

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Stephanie Lou Haines

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

United States District Court Judge for the Western District of Pennsylvania

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

Office: United States Attorney's Office
Western District of Pennsylvania
319 Washington Street, Room 200
Johnstown, Pennsylvania 15901

Residence: Davidsville, Pennsylvania

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

1969; Johnstown, Pennsylvania

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.

2014 – 2016, United States Air Force Air War College; nonresident Air University Diploma (Distinguished Excellent Graduate), 2016

1996, United States Army Judge Advocate General's School; Judge Advocate Officer Basic Course Diploma, 1996

1992 – 1995, Ohio Northern University Claude W. Pettit College of Law; J.D., 1995

1988 – 1992, Juniata College; B.A., 1992

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.

2007 – present
United States Department of Justice
319 Washington Street, Room 200
Johnstown, Pennsylvania 15901
Assistant United States Attorney

2005 – present
West Virginia Air National Guard
United States Air Force
1679 Coonskin Road
Charleston, West Virginia 35311
State Headquarters JAG Attorney (2013 – present)
130th Airlift Wing Staff Judge Advocate (2008 – 2013)
130th Airlift Wing Deputy Staff Judge Advocate (2005 – 2008)

2002 – 2007
United States Department of Justice
845 Fifth Avenue
Huntington, West Virginia 25701
Assistant United States Attorney

2002 – 2005
United States Army Reserve
Legal Services Agency
Defense Appellate Division
901 North Stuart Street
Arlington, Virginia 22203
Appellate Defense Attorney

1999 – 2002
United States Army
Legal Services Agency
Defense Appellate Division
901 North Stuart Street
Arlington, Virginia 22203
Appellate Defense Attorney

1996 – 1999
United States Army
101st Airborne Division, Air Assault
Fort Campbell JAG Office
125 Forrest Road

Fort Campbell, Kentucky 42223
Prosecutor (1997 – 1999)
Legal Assistance Attorney (1996 – 1997)

1995 – 1996
President Judge Eugene E. Fike, II
16th Judicial District, Somerset County Court of Common Pleas
111 East Union Street
Somerset, Pennsylvania 15501
Judicial Law Clerk

1994 – 1995
Assistant Dean William Evans
Ohio Northern University Pettit College of Law
525 South Main Street
Ada, Ohio 45810
Research Assistant

Summer 1993; Summer 1994
Office of the District Attorney, Somerset County, Pennsylvania
111 East Union Street
Somerset, Pennsylvania 15501
Summer Law Clerk

Summer 1993; Summer 1994
Yelovich & Flower
166 East Union Street
Somerset, Pennsylvania 15501
Summer Associate

Summer 1992
Anthony's Restaurant
725 Scalp Avenue
Johnstown, Pennsylvania 15904
Waitress

Other Affiliations (uncompensated):

2015 – 2018
Juniata College
1700 Moore Street
Huntingdon, Pennsylvania 16652
Alumni Council Member

2007 – present
Camp PARC
196 East Campus Avenue

Davidsville, Pennsylvania 15928
Volunteer
Board Member (2008 – 2011)

2009 – 2012
St. David's Learning Place
401 North Main Street
Davidsville, Pennsylvania 15928
Board 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.

2005 – present, United States Air Force, West Virginia Air National Guard, Colonel, Reserve Commission

2002 – 2005, United States Army, Major, Honorable Discharge, Reserve Commission

1996 – 2002, United States Army, Captain

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.

Federal Executive Board Excellence in Government Awards Program Distinguished Nominee (2016)

Law Enforcement Agency Directors (LEAD) of Western Pennsylvania Award (2015)

Law Enforcement Agency Directors (LEAD) of Western Pennsylvania Team Award (2015)

Social Security Administration Philadelphia Regional Anti-Fraud Award (2010)

As an Assistant United States Attorney (2002 – present), I have received awards, commendations, and recognition at various times from the following organizations:

Department of Justice, Inspector General
Federal Bureau of Investigation
Federal Bureau of Investigation Safe Streets Task Force
Federal Bureau of Investigation Safe Streets Gang Task Force
Internal Revenue Service - CID

United States Department of Education
United States Department of Homeland Security
United States Forest Service

Ohio Northern University Moot Court Board Chief Justice (1994 – 1995)

Ohio Northern University Legal Research and Writing Book Award (1994)

Juniata College Kodak Academic All-American (1991 – 1992)

Military Awards (listed in order of precedence):

Meritorious Service Medal (2016)
Meritorious Service Medal (2002)
Air Force Commendation Medal (2008)
Army Commendation Medal (1999)
Army Achievement Medal (1999)
Air Force Outstanding Unit Award (2011)
National Defense Service Medal (2005)
Global War on Terror Service Medal (2005)
Armed Forces Reserve Medal (2015)
Army Service Ribbon (1996)
West Virginia Service Ribbon (2005)
Army Air Assault Badge (1997)

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.

