

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Gonzalo Paul Curiel

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

United States District Judge for the Southern District of California

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

Superior Court of the State of California
County of San Diego
220 West Broadway
San Diego, California 92106

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

1953; East Chicago, Indiana

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.

1976 – 1979, Indiana University; J.D., 1979
1971 – 1976, Indiana University; B.A., 1976

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.

2006 – present
Superior Court of California, County of San Diego
220 West Broadway
San Diego, California 92101
Superior Court Judge

2002 – 2006

United States Attorney's Office, Central District of California
1500 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Assistant United States Attorney

1989 – 2002

United States Attorney's Office, Southern District of California
880 Front Street, #6293
San Diego, California 92101
Chief, Narcotics Enforcement Section (1999 – 2002)
Attorney detailed to Department of Justice, Office of International Affairs (1997 – 1998)
Deputy Chief, Narcotics Enforcement Section (1996 – 1997, 1998 – 1999)
Assistant United States Attorney (1989 – 2002)

1986 – 1989

Barbosa & Vera [Firm dissolved in 2000]
1000 Corporate Center Drive
Monterey Park, California 91754
Associate

1986

Los Angeles Daily Journal
213 South Spring Street
Los Angeles, California 90012
Case Summary Writer

1979 – 1986

James, James & Manning
200 Monticello Drive
Dyer, Indiana 46311
Associate

1984

East Chicago Human Rights Commission
1005 East Chicago Avenue
Riley Park Annex
East Chicago, Indiana 46312
Pro Tem Administrative Hearing Examiner

Spring 1979
Judge S. Hugh Dillin
Southern District of Indiana
46 East Ohio Street
Indianapolis, Indiana 46204
Legal Extern (uncompensated)

Summer 1978
United States Attorney's Office, Northern District of Illinois
219 South Dearborn Street, # 500
Chicago, Illinois 60604
Summer Law Clerk

1977 – 1978
Indiana University, Student Legal Services
703 East Seventh Street
Bloomington, Indiana 47408
Law School Intern

Summer 1977
Judge James Richards
Superior Court of Indiana, County of Lake
232 Russell Street
Hammond, Indiana 46320
Summer Law Clerk

Other Affiliations (uncompensated):

2008 – present
Urban Discovery Academy Charter School
2850 Sixth Avenue
San Diego, California 92103
Vice President, Board of Trustees

2008 – present
San Diego County Judges Association
No physical address
San Diego, California
Member, Board of Directors

2003 – 2006
Hollywood Heights Association
P.O. Box 931034
Los Angeles, California 90093
Board of Directors (2003 – 2006)
President (2005 – 2006)
Vice President (2004 – 2005)

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 have not served in the military. I registered for selective service in 1971.

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.

Director's Award for Superior Performance as Assistant United States Attorney (2000)

United States Attorney's Office Special Act Awards (1997, 1998, 2002)

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.

American Bar Association

Hispanic Advisory Committee of the Commission on Public Understanding about the Law (1993 – 1994)

American Inns of Court, William B. Enright Chapter
Master (2007 – present)

California Judges Association

Hispanic National Bar Association, Life-time Member

La Raza Lawyers of San Diego

Latino Judges Association

National Hispanic Prosecutors Association

San Diego County Judges Association
Board of Directors (2008 – present)

San Diego Superior Court
Domestic Violence Committee (2007 – 2010)

State Bar of California
Criminal Law Advisory Commission (1994 – 1998)
Chair (1997 – 1998)
Vice Chair (1996 – 1997)

10. **Bar and Court Admission:**

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

California, 1986

Indiana, 1980

Illinois, 1979

There were no lapses in membership for the California and Illinois State Bars from the date of my admission to the date I was appointed as a judge of the State of California in and for the County of San Diego. Under California law, a person serving as a judge of a court of record is not considered to be a member of the State Bar while in office. As to the Indiana State Bar, my inactive membership lapsed in 2003 after Indiana initiated an annual fee for inactive attorneys and I was not notified of the change. Upon learning of my lapse in membership, I moved to restore my inactive membership and paid all inactive fees that were due. The State of Indiana waived late penalty fees for good cause, and restored my membership to inactive good standing status as of August 19, 2011.

- 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 Ninth Circuit, 1990

United States Court of Appeals for the Seventh Circuit, 1980

United States District Court for the Southern District of California, 1989

United States District Court for the Central District of California, 1987

United States District Court for the Northern District of Indiana, 1979

California Supreme Court, 1986

Indiana Supreme Court, 1980

Illinois Supreme Court, 1979

As noted above, my Indiana inactive bar membership lapsed in 2003 after Indiana began charging an annual fee for inactive bar membership. I did not receive notice of the change in law and was unaware of the change until recently. The

lapse in membership was administrative, and not disciplinary, and affected a great number of inactive lawyers who did not receive notice of the change in law. I requested and received a waiver of penalties from the Indiana Supreme Court and was restored to inactive good standing as of August 19, 2011.

There were no lapses in membership from the date of my admission to the date I was appointed as a judge of the State of California in and for the County of San Diego. Under California law, a person servicing as a judge of a court of record is not considered to be a member of the State Bar while in office.

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.

BMW Car Club of America (2010 – present)

Hollywood Heights Association (2003 – 2006)

Board of Directors (2003 – 2006)

President (2005 – 2006)

Vice President (2003 – 2005)

Urban Discovery Academy Charter School Board of Trustees

Vice President (2008 – present)

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

To the best of my knowledge, none of the organizations listed in 11a currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin.

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.

In 1986, I worked as a case summary writer for the Daily Appellate Report of the Los Angeles Daily Journal. I do not have copies of my case summaries and have been unable to locate or obtain copies because the Report did not provide by-lines on summaries during the time I worked there.

- 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.

As Lead Attorney for the Presidential Organized Crime Drug Enforcement Task Force (OCDETF) from 1999 through 2002, I prepared reports and memoranda regarding a number of initiatives and task forces, including the Arellano Felix Task Force, the Maritime Drug Trafficking Task Force and the Border Corruption Task Force. I do not have copies of any such reports or memoranda. Following a review of their files by the United States Attorney's Office in San Diego and the National OCDETF offices in Washington, D.C., none of the reports or memoranda were maintained.

To the best of my recollection, I have not prepared any other reports, memoranda or policy statements.

- 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.

In 2010, I endorsed Robert C. Longstreth and Stephen P. Clark to be elected judges for the Superior Court, County of San Diego. Their endorsement pages are supplied.

In 2008, I endorsed Evan Patrick Kirvin and Garry Haehnle to be elected judges for the Superior Court, County of San Diego. Their endorsement pages are supplied.

On May 13, 2008 and April 8, 2008, I spoke before the San Diego Unified School District about a charter petition for Urban Discovery Academy. Meeting minutes supplied and audio recordings available at <http://www.sandi.net/page/3271>. My comments on May 13 begin in Part 3 at 9:15. My comments on April 8 begin in Part 2 at 39:20.

- 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 attempted to list all speeches, talks, and presentations I have delivered based on thorough searches of my files and the internet. There may, however, be others I have been unable to remember or identify. Available audio recordings, course materials and prepared remarks have been supplied. For the remaining presentations, after a review of my files, I have not located any notes, statements or recordings. My practice as to preparing notes or outlines varied depending on the format of the presentation. In panel discussions, I would generally track the course materials and weave my professional experiences into the presentation. As to small bar and school events, I generally spoke without notes.

October 6, 2011: I was a guest speaker at the La Raza Lawyers of San Diego Membership Development Luncheon. The purpose of the luncheon was to encourage young attorneys to join La Raza Lawyers and to participate in the Legal Enrichment and Decision Making Program. I have no notes, transcripts or recordings. The address for La Raza Lawyers of San Diego is P.O. Box 125010, San Diego, CA 92112.

December 4, 2010: I was part of a CLE panel entitled "Post-Separation Disclosure Obligations – A View from the Bench" held by the Certified Family Law Specialists of the San Diego County Bar. The substance of the program was an overview of post-separation disclosure obligations and the effective use of formal and informal discovery tools to gather available discovery and disclosures. I have no notes, transcripts or recordings. The San Diego County Bar is located at 1333 Seventh Avenue, San Diego, CA 92101.

November 17, 2010: I was part of a CLE panel entitled "What Family Court Judges Want You to Know" held by the National Business Institute. A three-judge round table discussion and question and answer session focused on each judge's individual practices, pet peeves, and best practices suggestions. Audio recording supplied.

September 2, 2010: I administered the oath of office to United States Attorney Laura E. Duffy at her investiture. Prior to the oath, I made a brief statement. A copy of my remarks and the oath is supplied.

April 13, 2010: I was the keynote speaker at an induction ceremony for Spanish Honors Society (Sociedad Honoraria Hispanica) students at The Bishop's School in La Jolla, California. I have no notes, transcripts or recordings, but press coverage is supplied. The society does not have a physical address.

