1997
1990 – 1994, Washington University in Saint Louis; A.B. (*summa cum laude*), 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.

2015 – present
United States District Court for the District of Colorado
Alfred A. Arraj United States Courthouse
901 19th Street, Suite C-502

Denver, Colorado 80294
United States Magistrate Judge

2004 – 2015

Faegre Baker Daniels LLP (now Faegre Drinker Biddle & Reath LLP)
1144 15th Street, Suite 3400
Denver, Colorado 80202
Partner (2008 – 2015)
Associate (2004 – 2008)

2007, 2009

University of Colorado Law School
Wolf Law Building, 401 UCB
2450 Kitteredged Loop Road
Boulder, Colorado 80309
Adjunct Professor

2000 – 2004

United States Attorney's Office for the District of Colorado
1801 California Street, Suite 1600
Denver, Colorado 80202
Assistant United States Attorney

1999 – 2000

United States District Court for the District of Maryland
6500 Cherrywood Lane
Greenbelt, Maryland 20770
Law Clerk to the Honorable Peter J. Messitte

1997 – 1999

Fried Frank Harris Shriver & Jacobson LLP
801 17th Street, Northwest
Washington, DC 20006
Associate

1995 – 1997

Harvard Law School
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant to Professor Martha Minow (1997)
Research Assistant to Clinical Professor Deborah J. Anker (1995 – 1997)

Summer 1996

McDermott, Will & Emery LLP
444 West Lake Street
Chicago, Illinois 60606

Summer Associate

1995 – 1996

Harvard Legal Aid Bureau
Two Everett Street
Cambridge, Massachusetts 02138
Student Lawyer

Summer 1995

United States District Court for the District of Columbia
E. Barrett Prettyman United States Courthouse
333 Constitution Avenue, Northwest
Washington, DC 20001
Intern to the Honorable Paul L. Friedman

1994 – 1995

Harvard Battered Women's Advocacy Project
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138
Student Lawyer

Summer 1994

State Farm Mutual Automobile Insurance Company
8945 Dunn Road
Hazelwood, Missouri 63042
Summer Intern

Other affiliations (uncompensated):

2015 – present

Our Courts
1290 Broadway, Suite 1700
Denver, Colorado 80203
Board of Directors, Member

2014 – present

Pro Bono Patent Program Pro Bono Advisory Council
1012 28th Place South
Birmingham, Alabama 35205
Board of Directors, Member

2017 – 2019

ChIPs (Chiefs in Intellectual Property)—Colorado Chapter
617 Broadway, Suite 503
Sonoma, California 95476
Board of Directors, Member

2013 – 2015
Colorado Lawyer Trust Account Foundation
1120 North Lincoln Street, Suite 701
Denver, Colorado 80203
Board of Directors, Member

2013 – 2015
Colorado Pro Bono Patent Program
Mi Casa Resource Center
345 South Grove Street
Denver, Colorado 80219
Founding Member

2010 – 2014
Colorado Bar Association
1900 Grant Street, Ninth Floor
Denver, Colorado 80203
Intellectual Property Division Advisory Board, Member (2013 – 2014)
Intellectual Property Division, Chair (2012)
Intellectual Property Division, Vice-Chair (2011)
Intellectual Property Division, Secretary (2010)

2009 – 2014
Colorado Lawyers Committee
1700 North Lincoln Street
Denver, Colorado 80203
Executive Board, Member

2005 – 2010
Asian Pacific American Bar Association of Colorado
224 South 14th Avenue
Brighton, Colorado 80601
President (2009 – 2010)
President-Elect (2008 – 2009)
Board of Directors, Member (2005 – 2010)

2004 – 2010
Family Star Montessori
2940 Curtis Street
Denver, Colorado 80202
Board of Directors, Member

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 was not required to register 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.

Minoru Yasui Community Service Award, Asian Pacific American Bar Association of Colorado (2015)

SuperLawyers, Intellectual Property (2014, 2013, 2012, 2011, 2010)

SuperLawyers, Intellectual Property: Top 100 Practitioners (2014)

SuperLawyers, Intellectual Property: Top 50 Women (2014)

IP Star, Managing IP (2014, 2013)

Leading Patent Practitioners, Intellectual Asset Management (2013, 2012)

Chambers Ranked, Intellectual Property (2013, 2012, 2011)

Best Under 40, National Asian Pacific American Bar Association (2010)

40 Under 40, Denver Business Journal (2009)

Outstanding Service Award, United States Attorney's Office (2004)

Harvard Law School

Harvard Civil Rights-Civil Liberties Law Review

Editor-in-Chief (1996 – 1997)

Editorial Staff (1995 – 1997)

Delta Gamma Fraternity Graduate Studies Scholarship (1994)

Washington University in Saint Louis

Graduated *summa cum laude* (1994)

Phi Beta Kappa (1994)

Outstanding Senior in Economics (1994)

Omicron Delta Epsilon (Economics Honor Society) (1993 – 1994)

Arnold J. Lien Social Sciences Full-Tuition Merit Scholarship (1990 – 1994)

Kansas Honor Scholar (1990)

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.

Asian Pacific American Bar Association of Colorado (2004 – present)
President (2009 – 2010)
President-Elect (2008 – 2009)
Board of Directors, Member (2005 – 2010)

ChIPs (Chiefs in Intellectual Property)—Colorado Chapter (2013 – present)
Board of Directors, Member (2017 – 2019)

Colorado Bar Association (2004 – 2014)
Intellectual Property Division Advisory Board, Member (2013 – 2014)
Intellectual Property Division, Chair (2012)
Intellectual Property Division, Vice-Chair (2011)
Intellectual Property Division, Secretary (2010)

Colorado Pro Bono Patent Program, Founding Member (2013 – 2015)

Colorado Task Force on Lawyer Well-Being (2018 – 2021)
Member & Judicial Wellness Committee, Co-Chair (2018 – 2021)

Federal Magistrate Judges Association (2015 – present)
Diversity Committee, Member (2019 – present)

Minoru Yasui American Inn of Court (2004 – 2008)

United States District Court for the District of Colorado (2016 – present)
Court Security Committee, Member (2018 – present)
COVID-19 Jury Trial Committee, Member (2020)
Diversionary Court Committee, Member (2016)
Executive Committee, Member (2018 – present)
Employment Dispute Resolution Coordinator (2017 – 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.

Illinois, 1997
District of Columbia, 1998
California, 2001
Colorado, 2004

There have been no lapses in membership. In 2015, I resigned from the District of Columbia bar upon taking the bench, and I have been inactive in California and Colorado since my appointment as a judge in 2015.

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

United States Court of Appeals for the Fourth Circuit, 2000
United States Court of Appeals for the Tenth Circuit, 2001
United States Court of Appeals for the Federal Circuit, 2006
United States District Court for the Northern District of California, 2012
United States District Court for the District of Colorado, 2004
United States District Court for the District of Columbia, 1998
United States District Court for the Northern District of Illinois, 2007
United States District Court for the District of Maryland, 2000

There have been no lapses in membership, although I resigned from the United States District Court for the District of Columbia bar in 2004 upon moving to Colorado, and I resigned from the United States District Court for the Northern District of Illinois bar upon taking the bench in 2015.

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.

Asian American Refugee Assistance Program (1998 – 2000)

Big Brothers Big Sisters of America—Denver (2000 – 2003)

Saint Elizabeth of Hungary Sandwich Line (2003 – 2019)

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

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or

national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

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

Commentary on Cross-Border Discovery in U.S. Patent and Trade Secret Cases, Sedona Conference (May 2021). Copy supplied.

With Adam Espinosa & Kelly Southerland, *Judicial Officers and Self-Represented Litigants*, Colorado Lawyer (Apr. 2021). Copy supplied.

Framework for Analysis on Trade Secret Issues Across International Borders, Sedona Conference (Mar. 2021). Copy supplied.

With Natalie Hanlon-Leh, *Discovery in Colorado*, Colorado Continuing Legal Education (2021). Copy supplied.

With Diversity Committee, *Name Three Exercise*, Federal Magistrate Judges Association Bulletin (Dec. 2020). Copy supplied.

Diversity in the Courts, Federal Magistrate Judges Association Bulletin (June 2020). Copy supplied.

With Natalie Hanlon-Leh, *Discovery in Colorado*, Colorado Continuing Legal Education (2018). Copy supplied.

With Natalie Hanlon-Leh, *Discovery in Colorado*, Colorado Continuing Legal Education (2017). Copy supplied.

With Morris Hoffmann, *A Year After Significant Civil Justice Reforms: Successes and Challenges*, Colorado Lawyer (2017). Copy supplied.

With Wendy Weigler, *CWBA Due Diligence and Endorsement Process*, The Advocate (Winter 2011 – 2012). Copy supplied.

Putting Bite Into Federal Employment Discrimination Law: Litigation Strategies After the No FEAR Act, USA Bulletin (2004). Copy supplied.

Book Note: Laws Harsh as Tigers, 31 Harv. C.R.-C.L. L. Rev. 587 (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.