I have not belonged to any bar associations or legal or judicial-related committees, selections panels or conferences.

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.

South Carolina, 1996
District of Columbia 2002
West Virginia, 2003

There have been no lapses in membership.

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

special admission to practice.

Supreme Court of the United States, 1999
United States Court of Appeals for the Fourth Circuit, 2002
United States Court of Appeals for the Armed Forces, 1999
United States District Court for the Western District of Pennsylvania, 2007
United States District Court for the Southern District of West Virginia, 2002
United States Army Court of Criminal Appeals, 1999
Supreme Court of Appeals of West Virginia, 2003
District of Columbia Court of Appeals, 2002
Supreme Court of South Carolina, 1996

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Camp PARC

Volunteer (2007 – present)

Board Member (2008 – 2011)

Juniata College Alumni Association, Council Member (2015 – 2018)

St. David's Learning Place, Board Member (2009 – 2012)

- 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, 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 a copy of all published material to the Committee.

None.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

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

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.

February 18, 2019: Guest Lecturer, Federal Practices Class, Penn State Dickinson Law School, State College, Pennsylvania. PowerPoint supplied.

February 12, 2018: Guest Lecturer, Federal Practices Class, Penn State Dickinson Law School, State College, Pennsylvania. I used the same PowerPoint supplied for the February 18, 2019 class.

February 13, 2017: Guest Lecturer, Federal Practices Class, Penn State Dickinson Law School, State College, Pennsylvania. I used the same PowerPoint supplied for the February 18, 2019 class.

May 30, 2016: Speaker, Memorial Day Ceremony, Jerome American Legion Post

802, Jerome, Pennsylvania. Copy supplied.

February 22, 2016: Guest Lecturer, Federal Practices Class, Penn State Dickinson Law School, State College, Pennsylvania. I used the same PowerPoint supplied for the February 18, 2019 class.

February 23, 2015: Guest Lecturer, Federal Practices Class, Penn State Dickinson Law School, State College, Pennsylvania. I used the same PowerPoint supplied for the February 18, 2019 class.

February 24, 2014: Guest Lecturer, Federal Practices Class, Penn State Dickinson Law School, State College, Pennsylvania. I used the same PowerPoint supplied for the February 18, 2019 class.

February 18, 2013: Guest Lecturer, Federal Practices Class, Penn State Dickinson Law School, State College, Pennsylvania. I used the same PowerPoint supplied for the February 18, 2019 class.

February 20, 2012: Guest Lecturer, Federal Practices Class, Penn State Dickinson Law School, State College, Pennsylvania. I used the same PowerPoint supplied for the February 18, 2019 class.

- 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.

None.

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

I have not served as a judge.

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

Of these, approximately what percent were:

- i. jury trials: _____ %
bench trials: _____ % [total 100%]
- ii. civil proceedings: _____ %
criminal proceedings: _____ % [total 100%]

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

dissents.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal. (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

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

I have not held any public offices. Also, I have never been a candidate for elective 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 not held any memberships or offices or rendered any services to any political party or election committee. I have never held a position or played a role in a political campaign.

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 1995 to 1996, I was a judicial law clerk for the Honorable Eugene E. Fike, Jr., President Judge, 16th Judicial District, Court of Common Pleas of Somerset County, Pennsylvania.