November 12, 2009: I made a presentation at a bi-national conference for judges and prosecutors in San Jose, Costa Rica. The conference was organized by the Department of Justice and United Nations Office on Drugs and Crime. I made a presentation and took questions regarding trial issues that arise in prosecutions involving trafficking of precursor chemicals used in the manufacture of illegal drugs. I have no notes, transcripts or recordings. The Department of Justice is located at 950 Pennsylvania Avenue, NW, Washington, D.C. 20530.

June 14, 2008: I was part of a CLE panel entitled "Evidence in Family Law Cases" held by the Certified Family Law Specialists of the San Diego County Bar. The substance of the seminar was application of the rules of evidence in family law hearings and trials. Audio recording and Powerpoint presentation supplied. My comments start at about 4h26m into the recording.

May 13, 2008 and April 8, 2008: I made presentations to the San Diego Unified School District board in support of the charter application of Urban Discovery Academy. Meeting minutes and audio recording supplied in response to 13c.

March 22, 2007: La Raza Lawyers of San Diego held a reception to honor my appointment to the bench of the San Diego Superior Court. I gave brief remarks thanking the organization for the reception. I have no notes, transcripts or recordings. The address for La Raza Lawyers of San Diego is P.O. Box 125010, San Diego, CA 92112.

March 17, 2005 and November 10, 2005: In my capacity as international coordinator of the United States Attorney's Office in Los Angeles, I taught recently hired Assistant United States Attorneys the basic law and procedures relating to mutual legal assistance requests and requests for provisional arrests. I have no notes, transcripts or recordings. The United States Attorney's Office is located at 312 North Spring Street, Los Angeles, CA 90012.

2000: I was part of a professional training program for Colombian prosecutors and law enforcement officers that was held in Bogota, Colombia. The seminar provided the participants strategies and tools in the investigation of money laundering. The training was authorized by the Department of Justice and coordinated by the Legal Attaché to Colombia. I have no notes, transcripts or recordings. The Department of Justice is located at 950 Pennsylvania Avenue, NW, Washington, D.C. 20530.

May 7, 1999: I participated, along with federal judges from the United States, in an international seminar for Mexican federal judges that was held in Vera Cruz,

Mexico. My recollection is that it was organized by the University of Texas Law School. The substance of my presentation was international extradition issues. I have no notes, transcripts or recordings. The University of Texas is located at 1 University Station, Austin, TX 78712.

March 11, 1999: In my capacity as the Professional Responsibility Officer for the United States Attorney's Office, I provided office-wide training addressing professional responsibility issues that arise in criminal investigations and prosecutions. The United States Attorney's Office is located at 880 Front Street, San Diego, CA 92101.

January 24-27, 1999: I was part of an American delegation organized by the Office of Professional Development and Training to provide legal instruction to Costa Rican magistrates and law enforcement officers. The topics of discussion included an explanation of the American legal justice system and identifying available means to successfully investigate and prosecute organized criminal organizations. The Department of Justice is located at 950 Pennsylvania Avenue, NW, Washington, D.C. 20530.

Between 1991 and 2000, I participated in and taught at up to four bi-national conferences attended by prosecutors from the United States and Mexico. To the best of my recollection, they were held in Phoenix, Arizona (1991), Monterey, Mexico (1992), and Mexico City (1998 and 2000). The subject matter included introductions to the legal systems of both countries, and identifying tools to successfully investigate and prosecute international drug traffickers. All of the programs were organized or approved by the Department of Justice Executive Office and Office of International Affairs. I have no records of the precise dates of these programs, and I have no notes, transcripts or recordings. The Department of Justice is located at 950 Pennsylvania Avenue, NW, Washington, D.C. 20530.

Since 1994, I have spoken to high school and grade school students on career days and as part of a mentor program at San Diego High School. In addition, from 2003 to 2006, I participated in the Legal Enrichment and Decision Making (LEAD) program organized and administered by the Los Angeles District Attorney's Office, which is designed for fifth-graders from elementary schools in lower economic areas. Over the course of a twenty-week program, the students are instructed on the legal system, how to avoid negative peer pressure, how to make good decisions, and how to deal with bullying. During these classes, four fellow Assistant United States Attorneys and I provided instruction, answered questions, and sought to present positive role models to the students. I have no notes, transcripts or recordings. However, the LEAD program curriculum is supplied.

In 2007, I worked with the San Diego District Attorney's Office to adopt the LEAD program in San Diego. Since then, I have participated in the LEAD program at Laura Rodriguez Elementary School at the first introductory class and

for the final class which involves a mock trial. I have no notes, transcripts or recordings. However, the LEAD program curriculum is 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.

Richard Marosi, *A Determined Federal Prosecutor Targets the Tijuana Cartel*, Los Angeles Times, Sept. 28, 2010. Copy supplied.

Met News Staff Writer, *Federal Prosecutor from Los Angeles Gets San Diego Judgeship*, Metropolitan News-Enterprise, Nov. 4, 2006. Copy supplied.

I was interviewed by Deborah Amos, an ABC reporter, for an episode of *Nightline* that aired on September 19, 2002. I do not have a copy of the interview, but a transcript of the program is supplied.

Anne-Marie O'Connor, *Seduction of a Generation*, Los Angeles Times, July 28, 2002. Copy supplied.

Mark Fineman and Chris Kraul, *Deadly Messages to Mexico*, Los Angeles Times, May 15, 2002. Copy supplied.

Tim Weiner, *New Web of Trust Topples a Mighty Mexican Cartel*, New York Times, Apr. 26, 2002. Copy supplied.

Chris Kraul, *The Collapse of Mexico's 'Invincible' Drug Cartel*, Los Angeles Times, Mar. 16, 2002. Copy supplied.

S. Lynne Walker and Marisa Taylor, *Arrest of Benjamin Arellano Felix Provides Final Evidence Brother is Dead*, Copley News Service, Mar. 13, 2002. Copy supplied.

S. Lynne Walker and Marisa Taylor, *Drug Cartel Leader Arrested in Mexico City*, Copley News Service, Mar. 9, 2002. Copy supplied.

Sandra Dibble and Greg Moran, *Mexican Drug Kingpin Pleads Guilty*, San Diego Union-Tribune, Oct. 12, 2001. Copy supplied.

Kris Axtman, *For U.S., A Stronger Hand in Extraditing Drug Lords*, Christian Science Monitor, Sept. 25, 2001. Copy supplied.

Sandra Dibble, *Mexico OKs Handover of 'El Mayel'*, San Diego Union-Tribune, Aug. 23, 2001. Copy supplied.

Jill Leovy, *Raindrops in a Sea of Smuggling*, Los Angeles Times, July 21, 2001. Copy supplied.

Sandra Dibble and Anna Cearley, *Wanted Mexican Man Found in Prison with New Name, Face*, San Diego Union-Tribune, July 17, 2001. Copy supplied.

Drug Hauls Point to Russian Connection, South China Morning Post, May 20, 2001. Copy supplied.

James Sterngold, *12 Tons of Cocaine Are Seized*, New York Times, May 15, 2001. Copy supplied.

Robert Caldwell, *Paez Extradition Threatens the Tijuana Cartel*, San Diego Union-Tribune, May 13, 2001. Copy supplied.

Marisa Taylor, *Accused Trafficker Hurt in Mexico, Attorney Says*, San Diego Union-Tribune, May 8, 2001. Copy supplied.

Ben Fox, *Extradited Drug Suspect Pleads Innocent in U.S. Court*, Associated Press, May 7, 2001 (re-printed in multiple outlets). Copy supplied.

Mexico Extradites Accused Trafficker, Los Angeles Times, May 7, 2001. Copy supplied.

I was interviewed on May 7, 2001 by Tania Luviano, a reporter with Univision, regarding the extradition of Arellano Felix Organization lieutenant Arturo Paez from Mexico to the United States. I do not have any clips or transcripts of the interview.

Marisa Taylor, *Extradition Seen as Sign Drug Lords Can No Longer Hide*, San Diego Union-Tribune, May 6, 2001. Copy supplied.

Mexico Extradites Drug Suspect, Associated Press, May 5, 2001 (re-printed in multiple outlets). Copy supplied.

Marisa Taylor, *Drug-Case Defendant Flees – Then His Charges Are Dismissed*, San Diego Union-Tribune, Apr. 24, 2001. Copy supplied.

Ken Ellingwood, *Mexican President Reaffirms War on Crime*, Los Angeles Times, Feb. 1, 2001. Copy supplied.

S. Lynne Walker, *Mexican Authorities Square Off against Border Drug Traffickers*, Copley News Service, Jan. 20, 2001 (re-printed in multiple outlets). Copy supplied.

Anna Cearley, *'Traffic' Takes a Grim, Real-Life Look at the Border's Drug War*, San Diego Union-Tribune, Dec. 31, 2000. Copy supplied.

Tony Perry, *U.S. Captures Supply Ship for Drug Boats*, Los Angeles Times, Sept. 27, 2000. Copy supplied.

Robert Caldwell, *End Legal Sanctuary for Drug Kingpins*, San Diego Union-Tribune, July 16, 2000. Copy supplied.

Robert Caldwell, *The Arellano Felix Organization Rules Tijuana by Ruthless Terror*, San Diego Union-Tribune, July 9, 2000. Copy supplied.