Report of the Colorado Task Force on Lawyer Well-Being (Nov. 2021). Copy supplied.

Commentary on Cross-Border Discovery in U.S. Patent and Trade Secret Cases, Sedona Conference (May 2021). Copy supplied in response to Question 12a.

Framework for Analysis on Trade Secret Issues Across International Borders: Extraterritorial Reach, Sedona Conference (Mar. 2021). Copy supplied in response to Question 12a.

- 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.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my personal files, calendar, and the internet in an effort to identify all events responsive to this question. I may have omitted one or more events inadvertently.

September 10, 2021: Panelist, Judicial Walking Tour, University of Denver Law School Black Law Students Association, University of Denver Law School Office of Diversity, Equity & Inclusion, University of Colorado Law School Black Law Students Association, Colorado Supreme Court, Sam Cary Bar Association, and Faculty of Federal Advocates, Denver, Colorado. I spoke on a panel regarding my path to the bench and diversity and inclusion in the courts. I have no notes, transcript, or recording. The address for the University of Denver Law School Black Law Students Association and the University of Denver Law School Office

of Diversity, Equity & Inclusion is Sturm College of Law, University of Denver, 2255 East Evans Avenue, Denver, Colorado 80208. The address for the University of Colorado Law School Black Law Students Association is Wolf Law Building, 401 UCB, 2450 Kittredge Loop Road, Boulder, Colorado 80309. The address for the Colorado Supreme Court is Ralph L. Carr Colorado Judicial Center, Two East 14th Avenue, Denver, Colorado 80203. The address for the Sam Cary Bar Association is P.O. Box 300205, Denver, Colorado 80203. The address for the Faculty of Federal Advocates is P.O. Box 12025, Denver, Colorado 80212.

July 22, 2021: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Colorado, Centennial, Colorado. I provided comments and administered the oath of allegiance to new United States citizens. The remarks I used were substantially the same as those for the January 10, 2020, naturalization ceremony, for which remarks are supplied. The address for the United States District Court for the District of Colorado is Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294.

June 25, 2021: Panelist, Federal Practice Update 2021, Colorado Bar Association, Denver, Colorado (virtual). The panel of magistrate judges discussed practical tips for litigating in the District of Colorado. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

June 21, 2021: Panelist, Working Group 12 Commentary on Trade Secret Issues Across International Borders: Extraterritorial Reach, Sedona Conference, Denver, Colorado (virtual). The panel discussed recommendations of the Sedona Conference's Working Group 12 regarding best practices for addressing trade secret issues in multinational cases. I have no notes, transcript, or recording. The address for the Sedona Conference is 301 East Bethany Home Road, Suite C-297, Phoenix, Arizona 85012.

April 29, 2021: Panelist, View from the Bench: How Lawyers Can More Effectively Address ESI Discovery Issues, Sedona Conference, Denver, Colorado (virtual). This CLE addressed how attorneys can more effectively handle discovery issues arising from electronically stored information. I have no notes, transcript, or recording. The address for the Sedona Conference is 301 East Bethany Home Road, Suite C-297, Phoenix, Arizona 85012.

April 23, 2021: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Colorado, Centennial, Colorado. I provided comments and administered the oath of allegiance to new United States citizens. The remarks I used were substantially the same as those for the January 10, 2020, naturalization ceremony, for which remarks are supplied. The address for the United States District Court for the District of Colorado is Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294.

April 21, 2021: Moderator, Out-of-Court Resolutions in a Post-Pandemic Era, Faculty of Federal Advocates, Denver, Colorado (virtual). I moderated a panel of mediators about best practices for mediation in light of the COVID-19 pandemic. I have no notes, transcript, or recording. The address for the Faculty of Federal Advocates is P.O. Box 12025, Denver, Colorado 80212.

February 19, 2021: Panelist, Underappreciated Lawyer Skills, American Bar Association (virtual). The panel discussed skills of effective lawyers. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

September 25, 2020: Panelist, Litigation in the Time of COVID-19, Midwest IP Institute, Denver, Colorado (virtual). The panel discussed effective techniques for litigating during the COVID-19 pandemic. I have no notes, transcript, or recording. The address for the Midwest IP Institute is 300 River Place Drive, Detroit, Michigan 48207.

July 10, 2020: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Colorado, Centennial, Colorado. I provided comments and administered the oath of allegiance to new United States citizens. The remarks I used were substantially the same as those for the January 10, 2020, naturalization ceremony, for which remarks are supplied. The address for the United States District Court for the District of Colorado is Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294.

May 21, 2020: Panelist, The Judicial Anatomy of an Employment Case, DRI Employment and Labor Law Seminar, Denver, Colorado (virtual). The panel discussed best practices for discovery, mediation, motion practice, and trial in employment cases. I have no notes, transcript, or recording. The address for DRI is 222 South Riverside Plaza, Suite 1870, Chicago, Illinois 60606.

January 10, 2020: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Colorado, Denver, Colorado. Remarks supplied.

November 22, 2019: Speaker, International Discovery Issues, Advanced E-Discovery Institute, Georgetown University Law Center, Washington, DC. Notes supplied.

October 22, 2019: Speaker, Working Group 10 Meeting, Sedona Conference, Charlotte, North Carolina. I spoke about comity issues in international discovery. I have no notes, transcript, or recording. The address for the Sedona Conference is 301 East Bethany Home Road, Suite C-297, Phoenix, Arizona 85012.

August 27, 2019: Panelist, Rockies, Red Sox, and Repartee, Association of Corporate Counsel, Denver, Colorado. I answered questions from a group of

corporate counsel about litigating in federal court. I have no notes, transcript, or recording. The address for the Association of Corporate Counsel is 1001 G Street, Northwest, Washington, DC 20001.

August 16, 2019: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Colorado, Denver, Colorado. I provided comments and administered the oath of allegiance to new United States citizens. The remarks I used were substantially the same as those for the January 25, 2019, naturalization ceremony, for which remarks are supplied. The address for the United States District Court for the District of Colorado is Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294.

June 25, 2019: Panelist, Inclusion in the Courts, American Bar Association Collaborative Bar Leadership Academy, Denver, Colorado. The panel discussed how judges can assist in promoting inclusion. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

June 21, 2019: Panelist, Federal Practice Update 2019, Colorado Bar Association, Denver, Colorado. The panel of judges discussed recent opinions and best practices for litigating in the District of Colorado. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

May 19, 2019: Panelist, Judicial Roundtable: Tips for Achieving Best Results in Federal Court, Colorado Women's Bar Association, Vail, Colorado. The panel discussed effective lawyering skills before federal courts. I have no notes, transcript, or recording. The address for the Colorado Women's Bar Association is P.O. Box 1918, Denver, Colorado 80201.

April 25, 2019: Presenter, Take Your Child to Work Day, United States District Court for the District of Colorado, Denver, Colorado. I welcomed participants and conducted a mock trial with them. The outline I used was substantially the same as that for the April 28, 2016, event, for which the outline is supplied. The address for the United States District Court for the District of Colorado is Alfred A. Arraj United States Courthouse, 901 19th Street, Suite C-502, Denver, Colorado 80294.

April 19, 2019: Speaker, Legal Writing for Labor and Employment Attorneys—Employment Law Spring Update: Judges' Panel on Motions Drafting, Colorado Bar Association, Denver, Colorado. The panel of judges discussed best practices for legal writing. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

January 25, 2019: Presiding Judge, Naturalization Ceremony, United States

District Court for the District of Colorado, Denver, Colorado. Remarks supplied.

November 21, 2018: Panelist, Judicial Roundtable, Advanced E-Discovery Institute, Georgetown University Law Center, Washington, DC. The panel discussed the application of privileges and Federal Rule of Civil Procedure 502(d) in discovery. I have no notes, transcript, or recording. The address for the Georgetown University Law Center is 600 New Jersey Avenue, Northwest, Washington, DC 20001.

November 2, 2018: Speaker, Common Discovery Strategies for New Lawyers, Colorado Defense Lawyers Association, Denver, Colorado. I spoke about effective lawyering skills for new lawyers. I have no notes, transcript, or recording. The address for the Colorado Defense Lawyers Association is 643 Dexter Street, Denver, Colorado 80220.

October 16, 2018: Moderator, Advanced Discovery Skills in 2018, Colorado Bar Association, Denver, Colorado. I moderated a panel regarding advanced discovery skills in association with the publication of *Discovery in Colorado*. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

August 29, 2018: Speaker, Home Runs and Unforced Errors: Litigating before Federal Magistrate Judges, Holland & Hart LLP, Denver, Colorado. PowerPoint supplied.

June 29, 2018: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Colorado, Denver, Colorado. I provided comments and administered the oath of allegiance to new United States citizens. The remarks I used were substantially the same as those for the September 16, 2016, naturalization ceremony, for which remarks are supplied. The address for the United States District Court for the District of Colorado is Alfred A. Arraj United States Courthouse, 901 19th Street, Suite C-502, Denver, Colorado 80294.