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

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or

governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1996 – 1999

United States Army
101st Airborne Division, Air Assault
Fort Campbell JAG Office
125 Forrest Road
Fort Campbell, Kentucky 42223
Prosecutor (1997 – 1999)
Legal Assistance Attorney (1996 – 1997)

1999 – 2002

United States Army
Legal Services Agency
Defense Appellate Division
901 North Stuart Street
Arlington, Virginia 22203
Appellate Defense Attorney

2002 – 2005

United States Army Reserve
Legal Services Agency
Defense Appellate Division
901 North Stuart Street
Arlington, Virginia 22203
Appellate Defense Attorney

2002 – 2007

United States Department of Justice
845 Fifth Avenue
Huntington, West Virginia 25701
Assistant United States Attorney

2005 – present

West Virginia Air National Guard
United States Air Force
State Headquarters JAG (2012 – present)
Staff Judge Advocate, 130th Airlift Wing (2008 – 2012)
Deputy Staff Judge Advocate, 130th Airlift Wing (2005 – 2008)

2007 – present

United States Department of Justice
319 Washington Street, Room 200
Johnstown, Pennsylvania 15901
Assistant United States Attorney

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

I have not served as a mediator or arbitrator.

b. Describe:

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

After I graduated from law school, I had a one-year judicial clerkship, during which I researched and wrote numerous opinions and advisory memoranda on various aspects of criminal and civil law. Since my judicial clerkship ended in 1996, I have spent the last twenty-two years practicing criminal law in the federal criminal justice system, both for the Department of Defense and the Department of Justice. My time spent on active duty in the United States Army from 1996 to 2002 involved being a criminal prosecutor at Fort Campbell, Kentucky from 1997–1999, and an appellate defense counsel at the United States Army Legal Services Agency Defense Appellate Division from 1999–2002. During my tour of duty at Fort Campbell, Kentucky, I initially served as a legal assistance attorney for approximately seven months, providing legal assistance to members of the armed forces and their dependents, which included domestic relations, estate planning, real estate, and tax preparation. As a prosecutor at Fort Campbell, I prosecuted soldiers for violations of the Uniform Code of Military Justice, including crimes of drug trafficking, rape, and aggravated assault, as well as military-specific offenses of desertion and fraternization. At the Defense Appellate Division, I represented, on appeal, soldiers convicted of offenses under the Uniform Code of Military Justice, including crimes of murder, rape, assault, and various military specific offenses. From 2002 until the present, as an Assistant U.S. Attorney, both in the Southern District of West Virginia (Huntington Branch Office) and in the Western District of Pennsylvania (Johnstown Branch Office), I have prosecuted drug trafficking crimes, public corruption offenses, crimes against children, tax code offenses, thefts of government funds, firearms offenses, mail/wire/bank frauds, and money laundering offenses. From 2002 until the present, in my reserve military capacity, I have held various positions: Appellate Defense Counsel; Deputy Staff Judge Advocate at the 130th Airlift Wing; Staff Judge Advocate at the 130th Airlift Wing; and currently, Headquarters, West Virginia Air National Guard State JAG. My military reserve legal duties primarily focus on advising all levels of command on the legalities of their potential actions on personnel, fiscal, administrative, and operational matters.

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

As an active duty JAG at Fort Campbell, when I served as a legal assistance attorney, my clients were service members and their dependents. When I served as a prosecutor at Fort Campbell, my client was the United States of America. As an appellate defense attorney for the United States Army Legal Services Agency Defense Appellate Division, my clients were convicted soldiers. As a reserve JAG attorney with the West Virginia Air National Guard, my clients are the commanders who seek my legal advice. As an Assistant United States Attorney, I represent the United States of America, its departments, and agencies in criminal litigation.

- 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.

My practice has always been 100% litigation and I have always been in court on a very frequent basis.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 100%
 - 2. state courts of record: 0%
 - 3. other courts: 0%
 - 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 0%
 - 2. criminal proceedings: 100%

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

I have tried more than 40 cases to verdict. At the outset of my career as a JAG officer, I was sole counsel at court-martials. As an Assistant United States Attorney in the Southern District of West Virginia, I served as either sole counsel or co-counsel (equal partner) on trials. I also served as a second chair mentor to new Assistant United States Attorneys. As an Assistant United States Attorney in the Western District of Pennsylvania, I have been sole counsel on all of my trials, except one where I had co-counsel.

- i. What percentage of these trials were:

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

- 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:

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

1. *United States v. Joseph D. Maurizio*, Crim. No. 3:14-23 J (W.D. Pa.)

Dates of involvement: 2012 – 2016.