Robert Caldwell, *'Silver or Lead'*, San Diego Union-Tribune, July 9, 2000 (quotations re-printed in multiple outlets). Copy supplied.

Marisa Taylor, *U.S. Gains Insight into Cartel Ranks*, San Diego Union-Tribune, June 11, 2000. Copy supplied.

Sandra Dibble and Marisa Taylor, *Major Drug Suspects Hit Hard by Mexico*, San Diego Union-Tribune, June 1, 2000. Copy supplied.

Ken Ellingwood, *U.S. Charges Expected against Mexican Drug Figure*, Los Angeles Times, May 6, 2000. Copy supplied.

Marisa Taylor, *U.S. Indicts Reputed Arellano Enforcer Nabbed in Ensenada*, San Diego Union-Tribune, May 6, 2000. Copy supplied.

Patrick S. Pemberton, *Marijuana Gives Him Freedom, Takes It Away*, San Luis Obispo County Tribune, Dec. 5, 1999. Copy supplied.

On August 31, 1999, I was interviewed by Lowell Bergman for a PBS Frontline documentary regarding the Arellano Felix cartel. Material from this interview was subsequently used in a story *America's Drug War*, from American Radio Works. A recording of the story is available here: http://americanradioworks.publicradio.org/features/drug_wars/. A copy of the news story, *Failures at the Border*, is supplied.

10 Arrested in Drug Smuggling Case, Contra Costa Times, June 12, 1999. Copy supplied.

Two Tons of Marijuana Seized, 10 People Arrested for Investigation of Drug Smuggling, Associated Press, June 11, 1999 (re-printed in multiple outlets). Copy supplied.

Brea Man Is One of 18 Arrested in Pot Ring, Orange County Register, June 11, 1999. Copy supplied.

Bob Egelko, *Extradition Upheld Despite Evidence of Torture*, Associated Press, Jan. 8, 1999. Copy supplied.

SD Meth Arrests, City News Service, Oct. 30, 1998. Copy supplied.

Dana Calvo, *Cartel Suspects Ordered Extradited*, Associated Press, Dec. 20, 1997. Copy supplied.

Anne-Marie O'Connor, *Privileged Youths Cave in to Drug Influences*, Los Angeles Times, Nov. 16, 1996. Copy supplied.

Tony Perry, *10 Colombians Convicted on Cocaine Charges*. Los Angeles Times, May 1, 1996. Copy supplied.

Tony Perry, *INS Inspector, 2 Others Guilty in Bribery, Drug Case*, Los Angeles Times, Jan. 30, 1996. Copy supplied.

3 Charged with Plot to Sell Pot, Los Angeles Times, Sept. 23, 1992. Copy supplied.

Bribery Suspect Pleads Innocent, Los Angeles Times, May 15, 1992. Copy supplied.

2 Arrested at Request of Mexico, Daily News, June 25, 1989. 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.

On November 3, 2006, Governor Arnold Schwarzenegger appointed me to the Superior Court for the State of California in and for the County of San Diego. I was then re-elected without opposition in November 2008. My current term of office expires December 31, 2014. I sit in a state trial court of general jurisdiction.

From November 2006 through January 2007, I participated in new judge orientation which consisted of a training program and three weeks of handling small claims and traffic matters. From January through December 2007, I was assigned to a Domestic Violence criminal assignment where I handled arraignments, changes of plea and sentencing, probation revocations and misdemeanor trials. Beginning in December 2007 and continuing to December 2010, I was assigned to the Family Court where I managed an independent calendar of family cases involving dissolution, child custody and visitation, paternity, community property division, and civil domestic violence proceedings.

In January 2011, I began an assignment handling civil trials, mandatory settlement conferences and criminal preliminary hearings. In this assignment, I have handled ten civil jury trials and one civil bench trial lasting an average of seven days in length.

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

I have presided over approximately 40 cases that have gone to verdict following a jury or bench trial.

- i. Of these, approximately what percent were:

jury trials:	60%
bench trials:	40%
civil proceedings:	75%
criminal proceedings:	25%

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

As a state trial court judge, I have not written any published opinions. As to unreported opinions, there is no central repository for written orders. However, a search of the court computer system was conducted for cases that were taken under submission for purposes of preparing a written order or statement of decision. As a result of such search, the following cases were identified as ones where a written order or statement of decision were prepared and filed.

Family Court:

In re Marriage of Colton, Case No. D335946 (Cal. Super. Ct. 2009)

In re Marriage of Fuller, Case No. D383126 (Cal. Super. Ct. 2009)

In re Marriage of Estes, Case No. D409851 (Cal. Super. Ct. 2009)

In re Marriage of Frost, Case No. D428519 (Cal. Super. Ct. 2008)

In re Marriage of Geernaert, Case No. D435177 (Cal. Super. Ct. 2008)

In re Marriage of Berger, Case No. D438486 (Cal. Super. Ct. 2010)

In re Marriage of Darr, Case No. D444977 (Cal. Super. Ct. 2009)

In re Marriage of Magre, Case No. D454292 (Cal. Super. Ct. 2009)

In re Marriage of Ball, Case No. D461961 (Cal. Super. Ct. 2009)

In re Marriage of Noon, Case No. D468242 (Cal. Super. Ct. 2010)

In re Marriage of Sale, Case No. D470655 (Cal. Super. Ct. 2008)

In re Marriage of Decker, Case No. D472818 (Cal. Super. Ct. 2009)

In re Marriage of Ebbert, Case No. D483670 (Cal. Super. Ct. 2009)

In re Marriage of Maxwell, Case No. D485521 (Cal. Super. Ct. 2010)

In re Marriage of Chang, Case No. D489539 (Cal. Super. Ct. 2009)

In re Marriage of McNeil, Case No. D489859 (Cal. Super. Ct. 2009)

In re Marriage of Perea, Case No. D493408 (Cal. Super. Ct. 2008)

In re Marriage of West, Case No. D494820 (Cal. Super. Ct. 2009)

Kind v. Guo, Case No. D495368 (Cal. Super. Ct. 2009)
In re Marriage of Weiser, Case No. D499228 (Cal. Super. Ct. 2009)
In re Marriage of Hunley, Case No. D502754 (Cal. Super. Ct. 2009)
In re Marriage of Terrell, Case No. D503197 (Cal. Super. Ct. 2008)
Hodge v. Steinbauer, Case No. D503675 (Cal. Super. Ct. 2008)
In re Marriage of Pearson, Case No. D505326 (Cal. Super. Ct. 2010)
Principato v. Flemon, Case No. D505631 (Cal. Super. Ct. 2008)
In re Marriage of Koufoudakis, Case No. D507980 (Cal. Super. Ct. 2008)
In re Marriage of Bauman, Case No. D508439 (Cal. Super. Ct. 2009)
In re Marriage of Howell, Case No. D509228 (Cal. Super. Ct. 2009)
In re Marriage of Horton, Case No. D509891 (Cal. Super. Ct. 2009)
In re Marriage of Boyer, Case No. D511147 (Cal. Super. Ct. 2008)
In re Marriage of Lusk, Case No. D511245 (Cal. Super. Ct. 2010)
Hall v. Trujillo, Case No. D513117 (Cal. Super. Ct. 2009)
In re Marriage of Tracy, Case No. D513814 (Cal. Super. Ct. 2010)
Zirkle v. Gresham, Case No. D515938 (Cal. Super. Ct. 2009)
Trotter v. Rebeles, Case No. D517471 (Cal. Super. Ct. 2009)
In re Marriage of Albrecht, Case No. D517768 (Cal. Super. Ct. 2010)
In re Marriage of Harman, Case No. D520027 (Cal. Super. Ct. 2009)
In re Marriage of Morhaim, Case No. D520310 (Cal. Super. Ct. 2009)

Civil Court:

Parker v. First Advantage, Case No. 37-2008-0086379-CU-OE-CTL (Cal. Super. Ct. 2011)
Vigil v. Sony Online Entertainment, Case No. 37-2009-00104337-CU-OE-CTL (Cal. Super. Ct. 2011)
Boyd v. Rustin, Case No. 37-2009-00104446-CU-OE-CTL (Cal. Super. Ct. 2011)
Lopez v. M.A. Mortenson Company, Case No. 37-2010-00084921-CU-PO-CTL (Cal. Super. Ct. 2011)
Cammy Investments v. Rustad, Case No. 37-2011-00043415-CU-UD-CTL (Cal. Super. Ct. 2011)
Oakley v. Wood, Case No. 37-2008-00083732-CU-NP-CTL (Cal. Super. Ct. 2011)

- 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 (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Vigil v. Sony Online Entertainment*, Case No. 37-2009-00104337-CU-OE-CTL (Cal. Super. Ct. 2011).

An employee brought an employment discrimination case against Sony Online Entertainment alleging denial of medical leave, retaliation for exercise of medical leave, denial of reasonable accommodations, and disparate treatment. The

primary issues involved whether the employee was afforded available accommodations; whether Sony Online Entertainment properly engaged in the interactive process to identify available accommodations; and whether the employee was a qualified individual with a disability. After an eight-day bench trial, I found in favor of Sony Online Entertainment where the employee was provided a reasonable accommodation for his medical condition; the employee failed to prove that other requested accommodations would permit him to perform the essential duties of his job; and there was insufficient evidence of disparate treatment. Statement of Decision supplied.