June 22, 2018: Panelist, Federal Practice Update 2018, Colorado Bar Association, Denver, Colorado. The panel of magistrate judges discussed practical tips for litigating in the District of Colorado. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

November 16, 2017: Moderator, What Does Fairness Mean and Why Should We Care?, Faculty of Federal Advocates (virtual). I interviewed the Honorable John L. Kane of the District of Colorado on his 40th anniversary as a federal judge. I have no notes, transcript, or recording. The address for the Faculty of Federal Advocates is P.O. Box 12025, Denver, Colorado 80212.

September 15, 2017: Panelist, The FORUM: A Discussion on Emotional

Intelligence, Mindfulness, Professionalism, and Life in the Law, Faculty of Federal Advocates, Denver, Colorado. I facilitated a discussion about the role of emotional intelligence and mindfulness in the practice of law. I have no notes, transcript, or recording. The address for the Faculty of Federal Advocates is P.O. Box 12025, Denver, Colorado 80212.

July 28, 2017: Panelist, Discovering Discovery, Colorado Bar Association, Denver, Colorado. The panel discussed common discovery issues in the District of Colorado. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

June 21, 2017: Speaker, Ten Biggest Mistakes that Attorneys Make With Electronic Evidence, Colorado Bar Association, Denver, Colorado. PowerPoint supplied.

June 16, 2017: Panelist, Federal Practice Update 2017, Colorado Bar Association, Denver, Colorado. The panel of magistrate judges discussed practical tips for litigating in the District of Colorado. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

May 19 – 21, 2017: Judge in Residence, Annual Convention, Colorado Women's Bar Association, Vail, Colorado. Over the course of the convention, I answered questions about success in the legal profession. I have no notes, transcripts, or recordings. The address for the Colorado Women's Bar Association is P.O. Box 1918, Denver, Colorado 80201.

Spring 2017 (specific dates unknown): Speaker, Patent Litigation Course, University of Colorado Law School, Colorado. I conducted a mock scheduling conference at the University of Colorado Law School in Boulder, and a mock claim construction hearing for a patent case at the District of Colorado courthouse in Denver. I have no notes, transcript, or recording. The address for the University of Colorado Law School is Wolf Law Building, 401 UCB, 2450 Kitteredge Loop Road, Boulder, Colorado 80309.

February 24, 2017: Panelist, Defend Trade Secrets Act: Judicial Perspectives for Effective Litigation Strategies, CLE International, Denver, Colorado. PowerPoint supplied.

January 27, 2017: Speaker, Preventing Legal Malpractice—Litigation Topics, Colorado Bar Association, Denver, Colorado. I spoke about best practices related to preservation and production of discovery to avoid malpractice issues. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

September 30, 2016: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Colorado, Denver, Colorado. I provided comments and administered the oath of allegiance to new United States citizens. The remarks I used were substantially the same as those for the September 16, 2016, naturalization ceremony, for which remarks are supplied. The address for the United States District Court for the District of Colorado is Alfred A. Arraj United States Courthouse, 901 19th Street, Suite C-502, Denver, Colorado 80294.

September 16, 2016: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Colorado, Denver, Colorado. Remarks supplied.

August 25, 2016: Speaker, Civil Litigation Amendments After 2015, Plaintiffs' Employment Lawyers Association, Evergreen, Colorado. PowerPoint supplied.

June 17, 2016: Panelist, Federal Practice Update 2016, Colorado Bar Association, Denver, Colorado. The panel of magistrate judges discussed recent opinions and best practices in the District of Colorado. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

June 2, 2016: Panelist, View from the Bench, 14th Annual Rocky Mountain Intellectual Property and Technology Institute, Colorado Bar Association, Westminster, Colorado. The panel discussed developments in intellectual property cases and best practices. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

June 2, 2016: Speaker, Welcome for ChIPs Breakfast Event, 14th Annual Rocky Mountain Intellectual Property and Technology Institute, Colorado Bar Association, Westminster, Colorado. I welcomed members of ChIPs to the Institute. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

April 28, 2016: Presenter, Take Your Child to Work Day, United States District Court for the District of Colorado, Denver, Colorado. Outline supplied.

April 8, 2016: Facilitator, Bench and Bar Roundtable, Faculty of Federal Advocates, Denver, Colorado. I led a roundtable discussion about effective written communication. I have no notes, transcript, or recording. The address for the Faculty of Federal Advocates is P.O. Box 12025, Denver, Colorado 80212.

April 2016 (specific date unknown): Speaker, AIPLA Women in the Law, American Intellectual Property Lawyers Association, Denver, Colorado. Remarks supplied.

Spring 2016 (specific dates unknown): Speaker, Patent Litigation Course,

University of Colorado Law School, Colorado. I conducted a mock scheduling conference at the University of Colorado Law School in Boulder, and a mock claim construction hearing for a patent case at the District of Colorado courthouse in Denver. I have no notes, transcript, or recording. The address for the University of Colorado Law School is Wolf Law Building, 401 UCB, 2450 Kitteredg Loop Road, Boulder, Colorado 80309.

February 25, 2016: Panelist, Straight Talk With Judges: Navigating the New Civil Rules, Colorado Judicial Institute, Denver, Colorado. The panel discussed the 2015 Amendments to the Federal Rules of Civil Procedure and their impact on federal practice. I have no notes, transcript, or recording. The address for the Colorado Judicial Institute is P.O. Box 118, Broomfield, Colorado 80038.

January 8, 2016: Panelist, Federal Rules of Civil Procedure Amendments, Faculty of Federal Advocates, Denver, Colorado. The panel discussed the 2015 Amendments to the Federal Rules of Civil Procedure and their impact on federal practice. I have no notes, transcript, or recording. The address for the Faculty of Federal Advocates is P.O. Box 12025, Denver, Colorado 80212.

December 18, 2015: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Colorado, Denver, Colorado. Remarks supplied.

November 9, 2015: Speaker, Staking Your Future, Colorado Supreme Court Bar Admission Ceremony, Denver, Colorado. Remarks supplied.

October 5, 2015: Panelist, Judicial Perspectives on the Inevitable Disclosure Doctrine and Trade Secret Issues in Employment Cases, Employment Law Fall Update 2015: Intellectual Property in the Workplace, Colorado Bar Association, Denver, Colorado. Notes supplied.

June 19, 2015: Speaker, Keep Your Head, Heels, and Standards High, Faculty of Federal Advocates, Denver, Colorado. PowerPoint supplied.

June 5, 2015: Panelist, Federal Practice Update 2015, Colorado Bar Association, Denver, Colorado. The panel of magistrate judges discussed practical tips for litigating in the District of Colorado. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

May 29, 2015: Panelist, Practicing as New Attorneys in Federal Court: What You Need to Know—Practicing Before Magistrate Judges in the United States District Court for the District of Colorado, Faculty of Federal Advocates, Denver, Colorado. I spoke to recently-barred attorneys about what magistrate judges do in the District of Colorado and tips for effectively litigating before them. I have no notes, transcript, or recording. The address for the Faculty of Federal Advocates is P.O. Box 12025, Denver, Colorado 80212.

May 31, 2014: Panelist, Case Updates, Tenth Annual Rocky Mountain Intellectual Property and Technology Institute, Colorado Bar Association, Westminster, Colorado. The panel discussed recent intellectual property cases. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

March 14, 2013: Speaker, Taming the Chinese Dragon: Protecting Your IP in China, World Trade Day, Rocky Mountain IP Institute, Colorado Bar Association, Glendale, Colorado. PowerPoint supplied.

2013 (specific date unknown): Presenter, Monetization of Social Media and Apps, American Bar Association Intellectual Property Section IP Financing Subcommittee, Chicago, Illinois. I spoke about intellectual property issues resulting from the rise of social media and mobile phone apps. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

June 1, 2012: Speaker, Taming the Chinese Dragon: Protecting Your IP in China, World Trade Day, Rocky Mountain IP Institute, Colorado Bar Association, Glendale, Colorado. I spoke about the differences in patent litigation in the United States and China. I used substantially the same presentation as for the March 14, 2013, event, for which a PowerPoint is supplied. The address for the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

April 25, 2012: Speaker, Launch of Colorado Pro Bono Patent Program at Mi Casa Resource Center, Colorado Pro Bono Patent Program, Denver, Colorado. I introduced then-Director of the United States Patent and Trademark Office, David J. Kappos, who spoke about the Colorado Pro Bono Patent Program. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Colorado Pro Bono Patent Program is Mi Casa Resource Center, 345 South Grove Street, Denver, Colorado 80219.

2012 (specific date unknown): Speaker, The Future of Non-Practicing Entities, American Bar Association Intellectual Property Section, Chicago, Illinois. I spoke about the impact of non-practicing entities in patent litigation cases. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

March 16, 2011: Presenter, Standards-Related Patents and Standard-Setting Organizations, Strafford, Denver, Colorado. PowerPoint supplied.

March 18, 2010: Panelist, *In re Bilski* and the Future of Business Method Patents and Patenting Software, CLE Expo, Minority Corporate Counsel Association, Chicago, Illinois. PowerPoint supplied.