I handled this case as an Assistant United States Attorney in the Western District of Pennsylvania and served as co-counsel (equal partner) at trial with another Department of Justice attorney. After a jury trial, defendant, a priest was found guilty of offenses related to his sexual abuse of minor boys during trips to Honduras over a five-year period. He was convicted of engaging in illicit sexual conduct in foreign places, possession of child pornography, and international money laundering, and was sentenced to 200 months incarceration, lifetime supervised release, a \$50,000 fine, and \$10,000 restitution to each victim. Based on the success of this case, our team of investigators, agents, and prosecutors were awarded the Law Enforcement Agency Directors (LEAD) of Western Pennsylvania Award in 2015 and the Federal Executive Board Excellence in Government Awards Program Distinguished Nominee in 2016.

United States District Court for the Western District of Pennsylvania, Hon. Kim R. Gibson

Co-Counsel:
Amy Larson

United States Department of Justice
National Security Division, Counterintelligence and Export Control Section
Formerly with the Child Exploitation and Obscenity Section
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530
(202) 353-0267

Defense Counsel:

Steven P. Passarello
Passarello Law Office
616 Hileman Street
Altoona, Pennsylvania 16602
(814) 944-9800

2. *United States v. Dr. Glenn Davis*, Crim. No. 3:14-11 J (W.D. Pa.)

Dates of involvement: 2012 – 2016.

I solely handled the prosecution of this case, as well as the four related cases, as an Assistant United States Attorney. A multi-agency investigation revealed excessive Schedule II prescription practices by defendant, who was the owner and operator of a pain care center located in Johnstown, Pennsylvania. Defendant was responsible for placing hundreds of thousands of prescription pills into circulation on the streets in the Johnstown area, as well as in surrounding communities. Defendant pled guilty to the twenty-four counts in the indictment relative to one patient and accepted responsibility for his unlawful prescription practices with eight other patients. He was sentenced to 72 months incarceration and 3 years of supervised release. In addition to defendant, four other persons were also separately prosecuted due to their involvement with defendant and his prescriptions. Three of these individuals pled guilty and have been sentenced for their receipt and sale of prescription pills from defendant. The fourth individual pled guilty and was sentenced for his tax evasion conviction based upon the hundreds of thousands of dollars he made from selling pills prescribed to him by defendant.

United States District Court for the Western District of Pennsylvania, Hon. Kim R. Gibson

Defense Counsel:

Douglas R. Sughrue
Sughrue Law
428 Forbes Avenue #2400
Pittsburgh, Pennsylvania 15219
(412) 391-1629

3. *United States v. Kenneth Irving Carter, et.al.*, Crim. No. 3:12-20 J (W.D. Pa.)

Dates of involvement: 2010 – 2015.

I solely handled the prosecution of all 15 of these defendants as an Assistant United States Attorney. The Defendants were accused of participating in a drug trafficking organization that operated in several counties in the Western District of Pennsylvania. The investigation revealed that over the time-frame of the charged conspiracy, over one kilogram of heroin and approximately 8,000 Opana pills were involved. All defendants ultimately pled guilty to the conspiracy, with sentences ranging from probation for a few of the minor role players, to 180 months incarceration and 5 years supervised release for one defendant.

United States District Court for the Western District of Pennsylvania, Hon. Kim R. Gibson

Defense Counsel:

Douglas R. Sughrue
Sughrue Law
428 Forbes Avenue #2400
Pittsburgh, Pennsylvania 15219
(412) 391-1629

Christopher B. Brown
Assistant Federal Public Defender
Federal Public Defender's Office
1500 Liberty Center
1001 Liberty Avenue
Pittsburgh, Pennsylvania 15222
(412) 644-6565

Donna J. McClelland
The McClelland Law Group
100 Ross Street #102
Pittsburgh, Pennsylvania 15219
(412) 391-7343

Patrick K. Nightingale
PKN Law
428 Forbes Avenue #103
Pittsburgh, Pennsylvania 15219
(412) 454-5582

James H. Robinson Jr.
101 West Pittsburgh Street
Greensburg, Pennsylvania 15601
(724) 837-6194

Michael A. Filia

219A College Park Plaza
Johnstown, Pennsylvania 15904
(814) 266-6514

Gregory W. Swank
Swank Law Offices
222 North Warren Avenue
Apollo, Pennsylvania 15613
(724) 478-1231

Christy P. Foreman
Law Office of Christy Foreman
220 Grant Building
Pittsburgh, Pennsylvania 15219
(412) 201-5654

Lee Markovitz
310 Grant Street #1220
Pittsburgh, Pennsylvania 15219
(412) 391-5252

Chris Rand Eyster
100 Ross Street #304
Pittsburgh, Pennsylvania 15219
(412) 765-0633