Counsel for Plaintiff:

Matthew P. Tyson
Zachary T. Tyson
2550 Fifth Avenue, 9th Floor
San Diego, CA 92103
(619) 787-0614

Counsel for Defendant:

Stacey E. James
Adam R. Rosenthal
Littler Mendelson, P.C.
501 West Broadway, Suite 900
San Diego, CA 92101
(619) 232-0441

2. *Baxter-White v. Board of Trustees of California State University, et al.*, Case No. 37-2009-00091681-CU-WT-CTL (Cal. Super. Ct. 2011).

An employee in the billing department for a student medical clinic at San Diego State University (“SDSU”) filed a whistleblower case against California State University (SDSU is a campus of the California State University system). The employee alleged retaliation against her for reporting alleged billing irregularities to upper management at the university. After the report of billing irregularities, the university conducted an investigation and concluded that there were no billing irregularities. The employee challenged this conclusion and was terminated for insubordination. Following a nine-day jury trial, the jury found in favor of the defendants. Judgment was entered June 6, 2011.

Counsel for Plaintiff:

Arthur H. Skola
2727 Camino Del Rio South, Suite 140
San Diego, CA 92108
(619) 780-2739

Counsel for Defendants:
Margaret Bell
Shauna Sinnot
Andrews, LaGasse, Branch & Bell
11232 El Camino Real, Suite 250
San Diego, CA 92130
(858) 345-5080

3. *In re Marriage of Howell*, Case No. D509228 (Cal. Super. Ct. 2009).

The wife filed a motion to bifurcate trial to determine the validity of a pre-marital agreement. Following a bench trial, I upheld the validity of the pre-marital agreement as to all of the provisions, except the spousal support waiver. I found that the wife failed to prove the agreement was unconscionable where it was twelve pages long, was not particularly complex, involved a small estate, was preceded by full disclosure of assets, and sought to protect the parties' separate property interests. As to the spousal support waiver, I found it invalid because it did not follow the wife's consultation with an attorney as required by a statute enacted after the execution of the pre-marital agreement. At trial, I found that Family Code § 4 and *In re Fellows* (2006) 39 Cal. 4th 179, supported retroactive application of this provision. Findings and Order supplied. On appeal, the Court of Appeals affirmed my decision upholding the validity of the pre-marital agreement and reversed in part. In a case of first impression, the Court of Appeals distinguished *In re Fellows, supra*, and held that the statute barring enforcement of a premarital spousal support waiver without independent counsel was not retroactive. *In re Marriage of Howell* (2011) 195 Cal. App. 4th 1062.

Counsel for Husband:
Laura H. Miller
610 West Ash, Suite 1503
San Diego, CA 92101
(619) 595-1505

Counsel for Wife:
Matthew M. Kraemer
9655 Chesapeake Drive, Suite 310
San Diego, CA 92123
(619) 278-8080

4. *Lopez v. M.A. Mortenson Company*, Case No. 37-2010-00084921 (Cal. Super. Ct. 2011).

A cafeteria employee of the University of California, San Diego, filed a personal injury action against a third-party contractor for negligence in creating a dangerous condition that resulted in personal injuries incurred in a fall. After the injury, the employee received workers' compensation benefits from the university

for loss of wages at the cafeteria, medical expenses and therapy. The university sued the third-party contractor for amounts paid to the employee as workers' compensation benefits. Prior to trial, the university and third-party contractor settled their case and the university assigned its workers' compensation lien to the third-party contractor. At trial, the employee did not seek damages based on any losses that were covered by workers' compensation benefits provided by the university. Instead, the employee only sought and was awarded damages based on loss of wages from a second catering job, and pain and suffering. After a four-day trial, the jury awarded the employee \$76,664 in damages for loss of wages from her second job, and pain and suffering. Following trial, the third-party contractor filed a motion to assert a lien based on the assigned workers' compensation lien. I found that the third-party contractor was only entitled to recover damages for which the university was liable. Under the workers' compensation laws, the university was not liable for damages for pain and suffering or loss of wages for the employee's second job. As such, I denied the motion to assert a lien. Order after Hearing supplied.

Counsel for Plaintiff:
Thomas E. Wenbourne
275 East Douglas Avenue, # 106
El Cajon, CA 92020
(619) 579-5101

Counsel for Defendant:
Petit Kohn Ingrassia & Lutz, P.C.
Andrew N. Kohn
Andrea B. Kaplan
11622 El Camino Real, Suite 300
San Diego, CA 92130
(858) 755-8500

5. *In re Marriage of Koufoudakis*, Case No. D507980 (Cal. Super. Ct. 2008).

The wife moved for a bifurcated trial to determine the validity of a pre-marital agreement that was prepared by the husband's attorney. The parties had met during a visit by the wife to the United States from Russia, her native country. The wife did not speak English and was provided a pre-marital agreement prepared by the husband's attorney which was changed on a number of occasions to eventually include a spousal support waiver. Following a bench trial, I found the pre-marital agreement to be invalid based upon the totality of circumstances, including the one-sided nature of the agreement and the procedural deficiencies. Findings and Order supplied.

Counsel for Husband:
Sharon Asaro
3033 Fifth Avenue, Suite 210
San Diego, CA 92103
(619) 291-5528

Counsel for Wife:
Harvey A. Ruben
2878 Camino del Rio South, Suite 200
San Diego, CA 92108
(619) 297-9111

6. *In re Marriage of Bauman*, Case No. D508439 (Cal. Super. Ct. 2009).

A bifurcated trial was held to determine the date of separation for purposes of calculating the wife's interest in the husband's pension. The husband claimed that the parties had legally separated in 1998 when they stopped sleeping together. The wife claimed that the parties were married until their dissolution action in 2008. Following a two-day trial, I found that the parties' date of separation was 2008 where the husband's actions proved that he did not intend to separate from his wife prior to 2008. These actions included the husband preparing and proposing an agreement in 2008 to divide his pension with his wife equally (50/50) with the understanding that the parties would remain married. Findings and Order supplied.

Counsel for Husband:
Laura H. Miller
610 West Ash, Suite 1503
San Diego, CA 92101
(619) 595-1505

Counsel for Wife:
Patrick Mazzei
1540 Sixth Avenue
San Diego, CA 92101
(619) 238-4290

7. *In re Marriage of Magre*, Case No. D454292 (Cal. Super. Ct. 2009).

This case involved a marital settlement agreement where the parents of two children agreed to share the college costs and expenses for the children. I was required to determine the remaining time of the college support obligation under the agreement; compliance with the agreement by the parties; and the reimbursement amounts and obligations that were owed. Findings and Order supplied.

Counsel for Husband:
Stephen Temko
1620 Fifth Avenue, Suite 800
San Diego, CA 92101
(619) 274-3538

Counsel for Wife:
Sarah Pinkerton
2755 Jefferson Street, Suite 200
Carlsbad, CA 92008
(760) 729-0941

8. *In re Marriage of Chang*, Case No. D489539 (Cal. Super. Ct. 2009).

The husband filed a post-judgment motion to set aside a judgment based upon his wife's breach of fiduciary duty. After a hearing, I found that the wife had failed to comply with her legal duty to disclose a retirement account with a value of \$191,000. Based upon the substantial breach, I granted the husband's motion and set aside the judgment. Findings and Order supplied.

Counsel for Husband:
Stuart Manroel
6540 Lusk Boulevard, Suite C228
San Diego, CA 92121
(858) 535-9222

Counsel for Wife:
Emory Boutilier
9939 Hilbert Street, #209
San Diego, CA 92131
(858) 566-3340

9. *In re Marriage of Kearns and Budzey*, Case No. D507980 (Cal. Super. Ct. 2009).

The husband filed a motion for a bifurcated trial to determine the validity of a pre-marital agreement. After a bench trial, I found that the wife failed to fully disclose Subchapter-S business assets that she owned at the time of the agreement, and that the husband was unaware of the value of the business assets. Under all of the circumstances, I found that the husband did not execute the pre-marital agreement voluntarily.

Counsel for Husband:
Daniel J. Martin
3160 Camino Del Rio South, #204
San Diego, CA 92108
(619) 531-3122

Counsel for Wife:
James R. Vercollone
600 B Street, Suite 2020
San Diego, CA 92101
(619) 232-9260

10. *In re Marriage of Keville*, Case No. D518012 (Cal. Super. Ct. 2010)

This was a high conflict case involving domestic violence orders, child custody issues, and community property management and division issues. The parties jointly owned rental units and a business buying, repairing and flipping homes. Numerous proceedings were held to determine the operation of the jointly owned and operated businesses. In addition, a civil case involving an investor in the house flipping venture was joined in the family law case to permit a full resolution of issues. Following a year of numerous contested proceedings, all issues were resolved without the need for trial.