2010 (specific date unknown): Speaker, Standards Setting Thicket, Stafford, Denver, Colorado (virtual). I spoke about the impact of standards-setting organizations on patent litigation. I have no notes, transcript, or recording. The address for Stafford is 590 Dutch Valley Road, P.O. Box 13729, Atlanta, Georgia 30324.

September 2008 (specific date unknown): Panelist, Kate Spode and Louis Buitton: Protecting Against International Counterfeiting, Rocky Mountain IP Institute, Denver, Colorado. PowerPoint supplied.

2008 (specific date unknown): Panelist, International Patent Litigation: A Focus on China, India, and Germany, International Business Briefing, Faegre Drinker Biddle & Reath LLP, Denver, Colorado. The panel discussed the differences between patent litigation in the United States and China. I have no notes, transcript, or recording. The address for Faegre Drinker Biddle & Reath LLP is 1144 15th Street, Denver, Colorado 80202.

April 28, 2005: Panelist, It's a Small World After All: Managing International Patent Litigation, Rocky Mountain IP Institute, Denver, Colorado. PowerPoint supplied.

February 9, 2005: Speaker, Hey, That Was My Idea: Protecting the Intellectual Property Assets of Your Business, In Good Company: A Conference for Women's Business Owners, Small Business Administration, Denver, Colorado. PowerPoint supplied.

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

Emma Garrison, *Judicial Profile: Magistrate Judge Nina Y. Wang*, Denver Bar Dkt. (Apr. 3, 2017). Copy supplied.

Hon. Kristen L. Mix, *Judges' Corner: The Roles of United States Magistrate Judges in the District of Colorado*, Faculty of Fed. Advocs. Newsl. (Oct. 2015). Copy supplied.

Heather Draper, *U.S. Supreme Court Strikes Blow Against Patent Trolls*, Denver Bus. J. (May 9, 2014). Copy supplied.

Sheri Qualters, *"Garage Inventors" in California to Get Pro Bono Boost*, L. Tech. News (Oct. 12, 2012). Copy supplied.

Heather Draper, *Denver Launches Pro Bono Patent Law Initiative for Low-Income Inventors*, Denver Bus. J. (Apr. 25, 2012). Copy supplied in response to Question 12d.

The National Law Journal Talks with Nina Wang on NETGEAR Win, PracticeView Database (Sept. 27, 2010). Copy supplied.

Sheri Qualters, *Federal Circuit: Industry Standard Can Be Used in Infringement Analysis, But Not in All Situations*, Nat'l L.J. Online (Sept. 21, 2010) (reprinted in multiple sources). Copy supplied.

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

Since 2015, I have served as a United States Magistrate Judge on the United States District Court for the District of Colorado. I was selected by the District Judges for the District of Colorado. I was appointed to that position on February 9, 2015, and I was sworn in as a judge on the same day. The United States District Court for the District of Colorado is an Article III court of general jurisdiction. As a United States Magistrate Judge, my jurisdiction is governed by 28 U.S.C. § 636.

I preside over civil cases and misdemeanor criminal cases with consent of the parties. In such cases, I handle all matters including trial and, in misdemeanor criminal cases, sentencing.

In other civil matters, I handle pretrial matters, ranging from scheduling, discovery disputes, and settlement conferences. I also handle dispositive motions on referral from the District Judges.

I preside over preliminary criminal matters, including initial appearances, preliminary hearings, arraignments, and detention hearings. I review applications for search and arrest warrants and sealing motions in criminal cases. I also handle extradition proceedings and make determinations as to whether an individual should be certified extraditable to the United States Secretary of State.

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

I have presided over approximately six cases that have gone to verdict or judgment. Four of the cases involved jury trials, and two involved bench trials.

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

jury trials:	67%
bench trials:	33%

ii. Of these cases, approximately what percent were:

civil proceedings:	83%
criminal proceedings:	17%

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

See attached list of opinions.

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

1. *Ctr. for Biological Diversity v. Swift Beef Co.*, No. 19-CV-01464, 2020 WL 2914868 (D. Colo. June 2, 2020)

In this case, the plaintiff environmental organizations sued Swift Beef Co., alleging that its livestock processing plants emitted various toxic substances into a water source near Greeley, Colorado, in violation of the Clean Water Act. The defendant moved to dismiss, arguing that the plaintiffs lacked standing to sue. I denied the motion, concluding that the plaintiffs had standing based on their members' alleged diminishment of enjoyment of waterways downstream of the processing plants. In 2021, the parties stipulated to a consent decree, requiring that the defendant undertake corrective measures and make a payment to a land trust for purposes of ecological protection and enhancement.

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2. *RV Horizons, Inc. v. Smith*, No. 18-CV-02780 (D. Colo.)

The plaintiffs alleged trademark infringement, trade secret misappropriation, and other business torts against their past and current business partners. The defendants filed two motions to dismiss, arguing that the plaintiffs' claims should be dismissed for lack of personal jurisdiction, improper venue, and failure to state a claim. I granted one defendant's motion to dismiss in part, concluding that the plaintiffs had failed to state a claim for trademark infringement or tortious interference with a contract, but that they had sufficiently alleged claims for trade secret misappropriation, unjust enrichment, and a violation of the Colorado Consumer Protection Act. I granted the other defendant's motion to dismiss in full, holding that the allegations as to that defendant were insufficient under Federal Rule of Civil Procedure 9(b). 2019 WL 1077366 (D. Colo. Mar. 7, 2019). After permitting the plaintiffs to amend their complaint, I denied a second round of motions to dismiss. 2019 WL 6052416 (D. Colo. Nov. 15, 2019). The case proceeded to discovery, during which I resolved multiple discovery disputes. Thereafter, the defendants filed two motions for summary judgment, contending that they were entitled to judgment as a matter of law on each of the plaintiffs' claims. Following briefing and oral argument, I granted summary judgment for the defendants, ruling, among other things, that the plaintiffs had failed to establish a genuine issue of material fact as to whether they were damaged by any alleged trademark infringement and whether they had employed adequate security measures to protect their trade secrets. 2020 WL 6701119 (D. Colo. Nov. 13, 2020). The plaintiffs did not appeal.

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3. *McCullon v. Parry*, No. 18-CV-00469, 2021 WL 877718 (D. Colo. Mar. 9, 2021)

A federal inmate brought this Eighth Amendment excessive force case against a federal correctional officer in his individual capacity pursuant to *Bivens*, alleging that the officer pepper-sprayed him without justification. The defendant moved to dismiss, arguing that Eighth Amendment excessive force claims against an individual federal actor are not cognizable under *Bivens*. Applying Supreme Court precedent, I denied the defendant's motion, holding that a *Bivens* remedy extends to an Eighth Amendment excessive force claim against an individual federal actor. In 2021, the parties settled the case.

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4. *Quality Innovative Prods., LLC v. Brand 44 LLC*, No. 18-CV-00369 (D. Colo.)

In this patent case, the plaintiff alleged that the defendant had infringed on three of its patents in manufacturing or selling a child's swing toy. I served as the presiding judge, handling all aspects of the case from its inception. The defendant moved to dismiss, arguing that the patents at issue involved a natural phenomenon—the swinging of a pendulum—that could not be patented. I denied the motion, concluding that the patent claims were directed to articles of manufacture that improved upon the traditional swing. 2018 WL 4829647 (D. Colo. Oct. 4, 2018). Later, on the parties' briefing and joint motion for determination, I also determined the meaning of the patents in claim construction. 2019 WL 632295 (D. Colo. Feb. 14, 2019). In 2019, the parties settled the case.

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5. *Bryant v. Reams*, No. 16-CV-01638 (D. Colo.)

The plaintiff sued the Colorado Department of Transportation (“CDOT”) and livestock owners (the “Campbell defendants” and the “Reams defendants”) for negligence arising from an automobile collision involving a cow that wandered onto a rural highway. The plaintiff settled with the Campbell defendants after they moved to dismiss. The remaining defendants—CDOT and the Reams defendants—proceeded through discovery and then filed two motions for summary judgment. CDOT argued that there was no evidence that the cow had entered the highway through a CDOT-maintained fence, and the Reams defendants similarly argued that there was no evidence as to how the cow entered the highway. After oral argument, I denied CDOT's motion and granted in part the Reams defendants' motion, concluding that there was sufficient evidence to submit the plaintiff's negligence claims to a jury, but holding that one Reams defendant was entitled to summary judgment because he owed no legal duty to

the plaintiff. 2018 WL 273027 (D. Colo. Jan. 3, 2018). The plaintiff then settled with CDOT. Thereafter, I presided over an eight-day trial, after which the jury returned a verdict in favor of the remaining Reams defendants. The plaintiff moved for a new trial, arguing that no reasonable jury could have concluded that the Reams defendants acted with reasonable care. I denied the motion, holding that there was sufficient evidence from which the jury could find that the Reams defendants had not been negligent. 2018 WL 5886492 (D. Colo. Nov. 9, 2018). The plaintiff appealed (No. 18-1471), but voluntarily dismissed her appeal before the United States Court of Appeals for the Tenth Circuit rendered a decision.