Russell J. Heiple
142 Gazebo Park #305
Johnstown, Pennsylvania 15901
(814) 535-7033

Brian D. Aston
Brian Aston Law Office
140 South Main Street
Greensburg, Pennsylvania 15601
(724) 205-6614

Daniel R. Lovette
Kaminsky, Thomas, Wharton, Lovette & Vigna
360 Stonycreek Street
Johnstown, Pennsylvania 15901
(814) 535-6756

Arthur J. McQuillan
McQuillan Law Offices
206 Main Street

Johnstown, Pennsylvania 15901
(814) 254-4564

Roger A. Cox
Cox & Cox
350 Greater Butler Mart
Butler, Pennsylvania 16001
(724) 256-8531

4. *United States v. Ronald W. Repak*, Crim. No. 3:14-01 J (W.D. Pa.)

Dates of involvement: 2011 – 2015.

I solely handled the prosecution of this case as an Assistant United States Attorney. After a jury trial, defendant, the former Executive Director of a redevelopment authority, was convicted of federal extortion and bribery crimes. Defendant, while serving as the Executive Director, engaged in conduct in violation of the Hobbs Act for extortion under color of official right, and engaged in acts of federal program bribery. He was convicted at trial of two counts for extortion under color of official right and two counts of federal program bribery and was sentenced to 42 months incarceration and 3 years of supervised release.

United States District Court for the Western District of Pennsylvania, Hon. Kim R. Gibson

Defense Counsel:

Al Lindsay
Lindsay Law Firm
110 East Diamond Street
Butler, Pennsylvania 16601
(724) 282-6600

5. *United States v. Joyce A. Bowser*, Crim. No. 3:09-13 J (W.D. Pa.)

Dates of involvement: 2008 – 2009.

I solely handled the prosecution of this case as an Assistant United States Attorney. From February 3, 1994, to April 3, 2008, defendant falsely received and converted to her own use approximately \$126,171, representing approximately 171 separate Social Security Administration benefit payments made to her to which she was not entitled. Likewise, from April 3, 2000, to April 3, 2008, defendant falsely received and converted to her own use an additional \$88,961, representing an additional 97 separate Social Security Administration benefit payments made to her to which she was not entitled, for a total theft of government funds of \$215,132. She pled guilty to these thefts and was sentenced to 18 months and 2 years of supervised release. Based upon the success of this

case, our team of investigators, agents, and myself were awarded the Social Security Administration Philadelphia Regional Anti-Fraud Award in 2010.

United States District Court for the Western District of Pennsylvania, Hon. Kim R. Gibson

Defense Counsel:

Joseph P. Policicchio
118 West Main Street #301
Somerset, Pennsylvania 15501
(814) 445-6946

6. *United States v. Warren Charles Green*, Crim. No. 3:13-16 J (W.D. Pa.)

Dates of involvement: 2013 – 2017.

I solely handled the prosecution of this case as an Assistant United States Attorney. On April 5, 2013, a Pennsylvania State Police (PSP) trooper stopped a vehicle on the Pennsylvania Turnpike for speeding. A K-9 responded positively to the odor of a controlled substance coming from the interior of the car and a search warrant was obtained. Found within a duffel bag in the trunk of defendant's car were 1,000 bricks of heroin, the largest single seizure of heroin at that time in Somerset County, Pennsylvania. After a lengthy suppression hearing based upon the legality of the stop, the subsequent detention of the defendant, the viability of the search warrant, and the admissibility of defendant's inculpatory statements, the court ruled all evidence and all statements were admissible. Defendant thereafter pled guilty to possession with the intent to deliver one kilogram or more of heroin and was sentenced to 120 months incarceration and 5 years of supervised release.

United States District Court for the Western District of Pennsylvania, Hon. Kim R. Gibson

Defense Counsel:

Christopher B. Brown
Assistant Federal Public Defender
Federal Public Defender's Office
1500 Liberty Center
1001 Liberty Avenue
Pittsburgh, Pennsylvania 15222
(412) 644-6565

7. *United States v. Walter C. Pruchnik, Jr.*, Crim. No. 3:13-04 J (W.D. Pa.)

Dates of involvement: 2012 – 2015.