Counsel for Husband:
Lisa Berg
940 C Street
San Diego, CA 92101
(619) 234-3838

Counsel for Wife:
Robert W. Lesh
610 West Ash, Suite 1503
San Diego, CA 92101
(619) 238-0882

- 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. *Vigil v. Sony Online Entertainment*, Case No. 37-2009-00104337-CU-OE-CTL (Cal. Super. Ct. 2011). Copy supplied in response to 13(c).

Counsel for Plaintiff:
Matthew P. Tyson
Zachary T. Tyson
2550 Fifth Avenue, 9th Floor
San Diego, CA 92103
(619) 237-9292

Counsel for Defendant:
Stacey E. James
Adam R. Rosenthal
Littler Mendelson, P.C.
501 West Broadway, Suite 900
San Diego, CA 92101
(619) 232-3577

2. *In re Marriage of Howell*, Case No. D509228 (Cal. Super. Ct. 2009). Copy supplied in response to 13(c).

Counsel for Husband:
Laura H. Miller
610 West Ash, Suite 1503
San Diego, CA 92101
(619) 595-1505

Counsel for Wife:
Matthew M. Kraemer
9655 Chesapeake Drive, Suite 310
San Diego, CA 92123
(619) 278-8080

3. *Lopez v. M.A. Mortenson Company*, Case No. 37-2010-00084921. (Cal. Super. Ct. 2011). Copy supplied in response to 13(c).

Counsel for Plaintiff:
Thomas E. Wenbourne
275 East Douglas Avenue, # 106
El Cajon, CA 92020
(619) 579-5101

Counsel for Defendant:
Petit Kohn Ingrassia & Lutz, P.C.
Andrew N. Kohn
Andrea B. Kaplan
11622 El Camino Real, Suite 300
San Diego, CA 92130
(858) 755-8500

4. *In re Marriage of Koufoudakis*, Case No. D507980 (Cal. Super. Ct. 2008).
Copy supplied in response to 13(c).

Counsel for Husband:
Sharon Asaro
3033 Fifth Avenue, Suite 210
San Diego, CA 92103
(619) 291-5528

Counsel for Wife:
Harvey A. Ruben
2878 Camino del Rio South, Suite 200
San Diego, CA 92108
(619) 297-9111

5. *In re Marriage of Bauman*, Case No. D508439 (Cal. Super. Ct. 2009). Copy
supplied in response to 13(c).

Counsel for Husband:
Laura H. Miller
610 West Ash, Suite 1503
San Diego, CA 92101
(619) 595-1505

Counsel for Wife:
Patrick Mazzei
1540 Sixth Avenue
San Diego, CA 92101
(619) 238-4290

6. *In re Marriage of Magre*, Case No. D454292 (Cal. Super. Ct. 2009). Copy
supplied in response to 13(c).

Counsel for Husband:
Stephen Temko
1620 Fifth Avenue, Suite 800
San Diego, CA 92101
(619) 274-3538

Counsel for Wife:
Sarah Pinkerton
2755 Jefferson Street, Suite 200
Carlsbad, CA 92008
(760) 729-0941

7. *In re Marriage of Chang*, Case No. D489539 (Cal. Super. Ct. 2009). Copy supplied in response to 13(c).

Counsel for Husband:
Stuart Manroel
6540 Lusk Boulevard, Suite C228
San Diego, CA 92121
(858) 535-9222

Counsel for Wife:
Emory Boutilier
9939 Hilbert Street, #209
San Diego, CA 92131
(858) 566-3340

8. *In re Marriage of Fuller*, Case No. D383126 (Cal. Super. Ct. 2009). Findings and Order supplied.

Counsel for Husband:
Bruce Beals
550 West B Street
San Diego, CA 92101
(619) 231-6811

Counsel for Wife:
Leigh A. Kretzchmar
110 Juniper Street
San Diego, CA 92101
(619) 231-9323

9. *In re Marriage of Harman*, Case No. D520027 (Cal. Super. Ct. 2010). Judgment on Bifurcated Issue supplied.

Counsel for Husband:
Garrison Klueck
Ellen Swain
7435 University Avenue, # 201
La Mesa, CA 91941
(619) 448-6500

Counsel for Wife:
Thomas M. Hugenor
Linh Mai
4225 Executive Square, # 270
La Jolla, CA 92037
(858) 458-9500

10. *In re Marriage of Colton*, Case No. D335946 (Cal. Super. Ct. 2009).
Findings and Order supplied.

Counsel for Husband:
Mary J. Nemish
3065 Rosecrans Place, Suite 100
San Diego, CA 92110
(619) 523-9900

Counsel for Wife:
Leah M. Boucek
Turning Point
10007 Riverford Road
Lakeside, CA 92040
(619) 270-7546

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

I have had no 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.

In re Marriage of Howell, Case No. D509228 (Cal. Super. Ct. 2009). This case involved a wife's challenge of a premarital agreement which excluded certain property as community property and provided for a waiver of spousal support. I found that the wife failed to prove the pre-marital agreement was unconscionable; that the wife entered the agreement voluntarily; and that it was valid in all respects except the spousal support waiver. I found that the premarital spousal support waiver was unenforceable based on the retroactive application of a statute requiring support waivers to follow consultation with independent counsel. Findings and Order supplied in response to 13(c). On appeal, the Court of Appeals affirmed in part and reversed in part. In a case of first impression, the Court held that the statute precluding enforcement of premarital spousal support

waivers without independent counsel was not retroactive. *See In re Marriage of Howell* (2011) 195 Cal. App. 4th 1062.

- 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 state court judge, I have not written any published opinions. From January 2007 through December 2007, I was assigned to a Domestic Violence criminal calendar with a heavy caseload involving change of plea hearings, probation revocation proceedings and jury trials. I did not prepare any opinions in this position and necessary findings by the court are contained in the minutes and forms in the case files. From January 2008 through December 2010, I handled a direct family calendar department with a caseload of more than 1,000 cases. In an average week, I handled a caseload of approximately 100 cases, including 80 noticed motions for support and custody orders, and 20 ex parte motions seeking immediate relief and requests for domestic violence restraining orders. Due to the volume of cases in family court, the vast majority of decisions are made on the record at the hearings and reduced to writing by minute orders or findings and an order after the hearing prepared by prevailing counsel. Unpublished opinions are filed and stored in the case file.

Beginning in 2011, I began a civil trial and criminal preliminary hearing assignment. All but one of the eleven civil trials was a jury trial and did not require a statement of decision by the court. Some of these civil cases resulted in post-trial motions. Unpublished opinions are filed and stored in the case file. In the criminal preliminary hearing cases, I made my findings regarding probable cause on the record.

- 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.

Enrique M. v. Angelina V., Superior Court No. D053395. In this child custody dispute, the father argued that the federal constitutional due process clause required application of strict scrutiny analysis to any burden placed on the father's right to make decisions concerning the care, custody and control of his child. I denied the request to apply strict scrutiny where the parents shared joint custody over the child. The court of appeals affirmed in a partially published decision. *Enrique M. v. Angelina V.* (2009) 174 Cal. App. 4th 1148.

- 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.

None.

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.

I assess the necessity or propriety of recusal by reference to the Code of Judicial Conduct and California Code of Civil Procedure section 170.1, *et seq.* In addition to mandatory recusal provisions which apply where a conflict exists, under Code of Civil Procedure section 170.1(a)(6)(a), a judge has the discretion under California law to recuse himself if recusal would further the interests of justice or a person aware of the facts might reasonably entertain a doubt regarding the judge's impartiality. On the basis of the discretionary recusal provisions, I do not accept cases in which the parties are represented by close friends of mine or my family. I have provided the Court Clerk's Office a list of the names of attorneys whose friendship with me or my family warrant discretionary recusal.

Under the authority of section 170.1(a)(6)(a), I have recused sua sponte on the following cases:

Manchester v. Manchester, Case No. D516557 (Cal. Super. Ct. 2010) (close friend's law firm represented one of the parties)

In re Marriage of Kesselhaut, Case No. D510352 (Cal. Super. Ct. 2009) (mother of a close friend of my child represented one of the parties)

Riddle v. Brennan, Case No. 473551 (Cal. Sup. Ct. 2009) (fellow board member was identified as a witness at a scheduled custody trial)

In re Marriage of Castagnola, Case No. 507295 (Cal. Sup. Ct. 2008) (one of the parties in a dissolution/custody case was a bank officer that I had contact with in my capacity as a trustee for a charter school)

In the following case, I recused myself at the suggestion of the wife's counsel following the husband's ex parte communication to the court through the court clerk. The communication related to a claimed mistake in the court's calculation of child support. I recused myself to avoid the appearance of impropriety. *Caldwell v. Caldwell*, Case No. D436720 (Cal. Super. Ct. 2009).

California Code of Civil Procedure section 170.6 allows each party to exercise one peremptory challenge to any sitting judge without the need to show cause. The motions are fairly routine in the Superior Court. In San Diego County, the requests are processed as a matter of course. The Court does not maintain any data on such requests or file them in any particular way.

During my Domestic Violence Court assignment in 2007, I recall one peremptory challenge filed by the Public Defender. During my Family Court assignment from 2008 through 2010, I recall three or four peremptory challenges. These timely peremptory challenges were automatically granted.