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6. *Est. of Dixon v. Bd. of Cty. Comm'rs of Crowley Cty.*, No. 15-CV-02727,

The estate of a pretrial detainee who died in custody sued a Colorado county and several county jail officials, alleging that they improperly mistook the detainee's symptoms of illness for intoxication and thus failed to render an appropriate diagnosis or treatment. Based on these allegations, the plaintiff asserted claims for unlawful arrest or seizure, failure to provide adequate medical care, and wrongful death, as well as supervisory and municipal liability claims against the county. I served as the presiding judge, handling all aspects of the case from its inception. The defendants filed four separate motions to dismiss, each of which I granted in part and denied in part; after this ruling, the plaintiff's failure to provide adequate medical care and wrongful death by negligence claims remained. The remaining defendants filed a motion for summary judgment, arguing that they were entitled to qualified immunity on the plaintiff's individual-capacity claims and that the plaintiff had failed to establish a genuine dispute of fact as to supervisory or municipal liability. I agreed, granting in part the defendants' motions for summary judgment and dismissing the state law claims after declining to exercise supplemental jurisdiction. The plaintiff appealed (No. 17-1164), but voluntarily dismissed its appeal before the United States Court of Appeals for the Tenth Circuit rendered a decision.

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7. *Qureshi v. Penkhus Motor Co.*, No. 15-CV-02337 (D. Colo.)

The plaintiffs sued Penkhus Motor Co., alleging that the defendant violated the Fair Credit Reporting Act by obtaining the plaintiffs' credit reports without their authorization, and thereby adversely affected their credit scores. The defendant moved for summary judgment, arguing that it only accessed the plaintiffs' credit reports with their authorization or another lawful purpose. I denied the motion, finding a genuine dispute of fact as to whether the plaintiffs had granted the defendant permission to pull their credit reports. 2016 WL 5372184 (D. Colo. Sept. 26, 2016). After a one-day bench trial, I ruled in favor of the defendant. 2016 WL 6779320 (D. Colo. Nov. 16, 2016). The plaintiffs did not appeal.

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Counsel for Defendant:

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8. *Chesser v. Dir. Fed. Bureau of Prisons*, No. 15-CV-01939 (D. Colo.)

A federal inmate challenged certain prohibitions against gathering at the Administrative Maximum prison in Florence, Colorado as interfering with his Muslim faith pursuant to the Religious Freedom Restoration Act of 1993 and the Establishment Clause of the First Amendment. Specifically, the plaintiff alleged that the Bureau of Prisons ("BOP") employed a policy of placing an inmate with alleged ties to terrorism in solitary confinement, which the plaintiff asserted prevented him from engaging in religious practices. I served as presiding judge, handling all aspects of the case from its inception. The defendant moved to dismiss, arguing that the plaintiff lacked standing to challenge the alleged BOP policy. I denied the motion in part and granted it in part, finding that the plaintiff had standing to challenge BOP's alleged consideration of his ties to terrorism, but lacked standing to challenge BOP's consideration of other inmates' terrorism ties. 2017 WL 698794 (D. Colo. Feb. 22, 2017). Later, the parties cross-moved for summary judgment. I granted summary judgment for the defendant, finding that it had shown that the burden on the plaintiff's sincerely held religious beliefs was

the least restrictive means of furthering a compelling governmental interest. 2018 WL 3729511 (D. Colo. Aug. 6, 2018). The plaintiff did not appeal.

Counsel for Plaintiff:

The plaintiff appeared *pro se*.

Counsel for Defendant:

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9. *United States v. Smith*, No. 14-CR-00370 (D. Colo.)

The Government sought to revoke the defendant's supervised release, alleging that she continued to use controlled substances and left her substance abuse treatment in violation of the terms of her release. The defendant did not contest detention and the Bail Reform Act places the burden on a defendant to establish that she will not flee or pose a danger to the community, so I ordered the defendant detained at a preliminary revocation hearing, pending her final revocation hearing before the presiding Article III judge. Subsequently, the defendant revealed that she was pregnant and moved to reopen her detention hearing to be granted bond, so that she could give birth out of custody. I granted the defendant bond, after developing a plan with her supervising officer that required the defendant to appear before me on a weekly basis. At a final revocation hearing, the defendant admitted to the supervised release violations and United States District Judge Raymond Moore continued the defendant's detention pending sentencing. The defendant remained out of custody, giving birth and testing negative for all illicit substances, until she timely self-surrendered to serve one year's imprisonment for the supervised release violation.

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Counsel for Defendant:

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10. *Ctr. for Legal Advoc. v. Bicha*, No. 11-CV-02285, 2018 WL 5892669 (D. Colo. Nov. 9, 2018)

In 2011, the plaintiff filed suit against the Colorado Department of Human Services on behalf of thousands of detainees with mental health challenges, alleging constitutional violations arising from prolonged delays in providing pretrial competency hearings and restoration services for such individuals in criminal cases before the Colorado state courts. The parties settled the case in 2012. In 2015, the plaintiff reopened the case, seeking damages and to enforce the settlement agreement. The parties settled again, but the plaintiff returned to court within a year, because the State was undisputedly out of compliance with the timeframes for restoration services set by the second settlement agreement.

With the parties' consent, I presided over the reopened case beginning in 2015. On cross-motions for summary judgment, I interpreted the settlement agreement to preclude the State defendants from invoking the exceptions to the established timeframes without adequate justification and found the State in breach of the agreement for doing so. The parties subsequently negotiated the entry of a consent decree that not only set forth appropriate timeframes for competency evaluations and restoration services, but also included the appointment of a Special Master to provide ongoing oversight and to assist in the development of a long-term plan to increase capacity for these mental health services.

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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. *Irizarry v. Yehia*, No. 20-CV-02881, 2021 WL 2333019 (D. Colo. June 8, 2021)

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The plaintiff appeared *pro se*.

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2. *Mestas v. Air & Liquid Sys. Corp.*, No. 18-CV-01006, 2019 WL 1967129 (D. Colo. Jan. 29, 2019), *R&R adopted*, 2019 WL 1253683 (D. Colo. Mar. 19, 2019)

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3. *Ward v. Express Messenger Sys., Inc.*, 413 F. Supp. 3d 1079 (D. Colo. 2019)

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4. *XY, LLC v. Trans Ova Genetics, LC*, No. 17-CV-00944, 2018 WL 11000694 (D. Colo. May 14, 2018)

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5. *Lee v. Tucker*, No. 16-CV-01569, 2017 WL 2839650 (D. Colo. July 3, 2017), *aff'd in part, appeal dismissed in part*, 904 F.3d 1145 (10th Cir. 2018)

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6. *Nakayama v. Sanders*, No. 17-CV-00285, 2017 WL 8944006 (D. Colo. Mar. 21, 2017), *R&R adopted*, 2017 WL 2457883 (D. Colo. June 7, 2017)

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7. *Evanston Ins. Co. v. L. Off. of Michael P. Medved, P.C.*, No. 14-CV-02905, 2016 WL 11700170 (D. Colo. Aug. 26, 2016), *aff'd*, 890 F.3d 1195 (10th Cir. 2018)

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8. *Pertile v. Gen. Motors, LLC*, No. 15-CV-00518, 2016 WL 1059450 (D. Colo. Mar. 17, 2016)

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9. *Kipling v. State Farm Mut. Auto. Ins. Co.*, 159 F. Supp. 3d 1254 (D. Colo. 2016)

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10. *Zbylski v. Douglas Cty. Sch. Dist.*, 154 F. Supp. 3d 1146 (D. Colo. 2015)

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

To the best of my knowledge and upon searching legal databases, certiorari has not been requested or granted in any of my cases.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Peterson v. Nelnet Diversified Sols., LLC, 400 F. Supp. 3d 1122 (D. Colo. 2019), *rev'd and remanded sub nom. Est. of Peterson v. Nelnet Diversified Sols., LLC*, 15 F.4th 1033 (10th Cir. 2021). The plaintiff call center employees sued their employer under the Fair Labor Standards Act ("FLSA"), alleging that they were not properly compensated for the time it took to boot up their computers. I granted summary judgment for the employer, concluding that, although computer boot-up was integral and indispensable to the employees' principal activities, it was not compensable under FLSA because the time it took was *de minimis*. The Tenth Circuit agreed that the boot-up was integral and indispensable, but disagreed that the uncompensated time was *de minimis*.

Cirocco v. McMahon, 294 F. Supp. 3d 1086 (D. Colo. 2018), *aff'd in part and remanded*, 768 F. App'x 854 (10th Cir. 2019), *vacated*, No. 17-CV-01588, 2019 WL 3938064 (D. Colo. June 12, 2019). I concluded that a plaintiff had failed to

cooperate with the Equal Employment Opportunity Commission's investigation of her discrimination case. Applying Tenth Circuit precedent holding that failure to cooperate is a jurisdictional defense, I dismissed the action for lack of subject matter jurisdiction, while noting my reservations due to intervening case law. On appeal, the Tenth Circuit overruled the precedent I had faithfully applied, but affirmed the dismissal based on the plaintiff's failure to cooperate.