I solely handled the prosecution of this case as an Assistant United States Attorney. Defendant, a general practice attorney, misappropriated several of his client funds, most egregiously as the designated executor of an individual's estate. According to the last will and testament, the decedent left assets to charitable institutions, however, none of the designated beneficiaries received any distributions from such estate. Instead, defendant used the funds (in excess of \$700,000) to pay his children's college education, credit cards, family vacations, and business expenses for his practice wholly unrelated to the management of the estate. Defendant admitted to taking client funds to which he knew he was not entitled, and also admitted he embezzled the funds to pay family bills and to reimburse other estates from which he had unlawfully taken funds. Defendant failed to report the embezzled funds on his self-prepared income tax returns for the years 2007 through 2010, resulting in a tax loss of \$164,897.66. Defendant pled guilty to tax evasion and was sentenced to 24 months incarceration, 3 years supervised release, and restitution to the Internal Revenue Service in the amount of the tax loss.

United States District Court for the Western District of Pennsylvania, Hon. Kim R. Gibson

Defense Counsel:

Christopher B. Brown
Assistant Federal Public Defender
Federal Public Defender's Office
1500 Liberty Center
1001 Liberty Avenue
Pittsburgh, Pennsylvania 15222
(412) 644-6565

8. *United States v. Holger P. Scheid*, Crim. No. 3:10-27 J (W.D. Pa.)

Dates of involvement: 2007 – 2012.

I solely handled the prosecution of this case as an Assistant United States Attorney. Defendant prepared two fraudulent loan applications for the conversion of properties into a long-term care facility and luxury condominiums. As a result of receiving the two loan applications, and not knowing of the fraudulent nature of such applications, the bank suffered a loss of \$1,500,000, which defendant used to pay personal credit cards, repay other investors, fund operating expenses, and to enrich himself personally. After pleading guilty to bank fraud and money laundering, defendant was sentenced to 96 months incarceration, three years supervised release, and ordered to pay restitution in the amount of \$1,269,190.

United States District Court for the Western District of Pennsylvania, Hon. Kim R. Gibson

Defense Counsel:

Todd E. Henry

The Henry Law Firm
1500 Walnut Street
22nd Floor, Suite 1203
Philadelphia, Pennsylvania 19102
(215) 545-7100

Christopher B. Brown
Assistant Federal Public Defender
Federal Public Defender's Office
1500 Liberty Center
1001 Liberty Avenue
Pittsburgh, Pennsylvania 15222
(412) 644-6565

9. *United States v. Justin Carr and Samantha McKenzie*, Crim. No. 3:13-29 J (W.D. Pa.)

Dates of involvement: 2013 – 2015.

I solely handled the prosecution of this case as an Assistant United States Attorney. Police obtained a warrant to search the defendants' home and seized over one kilogram of methamphetamine. One defendant pled guilty to possessing with the intent to distribute five hundred grams or more of methamphetamine and was sentenced to 120 months incarceration and 5 years of supervised release. The other defendant also pled guilty to her involvement with the methamphetamine, but based upon a detailed analysis of the factors under Title 18, United States Code, Section 3553(a), including the physical and emotional abuse she was subjected to at the hands of the first defendant, she was sentenced to 5 years of probation and 100 hours of community service.

United States District Court for the Western District of Pennsylvania, Hon. Kim R. Gibson

Defense Counsel:
William J. McCabe
DeBernardo, Antoniono, McCabe & Davis
11 North Main Street
Greensburg, Pennsylvania 15601
(724) 836-0700

Christopher B. Brown
Assistant Federal Public Defender
Federal Public Defender's Office
1500 Liberty Center
1001 Liberty Avenue
Pittsburgh, Pennsylvania 15222
(412) 644-6565

10. *United States v. Yon Park*, Crim. No. 3:13-37 J (W.D. Pa.); *United States v. Steve Park*, Crim. No. 3:13-38 J (W.D. Pa.)

Dates of involvement: 2009 – 2014.

I solely handled the prosecution of this case as an Assistant United States Attorney. A lengthy joint investigation was conducted by the Federal Bureau of Investigation and the Pennsylvania State Police as to the actual business practices at an alleged health and massage spa in Altoona, Pennsylvania. The investigation revealed that one defendant continually transported Asian females across state lines for the purpose of engaging in sexual acts at the spa, after which another defendant conducted financial transactions using cash proceeds from the spa, knowing the cash proceeds were the result of this unlawful prostitution activity. Several search warrants were successfully executed and it was determined the Spa was grossing approximately \$24,000 per month. Both defendants pled guilty and the spa was permanently closed for business.