In addition, I recall two to three untimely peremptory challenges being filed by pro per litigants after I had issued rulings in the case. Under California law, an automatic peremptory challenge is only available when it is made prior to the judge rendering a substantive order. Where a court has made a prior substantive order, the request for automatic recusal is denied. In the following cases, I denied untimely peremptory challenges:

Kearns v. Budzey, D502061 (Cal. Super. Ct. 2010) (I previously had held bifurcated trial on validity of pre-marital agreement)

In re Marriage of Baumann, D508439 (Cal. Super. Ct. 2011) (I previously had held bifurcated trial on the date of separation)

My current assignment is a civil trial department. In this capacity, all parties must agree to a civil trial department before the case is assigned for trial. I have learned that in one or two cases, all counsel did not agree to the assignment of their case to my department for trial.

California Code of Civil Procedure section 170.1 sets forth the procedure to challenge a judge for cause. Under this section, the party must file a written motion stating the grounds for the recusal. The judge must respond within 10 days in writing or the recusal must be granted. A judge outside of the county decides the motion. I do not recall ever having a litigant or party file a challenge for cause.

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 public office, other than judicial office, and I have not had any 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.

In 2010, I endorsed Robert C. Longstreth and Stephen P. Clark to be elected judges for the Superior Court, County of San Diego.

In 2008, I endorsed Evan Patrick Kirvin and Garry Haehnle to be elected judges for the Superior Court, County of San Diego.

I have not held office in or rendered services to any political party or election committee. I have not 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;

I did not serve as a clerk to a judge after law school.

- 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.

1979 – 1986
James, James & Manning
200 Monticello Drive
Dyer, IN 46311
Associate

1986 – 1989

Barbosa & Vera [Firm dissolved in 2000]
1000 Corporate Center Drive
Monterey Park, CA 91754
Associate

1989 – 2002

United States Attorney's Office, Southern District of California
880 Front Street, #6293
San Diego, CA 92101
Chief, Narcotics Enforcement Section (1999 – 2002)
Attorney detailed to Department of Justice, Office of International Affairs
(1997 – 1998)
Deputy Chief, Narcotics Enforcement Section (1996 – 1997, 1998 – 1999)
Assistant United States Attorney (1989 – 2002)

2002 – 2006

United States Attorney's Office, Central District of California
312 North Spring Street
Los Angeles, CA 90012
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.

Other than serving as a mandatory settlement conference judge, I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

I began my legal career as an associate at a private law firm specializing in civil and criminal litigation. I handled cases on behalf of plaintiffs, including cases involving highway design and products liability. I defended a municipality as co-counsel in a voting rights case filed in federal court. Also, I assisted a partner of the firm in two federal criminal trials. Finally, I wrote the appellate briefs in a federal criminal case and a civil personal injury case.

From 1986 to 1989, I was an associate at a private law firm specializing in representation of municipalities. In this capacity, I defended

municipalities in civil litigation involving highway design, personal injury, and police practices cases.

I left private practice to become an Assistant United States Attorney, first in San Diego (1989 – 2002) and then in Los Angeles (2002 – 2006). Throughout my career as a federal prosecutor, I investigated and prosecuted violations of federal law with an emphasis in narcotics and money laundering cases. In addition, beginning in 1994 and until 2002, I was assigned as the Professional Responsibility Officer for the U.S. Attorney's Office in San Diego. In this position, I provided assistance and training to federal prosecutors regarding their legal obligations as prosecutors in pre-trial discovery, at trial, and in their work with confidential informants.

From 1996 to 1997 and 1998 to 1999, I served as Deputy Chief of the Narcotics Enforcement Section. From 1999 to 2002, I was Chief of the Narcotics Enforcement Section where I supervised sixteen Assistant U.S. Attorneys and reviewed their proposed wiretap applications and grand jury indictments. From 1996 through 1997 and 1999 through 2002, I was coordinator of the Arellano Felix Task Force. In this capacity, I coordinated the efforts of four Assistant U.S. Attorneys and more than twenty federal agents in the investigation.

From 2004 through 2006, I was the International Coordinator for the U.S. Attorney's Office in Los Angeles overseeing the processing of mutual legal assistance requests from foreign countries and providing assistance to Assistant U.S. Attorneys in making and responding to requests for extradition to and from foreign countries.

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

From 1979 to 1986, my typical clients were consumer plaintiffs and federal criminal defendants.

From 1986 to 1989, I represented municipalities in police practices, highway design and personal injury cases. My clients were the city manager, city risk manager, and city employees involved in the underlying actions.

From 1989 through 2006, I was a federal prosecutor specializing in narcotics and money laundering prosecutions, and my client was the United States. I worked closely with the Drug Enforcement Administration, Federal Bureau of Investigation, Immigration and Customs Enforcement (formerly United States Customs Service, United

States Coast Guard, United States Marshal, Bureau of Alcohol, Tobacco and Firearms, and Internal Revenue Service.

- 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.

From 1979 through 1986, my litigation experience consisted of one federal criminal trial as lead counsel, two federal criminal trials as associate counsel, and one federal civil rights trial as co-counsel. In addition, I handled a federal criminal appeal, including the oral argument.

From 1986 through 1989, I had an average of one or two appearances in court per month and no trials.

Upon my appointment as an Assistant United States Attorney in 1989, my appearances in court increased significantly. From 1989 through 1996, 100% of my practice was devoted to federal criminal litigation. I was sole counsel in approximately 20 jury trials of one to three days in length during this time and sole counsel in one non-jury trial. Also, I co-tried four jury trials that ranged in length from eight to twenty days. I appeared in court an average of 15 times per month.

From 1997 through 2002 while working with the United States Attorney's Office in San Diego, my practice was devoted to criminal litigation as attorney, supervisor of federal prosecutors, coordinator of task forces, and an instructor. During this time, in addition to my supervisory and administrative duties, I tried two cases of five days in length (one as co-counsel and one as lead counsel) and handled extradition proceedings related to two Arellano Felix assassins.

From 2002 through 2006 while working with the United States Attorney's Office in Los Angeles, I appeared in court an average of eight times per month and I co-tried three cases which were between six and eight days in length.

- i. Indicate the percentage of your practice in:

1. federal courts:	95%
2. state courts of record:	5%
3. other courts:	0%
4. administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	10%
2. criminal proceedings:	90%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather

than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried one federal civil jury case to verdict as co-counsel. I tried approximately 32 federal criminal jury cases to verdict with 21 trials as sole counsel and 11 trials as lead or co-counsel. I tried one federal criminal non-jury case to verdict as sole counsel.

- i. What percentage of these trials were:
 - 1. jury: 97%
 - 2. non-jury: 3%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

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

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

1. *United States v. Ramirez, et al.*, CR-04-01054-ER, United States District Court for the Central District of California; Hon. Edward Rafeedie; 2004 – 2006.

During a wiretap investigation of a street gang for racketeering violations, law enforcement officers identified a load car which was transporting cocaine. In order to avoid alerting the street gang of the ongoing investigation, law enforcement officers solicited the support of a traffic officer to develop independent grounds for a traffic stop of the load car. Following the traffic stop, eight kilograms of cocaine were seized and two occupants were arrested. The defendants sought to suppress the seizure of the eight kilograms of cocaine on the grounds that the individual traffic officer who stopped the load car lacked probable cause. I handled the prosecution and successfully opposed the motion to suppress evidence based on the collective knowledge of the investigating

officers that existed at the time of the traffic stop. The district court denied the motion to suppress the cocaine and the Ninth Circuit affirmed the decision on the basis of the “collective knowledge” doctrine. *United States v. Ramirez*, 473 F.3d 1026 (9th Cir. 2007). I was sole counsel representing the United States before the trial court and at the court of appeals.

Defense Counsel (Ramirez)
Jerald Brainin
P.O. Box 66365
Los Angeles, CA 90066
(310) 397-3910

Defense Counsel (Beltran)
Craig Harbaugh
Office of the Federal Defender
321 East Second Street
Los Angeles, CA 90012
(213) 894-7865

2. *United States v. Rodriguez, et al.*, CR 04-758-SJO, United States District Court for the Central District of California; Hon. S. James Otero; 2005.

The case involved an international drug transportation ring that imported multiple tons of cocaine in modified load cars with built-in secret compartments. The investigation relied on multiple wiretaps and historical drug seizures and resulted in the indictment of 11 defendants on drug and money laundering charges, and forfeitures of property with a value of six million dollars. Seven defendants, including the lead defendant, pled guilty to the most significant drug charges and two defendants (Rodriguez and Gonzalez) proceeded to trial which ended in a hung jury. Subsequently, the trial court granted a motion for acquittal for defendant Gonzalez and ordered a retrial as to defendant Rodriguez. After a retrial of Rodriguez, the jury found him guilty of drug and money laundering charges. I was assigned to the case a couple of months before the indictment and was involved in grand jury proceedings, defending the wiretaps at pre-trial proceedings, negotiating change of pleas for defendants, and presenting the case at two trials.