Hamer v. City of Trinidad, No. 16-CV-02545, 2017 WL 5969815 (D. Colo. Dec. 1, 2017), *rev'd and remanded*, 924 F.3d 1093 (10th Cir. 2019). I concluded that Mr. Hamer's claims for disability discrimination were barred by the two-year statute of limitations and could not be saved on a continuing violation theory. The Tenth Circuit agreed that the continuing violation theory could not save all of Mr. Hamer's case, but concluded that he could recover for each discrete act of discrimination within the limitations period.

Ziankovich v. Large, No. 17-CV-02039, 2017 WL 4418535 (D. Colo. Oct. 5, 2017), *R&R adopted*, 2017 WL 6033685 (D. Colo. Oct. 31, 2017), *vacated and remanded*, 745 F. App'x 800 (10th Cir. 2018). I recommended that Mr. Ziankovich's case be dismissed without prejudice pursuant to the *Younger* abstention doctrine due to ongoing state bar disciplinary proceedings. The presiding judge adopted my recommendation in full, and Mr. Ziankovich appealed. By the time the Tenth Circuit considered the appeal, the state bar disciplinary proceedings had concluded and *Younger* abstention no longer applied. The Tenth Circuit accordingly vacated the order of dismissal and remanded the case for consideration of the plaintiff's claim.

Williams v. Colvin, No. 14-CV-01984, 2016 WL 705975 (D. Colo. Feb. 23, 2016), *rev'd sub nom. Williams v. Berryhill*, 682 F. App'x 665 (10th Cir. 2017). I affirmed the decision of an administrative law judge that Ms. Williams was not disabled under the Social Security Act. The Tenth Circuit disagreed, finding Ms. Williams disabled and awarding her benefits.

- 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 Magistrate Judge, I have issued hundreds of opinions, all but eight of which were unpublished. Most of my opinions are available on Westlaw or Lexis, and all of them are available electronically in the case management system of the United States District Court for the District of Colorado.

- 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.

Irizarry v. Yehia, No. 20-CV-02881, 2021 WL 2333019 (D. Colo. June 8, 2021).

McCullon v. Parry, No. 18-CV-00469, 2021 WL 877718 (D. Colo. Mar. 9, 2021).

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

I have never sat by designation on any federal court of appeals.

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

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

The United States District Court for the District of Colorado has an automated conflict checking program to identify conflicts of interest for each judge. Judges in the District of Colorado 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 *sua sponte* recused myself from the following matters.

I recused myself in the following cases because an attorney, party, or witness in the case was a close personal friend:

Boulter v. Noble Energy, Inc., No. 21-CV-01346 (D. Colo.)

MacDuff v. London Springs, LLC, No. 21-CV-00307 (D. Colo.)

Mayo v B&B Blending, LLC, No. 21-CV-00263 (D. Colo.)

Wescott v. Global Accelerator Network, LLC, No. 21-CV-00040 (D. Colo.)

Brooks v. Fox, No. 20-CV-03419 (D. Colo.)

Norris v. City & County of Denver, No. 20-CV-01266 (D. Colo.)

Jerboa v. Cherry Creek Mortg. Co., No. 19-CV-00291 (D. Colo.)

Escape, Inc. v. Live Power Intelligence Co. NA, LLC, No. 18-CV-02525 (D. Colo.)

Winthrop Intelligence, LLC v. Harvard Cider Co., LLC, No. 18-CV-02205 (D. Colo.)

Hani Bank v. Fantastic Four Enters., LLC, No. 18-CV-01088 (D. Colo.)

Shaw v. Shandon Youngsheng Rubber Co., No. 18-CV-00867 (D. Colo.)

I recused myself in the following cases based on my having a professional relationship with one or more of the parties or their attorneys:

Swan Global Investments, LLC v. Young, No. 18-CV-03124 (D. Colo.)

Estate of Marciano Briones v. Adams Cty., No. 18-CV-00865 (D. Colo.)

Williams v. Stewart Title Co., No. 18-CV-00397 (D. Colo.)

Sender v. Cap. One Bus. Credit Corp., No. 18-CV-00392 (D. Colo.)

BMC Software, Inc. v. Cherwell Software, LLC, No. 17-CV-03127 (D. Colo.)

Canada v. Cherwell Software, LLC, No. 17-CV-02209 (D. Colo.)

Golden Schubert v. Berryhill, No. 17-CV-01318 (D. Colo.)

Cypress Advisors, Inc. v. David, No. 17-CV-01219 (D. Colo.)

Peace Officers' Annuity & Benefit Fund of Ga. v. DaVita, No. 17-CV-00304 (D. Colo.)

Clayton v. Samsonite Emps. Ret. Income Plan, No. 14-CV-00932 (D. Colo.)

I recused myself in the following cases because a party was a client of or an attorney for my husband's privately held business:

Allen v. Geo Grp., Inc., No. 20-CV-00179 (D. Colo.)

Bielid v. SEP Software Corp., No. 19-CV-02177 (D. Colo.)

Nguyen v. Choate, No. 18-CV-01176 (D. Colo.)

Haines v. Geo Grp., Inc., No. 17-CV-01086 (D. Colo.)

I recused myself in the following cases because I had an economic interest in the outcome of the litigation:

Attys. Title Ins. Agency of Aspen, LLC v. Volkswagen, No. 18-CV-00972 (D. Colo.)

Hunt v. Volkswagen Grp. of Am., No. 16-CV-02173 (D. Colo.)

Rapp v. Volkswagen Grp. of Am., No. 16-CV-02055 (D. Colo.)

Stanley v. Volkswagen Grp. of Am., No. 15-CV-02113 (D. Colo.)

McVey v. US Bank Nat'l Ass'n, No. 14-CV-03371 (D. Colo.)

In three cases, a party asked me to recuse:

Serna v. Cimarron Energy, Inc., No. 20-CV-02000 (D. Colo.). The plaintiff requested that I recuse myself after I disclosed that a defendant was represented by the spouse of my personal friend. I granted the plaintiff's request, and the case was reassigned.

Kent v. Berryhill, No. 16-CV-02178 (D. Colo.). The plaintiff requested that I recuse myself after I issued a ruling against him, but did not provide a basis for recusal. I denied the request, because disagreement with the court's rulings is an insufficient basis for recusal.

Johnson v. Santini, No. 13-CV-02664 (D. Colo.). The plaintiff, a federal inmate, requested that I recuse myself, alleging that I was prejudiced against him because of my prior service as an Assistant United States Attorney and, in that capacity, an attorney for the Bureau of Prisons. The plaintiff offered no factual support for his allegations that I was prejudiced, other than that I had ruled against him. I denied the plaintiff's request for recusal, because neither disagreement with the court's rulings, nor my serving as an Assistant United States Attorney more than a decade before, was a sufficient 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 offices other than judicial office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed 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.

I have never held a membership or office in or rendered any services to any political party or election committee, and I have never held a position in a political campaign. In 2006, I helped vet candidates for positions within the cabinet of then-Colorado Governor-elect Bill Ritter. I did not have a title, and I worked on a team of individuals who reviewed applications and performed due diligence on the prospective cabinet appointees.

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 1999 to 2000, I served as a law clerk to the Honorable Peter J. Messitte on the United States District Court for the District of Maryland.

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

I have never law practiced alone.

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

1997 – 1999

Fried Frank Harris Shriver & Jacobson LLP
801 17th Street, Northwest
Washington, DC 20006
Associate

2000 – 2004

United States Attorney's Office for the District of Colorado
1801 California Street, Suite 1600

Denver, Colorado 80202
Assistant United States Attorney

2004 – 2015

Faegre Baker Daniels LLP (now Faegre Drinker Biddle & Reath LLP)
1144 15th Street, Suite 3400
Denver, Colorado 80202
Associate (2004 – 2008)
Partner (2008 – 2015)

2015 – present

United States District Court for the District of Colorado
Alfred A. Arraj United States Courthouse
901 19th Street, Suite C-502
Denver, Colorado 80294
United States Magistrate Judge

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

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

b. Describe:

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

After graduating from law school in 1997, I worked for two years as an Associate at the law firm of Fried Frank Harris Shriver & Jacobson LLP in Washington, DC. My practice focused on international arbitration arising from disputes between the United Nations and various contractors. I performed legal research, prepared witness statements, and drafted legal filings for submission to the arbitral panels.

I then spent a year clerking, after which I joined the United States Attorney's Office for the District of Colorado as an Assistant United States Attorney in the Civil Division. In that capacity, I represented the United States, its agencies, and federal employees in various civil cases, including employment, environmental, and civil rights matters.