United States District Court for the Western District of Pennsylvania, Hon. Kim R. Gibson

Defense Counsel:

Thomas M. Dickey
Tom Dickey Law Offices
308 Orchard Avenue
Altoona, Pennsylvania 16602
(814) 942-7544

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

As an Assistant United States Attorney, all of my significant legal activities have revolved around the prosecution of hundreds of criminal cases. In the great majority of the cases I have prosecuted, they have proceeded from the investigatory stage, to a prosecutorial charging decision, to litigating potential plea trial issues, to trial or a plea hearing, and finally, to the sentencing phase. Throughout all of these stages, I have consulted with and directed the activities of an entire team of agents and investigators, and ultimately, I assumed all responsibilities for litigating any and all issues that arose during any stage of the investigation or prosecution. While a large percentage of federal criminal cases are resolved with the entry of a guilty plea rather than a trial, the litigation aspects of any federal criminal prosecution are apparent and present from the outset of a case. For example, at a defendant's detention hearing in front of the United States Magistrate Judge, which is one of the earliest "in court" stages of a federal criminal

prosecution, the litigation can immediately be adversarial in nature. I have always endeavored to view and evaluate all stages of any investigation or prosecution I have been a part of as significant, whether such investigation or prosecution has proceeded to a contentious trial or a prosecution declination.

I have never performed any lobbying activities.

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

None.

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

Upon retirement, I will receive benefits from the Federal Employees Retirement System and the Federal Thrift Savings program. I will also receive financial benefits upon my retirement from the military.

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.

Other than my continuing military service, I have no plans, commitments, or agreements to pursue outside employment if confirmed.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

As an Assistant United States Attorney in the Western District of Pennsylvania, I currently represent the United States of America in numerous criminal cases in various stages of prosecution, as well as numerous ongoing investigations. If I were to be confirmed, I would recuse myself in those criminal cases and investigations I was involved in should such case or investigation come before the court.

I know of no family member or other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts-of-interest.

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

In actual conflict of interest situations based upon my current position as an Assistant United States Attorney, I would recuse myself from any and all criminal cases and investigations I participated in as an Assistant United States Attorney. In other potential conflict of interest situations, I would disclose to all parties all relevant information, allow the parties to be heard, and then rule on recusal based upon the application of judicial guidelines to the specific potential conflict of interest scenario. In reviewing all actual or potential conflicts, I would refer to 28 U.S.C. Section 455, Canon 3 of the Code of Conduct for United States Judges, and any other laws, rules, and practices governing such circumstances.

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 work load, 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 an Assistant United States Attorney, I am prohibited from engaging in the practice of law on behalf of any entity other than the federal government. As a result of being prohibited from engaging in pro bono work, I have always immersed myself in volunteer work in my community. For many years, I have been involved with Camp PARC (People Always Responding with Compassion), a non-profit organization that creates recreational and social opportunities for children and adults with mental and developmental disabilities through its residential summer camps in Southwestern Pennsylvania. Camp PARC provides a unique recreational camp by integrating children and adults with special needs and youth (high school and college) counselors to experience friendship, understanding, acceptance, and allow respite for families and caregivers. I have served on the Camp PARC Board, and I have attended the residential

summer camps as a member of the Camp PARC Senior Staff. I have also volunteered for and served as an elementary basketball coach at our local school district, in an unpaid capacity, for ten years. As a volunteer coach, I organized, ran, and coached an elementary girls program for five years, and thereafter organized, ran, and coached an elementary boys program for five years. I have also always volunteered at our elementary, middle, and high schools for various events and programs involving our children and their activities.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In March 2017, I sent an email to Senator Toomey's and Senator Casey's offices stating my interest in the judicial vacancy in the United States District Court in the Johnstown Division. On May 25, 2017, I interviewed with the Senators' judicial nomination advisory panel in Pittsburgh, Pennsylvania. It is my understanding the panel recommended my nomination. On June 28, 2018, I interviewed with Senator Toomey at the Russell Senate Office Building, in Washington, D.C. On July 31, 2018, I interviewed with Senator Casey at the Russell Senate Office Building, in Washington, D.C. On August 7, 2018, I was contacted by the Office of White House Counsel to schedule an interview. On August 16, 2018, I interviewed with the White House Counsel's Office and the Department of Justice Office of Legal Policy in Washington, D.C. Since then, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy. On March 5, 2019, the President submitted my nomination 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.