Defense Counsel (Rodriguez)
Victor Sherman
2115 Main Street
Santa Monica, CA 90405
(310) 399-3259

Defense Counsel (Gonzalez)
John Robertson
1055 Wilshire Boulevard
Santa Monica, CA 90405
(213) 482-8893

Co-Counsel
Rob B. Villeza, Deputy Chief, Narcotics Section
United States Attorney's Office
1400 United States Courthouse
312 North Spring Street
Los Angeles, CA 90012
(213) 894-6579

3. *United States v. Mohammed, et al.*, CR 02-003-CAS, United States District Court for the Central District of California; Hon. Christina A. Snyder; 2005.

The indictment in this case charged 41 defendants with conspiracy to aid and abet the manufacture of methamphetamine, and involved the trafficking of multiple tons of pseudoephedrine. A multi-state wiretap investigation identified an international network of traffickers of pseudoephedrine, a primary precursor chemical used in producing methamphetamine. The pseudoephedrine was imported into the United States from Canada and distributed to methamphetamine manufacturing organizations in southern California. All but two apprehended defendants pled guilty. The two remaining defendants (S. Aziz and R. Aziz) were former government cooperators who proceeded to trial relying on a government authority defense. Following a four-week trial which resulted in a hung jury, both defendants pled guilty to drug charges. I was assigned to the case after the indictment of the 41 defendants and was involved in trial preparation over the course of more than a year, including the interview of numerous cooperating defendants, which ultimately led to the guilty pleas of all except two defendants. At trial, I presented witnesses who testified as to a number of pseudoephedrine seizures.

Defense Counsel (S. Aziz)
David Kaloyanides
205 South Broadway, Suite 901
Los Angeles, CA 90012
(213) 623-8120

Defense Counsel (R. Aziz)
George W. Buehler
350 South Grand Avenue, Suite 3900
Los Angeles, CA 90071
(213) 625-3900

Lead Counsel
Assistant U.S. Attorney Michael Stern
United States Attorney's Office
1400 United States Courthouse
312 North Spring Street
Los Angeles, CA 90012
(213) 894-3898

Associate Counsel
Assistant U.S. Attorney Christopher Brunwin
United States Attorney's Office
1400 United States Courthouse
312 North Spring Street
Los Angeles, CA 90012
(213) 894-4242

4. *United States v. Morant, et al.*, CR 00-465-GHK, United States District Court for the Central District of California; Hon. George H. King; 2002 – 2006.

This case involved a nationwide wiretap investigation of a Jamaican marijuana drug trafficking organization responsible for distributing more than 30 tons of marijuana from California to the East Coast using FedEx couriers who knowingly delivered drugs for the organization. In 2000, twenty-five defendants were indicted and six defendants proceeded to a jury trial handled by former Assistant United States Attorney and current federal magistrate judge Patrick J. Walsh. In 2002, I took over the case. From 2002 through 2006, I handled all proceedings related to this case. These included motions for new trial filed by six defendants, sentencing hearings for ten defendants, appeals by four defendants, plea disposition for two defendants, and the extradition pleadings for two defendants apprehended in Jamaica. The appellate court affirmed the appealed convictions in *United States v. Kizzee*, 2005 WL 3481496, 159 Fed. Appx. 805 (9th Cir. 2005). I was sole counsel representing the United States from 2002 through 2006.

Defense Counsel (M. Morant)
Sam Talkin
40 Exchange Place, 18th Place
New York, NY 10005
(212) 482-0007

Defense Counsel (Passley)
Gregory A. Samms
2 N.E. 40th Street, Suite 201
Miami, FL 33137
(305) 573-2444

Defense Counsel (Brown)
Jay Lichtman
3550 Wilshire Boulevard, Suite 2000
Los Angeles, CA 90010
(213) 386-3878

Defense Counsel (Thompson)
Kerry Bensinger
63 North Raymond Avenue, Suite 320
Pasadena, CA 91103
(626) 685-2550

Defense Counsel (Butler)
Michael Brennan
USC Law Center
Room 400
Los Angeles, CA 90089
(213) 740-2527

Defense Counsel (Kizzee)
Verna Wefald
65 North Raymond Avenue, Suite 320
Pasadena, CA 91103
(626) 577-2658

Defense Counsel (Shaw)
Brian Newman
225 Avenue I
Redondo Beach, CA 90277
(310) 417-3835

Defense Counsel (Crisci)
Larry Bakman
10100 Santa Monica Boulevard, 8th floor
Santa Monica, CA 90067
(310) 772-2233

Defense Counsel (Lyons)
Tom Logan (Retired)
115 West California Boulevard, Suite 155
Pasadena, CA 91105
(323) 632-9694

Defense Counsel (Taylor)
Ronald McGregor
1000 Quail Street, Suite 110
Newport Beach, CA 92660
(949) 250-6097

5. *United States v. Villanueva, et al.*, CR 99-1581-NJ, United States District Court for the Southern District of California; Hon. Napoleon Jones; 1999 – 2002.

I handled this Federal Bureau of Investigation undercover investigation of a Mexican drug trafficking organization responsible for importing or attempting to import 15 tons of marijuana. As a result of the two-year investigation, 11 tons of marijuana were seized and 19 defendants were indicted. All but two of the apprehended defendants entered pleas of guilty to drug charges. Defendant Villanueva maintained the stash house where the marijuana was kept after it was imported into the United States. Defendant Alvarez was alleged to have provided financial support to Chan-Amador, the head of the transportation ring. Following a two-week jury trial, Villanueva was convicted on all charges and Alvarez was acquitted. At trial, I handled the opening and closing arguments, examined most of the witnesses and handled the sentencing hearings for the defendants who pled guilty. Finally, I handled Villanueva's sentencing and his appeal before the Ninth Circuit, which denied a motion to suppress evidence, affirmed the conviction, and remanded to the trial court so that it could make an individualized determination of the amount of drugs for which Villanueva was responsible. *United States v. Villanueva*, 43 Fed. Appx. 16 (9th Cir. 2002).

Defense Counsel (F. Villanueva)
Ward Stafford Clay
110 West C Street, Penthouse Suite
San Diego, CA 92101
(619) 234-1353

Defense Counsel (Alvarez)
Michael Pancer
105 West F Street, 4th floor
San Diego, CA 92101
(619) 236-1826

Associate Counsel for United States
Roopal Shah (Former Assistant U.S. Attorney)
Current contact information unavailable

6. *United States v. Perez-Aguilar, et al.*, CR 97-1351-IEG, United States District Court for the Southern District of California; Hon. Irma E. Gonzalez; 1999.

This was a wiretap investigation of a large scale methamphetamine distributor supplied by a major Mexican methamphetamine producing and trafficking organization. Perez-

Aguilar was the subject of a wiretap investigation which led to multiple seizures of methamphetamine. Perez-Aguilar proceeded to trial and was convicted following a two-week trial. I presented the case on behalf of the government and handled the sentencing hearing following his conviction.

Defense Counsel
Jerome A. Kaplan
Kaplan, Kenegos, & Kadin
9150 Wilshire Boulevard, #175
Beverly Hills, CA 90212
(310) 859-7700

7. *In the Matter of the Extradition of Mainero*, 96-MG-1798 (AJB), 990 F. Supp. 1208 (S.D. Cal. 1998); Hon. Anthony Battaglia, formerly United States Magistrate Judge and currently United States District Court Judge (extradition proceedings 1996 – 1998); and 97-CV-2292-MLH, Hon. Marilyn Huff (habeas corpus proceedings 1998); and *Gregg v. Mainero*, 164 F.3d 1199 (9th Cir. 1999) (appeal 1998 – 1999).

This case involved a request by the Republic of Mexico for the extradition to Mexico of two alleged assassins of the Arellano Felix cartel for multiple homicides, including the murder of the Deputy Chief of the Mexican National Anti-Drug Agency. Numerous legal issues and evidentiary challenges were raised in proceedings before the magistrate judge, district court judge and appellate court which are set out in the two published decisions. Former U.S. Magistrate Judge and current U.S. District Court Judge Anthony Battaglia found the two assassins extraditable; District Court Judge Huff denied a petition for habeas corpus relief; and the Ninth Circuit affirmed the district court's decision. I was sole counsel for the United States at every stage of this case. I prepared and submitted the extradition request, and argued the case at the extradition hearing before the magistrate judge. Following the magistrate judge's decision to extradite, I prepared the opposition to a petition for habeas corpus and argued on behalf of the government at the hearing before the district court. Finally, I wrote the government's brief and argued the case before the Ninth Circuit.

Defense Counsel (Valdez and Hodoyan)
Michael Pancer
105 West F Street, 4th floor
San Diego, CA 92101
(619) 236-1826

8. *United States v. Klimavicius-Viloria, et al.*, CR 95-1421-MH; United States District Court for the Southern District of California; Hon. Marilyn Huff; 1996.