In 2004, I returned to private practice at Faegre Baker Daniels LLP (now Faegre Drinker Biddle & Reath LLP), first as an associate (2004 to 2008) and later as a partner (2008 to 2015). At the firm, I represented both plaintiffs and defendants in a broad range of intellectual property litigation

and counseling matters. I served as trial counsel, briefed and argued dispositive and other pretrial motions, and led discovery efforts, including electronic discovery and the taking and defending of depositions. I also coordinated global litigation on behalf of clients sued simultaneously in the United States and foreign countries on similar patents.

Since 2015, I have served as a United States Magistrate Judge on the United States District Court for the District of Colorado.

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

In private practice, I typically represented corporations and other entities in intellectual property matters; my practice focused on patent litigation, but I handled an array of other intellectual property cases, as well. As an Assistant United States Attorney, I represented the United States, its agencies, and federal employees in all manner of civil cases, including employment, environmental, and civil rights 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.

As a lawyer, 90 percent of my practice was in litigation. The remaining ten percent of my practice focused on providing counseling and advice, including analyzing litigation risk in support of transactions and internal trainings. As an associate at Fried Frank Harris Shriver & Jacobson LLP, I rarely appeared in court, except during a 12-day jury trial where I served as associate counsel. As an Assistant United States Attorney, I appeared in court frequently. And at Faegre Baker Daniels LLP (now Faegre Drinker Biddle & Reath LLP), I appeared in court occasionally, with intermittent phases of frequent appearances for oral arguments on dispositive motions and for trial.

- i. Indicate the percentage of your practice in:

1. federal courts:	90%
2. state courts of record:	0%
3. other courts:	5%
4. administrative agencies:	5%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	99%
2. criminal proceedings:	1%

- 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.

When I was a lawyer, I tried eight cases to verdict, judgment, or final decision. Four of the cases involved jury trials, and four involved bench trials. I served as sole counsel in four cases, lead counsel in one case, and associate counsel in the remaining three cases.

- i. What percentage of these trials were:
 1. jury: 50%
 2. non-jury: 50%

- 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. *LifePort Scis. LLC v. W.L. Gore & Assocs., Inc.*, No. 12-CV-1792 (D. Del.) (Sleet, J.)

LifePort sued W.L. Gore & Associates (“Gore”) in various fora for allegedly infringing 13 U.S. patents and several European patents related to polytetrafluoroethylene and expanded polytetrafluoroethylene materials, both of which are used in medical devices. From 2013 to 2015, I was lead counsel for Gore in all of the matters. I coordinated global litigation strategy for proceedings in courts and administrative bodies that were occurring simultaneously in the United States, Germany, and France, and I helped prepare for potential litigation in the United Kingdom. I also led discovery efforts, including conducting and defending depositions; reviewed discovery pertaining to the allegations of infringement and counterclaims brought by Gore of non-infringement and invalidity of the respective patents; and drafted pleadings and papers filed before the United States District Court for the District of Delaware. Additionally, I led teams in the

United States and across Europe and helped develop a unified approach across different adjudicative bodies with varying procedural and substantive law. In 2015, after I took the bench, the case resolved through a global settlement.

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2. *Software Dev. Techs. v. TriZetto*, No. 15373 (JAMS) (Hayes)

From 2014 to 2015, I served as lead counsel for TriZetto in this arbitration, in which a former software contractor sued TriZetto for breach of contract and misappropriation of trade secrets before a JAMS arbitrator. The plaintiff argued that TriZetto had inappropriately maintained software and training materials that he developed after the

license expired, and further that training materials associated with the software were trade secrets. I conducted discovery, including taking and defending of depositions, and drafted motions and briefs filed with the arbitrator. I withdrew from the case upon taking the bench, but my understanding is that the case settled in approximately 2015.

JAMS Arbitrator:

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Co-counsel:

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Opposing Counsel:

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3. *In re Hernandez* (U.S. Citizenship & Immigration Servs.)

From approximately 2010 to 2015, I served as sole counsel for Ms. Hernandez in connection with her applications to United States Citizenship and Immigration Services (“USCIS”) for legal admission to the United States as an unaccompanied minor. Ms. Hernandez has learning disabilities and is illiterate in her native language of Spanish, so she required significant assistance with her applications. As Ms. Hernandez’s counsel,

I prepared Ms. Hernandez's application for Special Immigrant Juvenile Status and represented her during her interview with USCIS. I also worked with the Mexican consulate to terminate parental rights in Mexico so as to facilitate her application. Upon review, USCIS granted Ms. Hernandez Special Immigrant Juvenile Status in 2010, and she was granted citizenship in 2015.

4. *Ruckus Wireless, Inc. v. NETGEAR, Inc.*, No. 09-CV-5271 (N.D. Cal.) (Hamilton, J.);
NETGEAR, Inc. v. Ruckus Wireless, Inc., No. 10-CV-0999 (D. Del.) (Robinson, J.)

From 2010 to 2013, I served as counsel for NETGEAR in these two related patent disputes over wireless communication patents. In the California case, Ruckus alleged that NETGEAR had infringed upon its circuit-board patent by making, using, selling, or distributing a wireless internet router. As lead counsel for NETGEAR in the California action, I conducted significant discovery, argued claim construction, presented expert witness testimony in the context of a technology tutorial, and drafted various motions and briefs. In the Delaware case, NETGEAR alleged that Ruckus had infringed upon its wireless communication patents by making, using, or selling wireless internet systems. Six weeks before trial, my firm became counsel for NETGEAR, and the case was tried before a jury where I served as co-counsel. At trial, I argued motions *in limine* and jury instructions, and I presented various witnesses. After an eight-day trial, the jury found in favor of Ruckus. Thereafter, NETGEAR and Ruckus settled the case.

Co-counsel:

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5. *CoorsTek, Inc. v. Reiber*, No. 08-CV-01133 (D. Colo.) (Tafoya, J.)

From approximately 2007 to 2012, I served as lead counsel for CoorsTek in this patent declaratory judgment action (as well as a related International Trade Commission investigation) involving tools used in the semiconductor industry. CoorsTek sought a declaratory judgment that it had not infringed upon the defendants' patents, asserting (among other things) that the patents at issue were invalid and/or unenforceable, and that CoorsTek had not misappropriated any of the defendants' trade secrets. After claim construction, the parties engaged in settlement negotiations, and the case was dismissed in 2011 following their resolution of the case. As lead counsel for CoorsTek, I took significant discovery, argued claim construction, drafted motions and briefs, and participated in the settlement negotiations.

Co-counsel:

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6. *Fujitsu Ltd. v. NETGEAR, Inc.*, No. 07-CV-00710, 2009 WL 3047616 (W.D. Wis. Sept. 18, 2009) (Crabb, J.), *aff'd in part, rev'd in part*, 620 F.3d 1321 (Fed. Cir. 2010) (Moore, Lourie, Friedman, JJ.)

In this patent action, three patent holders with patents related to wireless communication technology used in wi-fi routers sued NETGEAR, alleging various patent infringement claims. The parties filed cross-motions for summary judgment, with NETGEAR arguing that it did not infringe any of the asserted patents and that the patents were invalid. The district court granted summary judgment for NETGEAR, concluding that the plaintiffs had failed to adduce sufficient evidence to allow a reasonable jury to find that NETGEAR's products infringed any of the patents in suit. The plaintiffs appealed, and the United States Court of Appeals for the Federal Circuit largely affirmed, except that it concluded the plaintiffs had shown a genuine issue of material fact as to four purportedly infringing models, and remanded to the district court for further proceedings on that small piece of the case. Following remand, the case settled in 2011. From 2008 to 2011, I served as co-counsel for NETGEAR. In that capacity, I conducted discovery as to damages and third-party indemnification issues, worked with experts, drafted summary judgment and pretrial briefing, and participated in settlement negotiations.

Co-counsel:

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7. *Lab. Corp. of Am. Holdings v. Metabolite Labs., Inc.*, No. 04-CV-01662, 571 F. Supp. 2d 1199 (D. Colo. 2008) (Weinschenk, J.), *aff'd*, No. 10-1194, 410 F. App'x 151 (10th Cir. 2011) (Lucero, Ebel, Hartz, JJ.)

In the 1980s, medical school professors invented and patented a method of detecting vitamin B12 and folate deficiencies by testing for an amino acid marker called homocysteine in blood. The professors created a corporation, Metabolite, to commercialize their invention. In the 1990s, LabCorp used homocysteine tests that utilized Metabolite's methodology pursuant to a license agreement, before transitioning to a different test in 1998. In 2001, a jury determined that LabCorp's use of the different homocysteine test had infringed upon Metabolite's patent and violated the license agreement; the jury also found that LabCorp's use of a different test in 1998 constituted a termination of the license. *Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings*, No. 99-cv-00870, 2001 WL 34778749 (D. Colo. Dec. 3, 2001). The United States Court of Appeals for the Federal Circuit affirmed, concluding that there was sufficient evidence to support the jury's verdict. 370 F.3d 1354 (Fed. Cir. 2004). An intervening change in case law about whether certain types of scientific methods were patentable led to an appeal to the United States Supreme Court, which originally accepted the case by writ of certiorari, 546 U.S. 999 (2005), but then dismissed the petition as improvidently granted, 548 U.S. 124 (2006).

The case then returned to the district court, where LabCorp sought a declaratory judgment that its new tests no longer used the patented method, so it did not have to pay the defendant a licensing fee anymore. The district court granted summary judgment for LabCorp, concluding that LabCorp was not liable to Metabolite for any royalties with respect to the new homocysteine tests given the jury's prior verdict that LabCorp's license was terminated in 1998. *Lab. Corp. of Am. Holdings v. Metabolite Labs., Inc.*, 571 F. Supp. 2d 1199 (D. Colo. 2008). On appeal, the United States Court of Appeals for the Tenth Circuit affirmed, finding that LabCorp was not obligated to pay any license fee for conduct subsequent to the first judgment, as the jury had determined that the license agreement had been terminated. 410 F. App'x 151 (10th Cir. 2011).

From 2006 to 2010, I served as co-counsel for LabCorp during the return proceedings in the district court and then on appeal. In that capacity, I conducted significant discovery, worked with expert witnesses, and drafted various motions and briefs. Additionally, I helped brief the case on appeal to the Tenth Circuit.

Co-counsel:

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(720) 352-1554

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8. *Genetic Techs. Ltd. v. Applera Corp.*, No. 03-CV-01316 (N.D. Cal.) (Hamilton, J.)

From 2004 to 2005, I represented Genetic Technologies in this patent infringement action involving DNA tests. Genetic Technologies filed suit against Applera, alleging that Applera had infringed upon its patented method of genetic testing by designing, manufacturing, or selling a genetic testing kit. After briefing on claim construction, but before any dispositive motions were filed, the case settled in 2005. As an associate, I conducted a significant amount of discovery, worked closely with experts to develop theories regarding infringement and invalidity, took depositions of several technical experts, researched and drafted motions and briefs, and participated in the successful settlement negotiations.

Co-counsel:

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Opposing Counsel:

Nicholas Groombridge
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9. *Park Lake Res. Ltd. Liab. v. U.S. Dep't of Agr.*, No. 02-CV-01429 (D. Colo.)
Weinshienk, J.), *aff'd*, 378 F.3d 1132 (10th Cir. 2004) (Kelly, Holloway, Hartz, JJ).

From 2001 to 2004, I represented the United States Department of Agriculture, the

United States Forest Service, the United States Department of the Interior, and various agency officials sued in their official capacities in this action brought by two not-for-profit entities challenging the designation of a certain parcel of National Forest land as a Research Natural Area (“Hoosier Ridge RNA”). The defendants moved to dismiss, arguing (among other things) that the case was not ripe because the plaintiffs had not filed with the Forest Service a proposed plan of operations or notice of intent to conduct mining operations, and therefore the agency had no opportunity to determine whether or how it would allow the plaintiffs to operate within Hoosier Ridge RNA. The district court agreed and dismissed the case for lack of ripeness. The plaintiffs appealed, and the United States Court of Appeals for the Tenth Circuit affirmed. I handled all aspects of the litigation in the district court as sole counsel, including briefing and arguing the defendants’ successful motion to dismiss. I also assisted with the drafting of the defendants’ Tenth Circuit brief.

Co-counsel:

Thomas L. Sansonetti (formerly at United States Department of Justice) (appeal)
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(Current business contact information unavailable.)

Opposing Counsel:

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2596 South Lewis Way
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10. *Canales v. Dep’t of Veterans Affs.*, No. 01-CV-00677 (D. Colo.) (Figa, J.)

In this case, a former employee of the United States Department of Veterans Affairs sued the Department for alleged race and disability discrimination. Following significant discovery and other proceedings, the case proceeded to trial. After a five-day trial, the jury returned a complete defense verdict. From 2001 to 2004, I served as counsel for the Department, handling the case from its inception through trial. As sole counsel through discovery, I took and defended depositions, and I briefed and argued pretrial motions, including motions related to whether certain expert testimony should be permitted. At

trial, I served as co-counsel, delivering the opening statement and closing argument, examining and cross-examining lay and expert witnesses, and arguing trial and post-trial motions. The United States Court of Appeals for the Tenth Circuit affirmed the jury's verdict after I left the United States Attorney's Office. *Canales v. Nicholson*, 177 F. App'x 834 (10th Cir. 2006) (Tymkovich, McKay, Baldock, JJ.).

Co-counsel:

Hon. Michael E. Hegarty (formerly at United States Attorney's Office)
United States District Court for the District of Colorado
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Opposing Counsel:

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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 vast majority of my legal career has focused on litigation, but I have also engaged in various other significant legal activities. As a United States Magistrate Judge, I have not only presided over hundreds of cases, but also served on various court committees—including the Diversionary Court, Security, and COVID-19 Committees—that help the court function effectively, efficiently, and fairly. Since 2017, I have also served as the court's Employment Dispute Resolution Coordinator, assisting employees with concerns about workplace conduct understand the process for addressing such concerns.

In addition, I have sought to help develop an array of educational opportunities for both attorneys and non-attorneys. For instance, I have served as a Judicial Advisor for a number of working groups for the Sedona Conference—a nonprofit, nonpartisan organization whose goal is to produce high-quality, nonpartisan commentary and guidance in complex areas of law that can practically benefit the bench and bar. I also continue to co-edit and otherwise contribute to *Discovery in Colorado*, a book that serves as a reference for attorneys practicing in state and federal courts in Colorado.

As an attorney, my practice focused on litigation, but during my time in private practice, I

regularly provided advice and counseling on intellectual property and other issues, as well. For instance, I provided clients risk assessments about ongoing or threatened intellectual property litigation and helped clients value such risks in the context of corporate transactions. I also provided advice regarding intellectual property policies implemented by clients internally, such as confidentiality agreements and intellectual property assignments. Further, during my first stint in private practice, I worked on international arbitrations proceeding in various fora under international arbitration rules. In connection with those arbitrations, I performed legal research, prepared witness statements, and drafted legal briefing submitted to the arbitral panels for consideration.

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.

In Spring 2007 and Spring 2009, I taught Patent Litigation at the University of Colorado Law School. The course discussed the different phases of a federal patent infringement case, from the filing of a complaint through trial. Syllabi supplied.

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

None.

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

If confirmed, I do not have any plans, commitments, or agreements to pursue outside employment.

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 supplied financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I am not aware of any persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest if I am confirmed to the position to which I have been nominated.

- 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 and resolve any potential conflict of interest by applying Canon 3 of the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other applicable statutes, canons, and rules. I will also continue to use the court's automated conflict checking system and regularly update my conflicts list with the Clerk's Office.

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 United States Magistrate Judge and Assistant United States Attorney, I am and was precluded from taking on direct pro bono representations. But I have tried to serve the disadvantaged in other ways. As a magistrate judge, I have served on various court committees that seek to promote access to justice. For instance, in 2016, I was a member of the Diversionary Court Committee, which has considered whether to implement alternative court programs such as reentry and drug courts in the District of Colorado. Since 2015, I have also served on the Board of Directors for Our Courts, an organization that educates adults and high school students about the Colorado court system.

Moreover, when I was in private practice, I took on various pro bono matters. For instance, I represented numerous individuals in immigration and asylum proceedings. I also co-founded the Colorado Pro Bono Patent Program ("ProBoPat"), which matches pro bono counsel with low-income inventors who need assistance applying for patents and dealing with other intellectual property issues. I continue to serve on the Program's national Pro Bono Advisory Council, helping oversee the organization's work across the

United States. Additionally, from 2013 to 2015, I served as a Board member for the Colorado Lawyer Trust Account Foundation, which provides grants to organizations dedicated to improving access to justice using the interest on lawyers' pooled trust accounts. And from 2005 to 2007, at Faegre Baker Daniels LLP (now Faegre Drinker Biddle & Reath LLP), I led the firm's Associates' Campaign that raised funds for the Colorado Legal Aid Foundation.

Finally, I have sought to serve the community in other ways. From 2004 to 2010, I served on the Board of Directors for Family Star Montessori, an Early Head Start program that serves income-qualified students and their families. For many years, I also regularly volunteered as a soup maker or server at the Saint Elizabeth's Sandwich Line. Additionally, from 2000 to 2003, I volunteered as a Big Sister through the Denver Big Brothers Big Sisters Program. And from 1998 to 2000, I served as mentor through the Asian American Refugee Assistance Program in Washington, DC.

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 April 23, 2021, I submitted an application to the Advisory Committee established by Senators Michael Bennet and John Hickenlooper for a position on the United States District Court for the District of Colorado. On May 12, 2021, I interviewed with the Advisory Committee. On May 16, 2021, I interviewed with Senators Bennet and Hickenlooper. On May 25, 2021, I interviewed with attorneys from the White House Counsel's Office. On October 16, 2021, an attorney from the White House Counsel's Office informed me that I would be vetted for a District of Colorado judgeship. Since that date, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On January 19, 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.