After a three-day consensual boarding and search by the U.S. Coast Guard of a fishing vessel sailing near the Galapagos Islands, the U.S. Coast Guard discovered twelve tons of cocaine concealed in secret compartments built within fuel tanks. The ten crew members were charged with a maritime drug conspiracy and all proceeded to trial and were

convicted after a two-week trial. The defendants unsuccessfully challenged the sufficiency of the evidence and the power of a U.S. court to exercise jurisdiction over the defendants where the cocaine was seized near the Galapagos Islands. On appeal, the convictions were affirmed by the Ninth Circuit in *United States v. Klimavicius-Viloria*, 144 F.3d 1249 (9th Cir. 1998). Co-counsel and I shared equal responsibility for preparing and presenting the case through each stage of the litigation, including the investigation, pre-trial, trial, sentencing and the appeal.

Defense Counsel (Klimavicius-Viloria)

Juanita R. Brooks
Fish & Richardson
12390 El Camino Real
San Diego, CA 92130
(858) 678-4377

Defense Counsel (Lerma-Lerma)

Robert Carriedo
105 West F Street, 3rd floor
San Diego, CA 92101
(619) 232-0900

Defense Counsel (Caicedo-Pineda)

Michael Burke
105 West F Street, 4th floor
San Diego, CA 92101
(619) 234-2503

Defense Counsel (Ferraro-Montesdeoca)

Daniel Casillas
101 West Broadway, 4th floor
San Diego, CA 92101
(619) 237-3777

Defense Counsel (Rivas-Lerma)

D. Wayne Brechtel
Worden Williams APC
462 Stevens Avenue, Suite 102
Solana Beach, CA 92075
(858) 755-6604

Defense Counsel (Otero-Estupinan)

Inge Brauer
2240 F Street
San Diego, CA 92102
(619) 238-1031

Defense Counsel (Palma-Robayo)
James Matthew Brown
2044 First Avenue, #200
San Diego, CA 92101
(619) 238-0815

Defense Counsel (Morcillo-Vidal)
Mark A. Chambers
349 West Ninth Avenue, #200
Escondido, CA 92025
(760) 489-1808

Defense Counsel (Payan-Solis)
Douglas C. Brown
225 Broadway, Suite 1400
San Diego, CA 92101
(619) 231-6158

Defense Counsel (Rojas-Renteria)
William R. Burgener
1775 Hancock Street, #285
San Diego, CA 92101
(619) 291-8565

Co-Counsel
Hon. William V. Gallo (former Assistant United States Attorney)
United States Magistrate Judge
940 Front Street
San Diego, CA 92101
(619) 557-6524

9. *United States v. Ayala, et al.*, CR 94-0476-IEG, United States District Court for the Southern District of California; Hon. Irma E. Gonzalez; 1995 – 1996.

I led an FBI investigation of Ayala, a former Immigration and Naturalization Service employee, who corrupted five border inspectors to permit cocaine loads to enter the United States from Mexico without inspection. Eventually, a related investigation of two inspectors was joined which resulted in a consolidated indictment of Ayala, two border inspectors (Garcia and Mejia), drug load drivers, and others. Four defendants including Ayala and the border inspectors proceeded to trial. Following a two-month trial, Ayala and border inspector Garcia were convicted on cocaine importation charges. The jury hung as to border inspector Mejia. Following a retrial, Mejia was convicted of conspiring to import marijuana. After the consolidation of the two investigations, co-counsel and I equally shared the responsibilities for trial preparation, presentation of witnesses, and presenting opening and closing arguments. In addition, we jointly handled the sentencing hearings and appeals of the convicted defendants.

Defense Counsel (Ayala)
Nicholas Reyes
1107 R Street
Fresno, CA 93721
(559) 259-4287

Defense Counsel (Garcia)
Michael Pancer
105 West F Street, 4th floor
San Diego, CA 92101
(619) 236-1826

Defense Counsel (Mejia)
Jan Ronis
105 West F Street, 3rd floor
San Diego, CA 92101
(619) 236-8344

Defense Counsel (Calderon)
Enrique Miguel Ramirez
74-923 Highway 111 #150 (last known address)
Indian Wells, CA 92210

Co-Counsel
Assistant U.S. Attorney Cynthia L. Millsaps
United States Attorney's Office
880 Front Street, Room 6293
San Diego, CA 92101
(619) 557-5530

10. *United States v. Medina*, CR 93-1485-IEG, United States District Court for the Southern District of California; Hon. Irma E. Gonzalez; 1993 – 1994.

This case was related to the Ayala FBI investigation of drug trafficking and bribery of inspectors which is referenced above. The defendants in this case, Medina and Herrera, were employees of Ayala's immigration consulting office. Medina and Herrera attempted to bribe a border inspector to permit cocaine to enter the United States without inspection. After an undercover investigation, the defendants were arrested and charged with a conspiracy to import cocaine and attempted bribery of a federal law enforcement officer. Following a two-week jury trial, Medina and Herrera were convicted on all charges.

Defense Counsel (Medina)
Lynn H. Ball
1560 Scott Street
San Diego, CA 92106
(559) 259-4287

Defense Counsel (Herrera)
Enrique Miguel Ramirez
74-923 Highway 111 #150 (last known address)
Indian Wells, CA 92210

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.)

In 2006, while working as an Assistant U.S. Attorney in Los Angeles, I initiated a wiretap investigation targeting members of the Jorge Cuevas-Mares Drug Trafficking Organization. During the investigation, I met with law enforcement agents, prepared multiple applications for wiretap applications, and obtained court-authorization for wiretaps which led to the seizure of more than 455 kilograms of cocaine in Paramount, California. As a result of my appointment to the superior court bench in November 2006, I was not involved in the take down of the investigation in 2007.

From 1996 to 1997 and from 1999 to 2002, I worked as attorney coordinator with the Arellano Felix Task Force. In this capacity, I coordinated the efforts of four prosecutors who were targeting different wings of the Arellano Felix cartel. I also worked with the Drug Enforcement Administration, United States Customs Service, Federal Bureau of Investigation and the United States Marshal Service in San Diego and in Mexico City in the investigation, apprehension, and extradition of key members of the Arellano Felix cartel. In addition, I coordinated with the U.S. Department of Justice Criminal Division and Office of International Affairs on efforts to extradite the leaders of the cartel. Finally, I worked with the Mexican Attorney General's office in targeting the Arellano Felix members and coordinating international cooperation efforts relating to mutual legal treaty requests and extradition requests by the respective countries.

From 1994 to 1997, I served as member, vice chair and chair of the State of California State Bar, Criminal Law Advisory Commission. The Commission is responsible for administering the certification exam for criminal law specialists and for vetting the applicants. During my term with the commission, I prepared questions that were included in the criminal law certification exams.

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.

I have not taught any courses.

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.

I do not have any plans, commitments or agreements to pursue outside employment during my service with the Court.

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.

I do not have any financial arrangements that would present potential conflicts-of-interest.

My wife is currently employed by the United States Probation Office as Deputy Chief. I would recuse in any case in which my wife would be involved. Also, I will avoid discussing any specific case with my wife. Finally, I will remain vigilant to identify any other situations which require disclosure to the parties or additional steps to avoid the appearance of impropriety.

Since 2008, I have been on the Board of Trustees of a California 501(c)(3) non-profit public benefit corporation which operates Urban Discovery Academy, an elementary school for grades kindergarten through eighth grade. Under state law, my service on the board is permitted by California Code of Judicial Ethics, Canon 4C(3)(b) which provides “a judge may serve as an officer, director, trustee or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for profit.” Moreover, in my assignments as a family law and civil trial judge I have not had any occasion to consider or rule on any conflict of interest created by being on the board. However, if I am confirmed, I would likely step down from the board to avoid the appearance of impropriety or future conflicts in any cases where public school issues are raised.

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

On a case by case basis, I will remain vigilant of my obligation to be fair and neutral and to avoid conflicts and the appearance of impropriety. If a potential conflict of interest arises, I will review the Judicial Code of Conduct and the rules under 28 U.S.C. sections 144 and 455a. After reviewing the applicable rules, I will consult, as appropriate, colleagues on the bench or representatives with the Administrative Office of the United States Courts.

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.

Legal Enrichment and Decision Making (LEAD) Program – East Los Angeles

From 2003 to 2006, I was an instructor at an East Los Angeles school class of fifth graders as part of a 20-week program operated by the Los Angeles District Attorney’s Office. The program introduced the children to the legal system and provided tools on how to make good decisions in life and how to avoid peer pressure, truancy, bullies, drugs, and gangs. During this time, I participated as an instructor at 50 one-hour classes.

Beginning in 2007, I worked with the San Diego District Attorney’s Office to establish the LEAD program in San Diego Unified School District schools. In 2007, the program was adopted at Laura Rodriguez, a school located in Barrio Logan, and Johnson Elementary, a lower economic area school. Since 2007, I have participated as an

instructor at the opening class and as a presiding judge at a mock trial which is the culmination of the program. I have devoted more than 30 hours to this program since 2007.

Kid's Turn – San Diego

This program is coordinated by the San Diego District Attorney's Office and Rady Children's Hospital and seeks to introduce child victims of crimes to the experience of being in a courtroom. From 2007 to 2011, I have assisted as a volunteer in the courtroom exercises on approximately eight occasions for a total of more than 15 hours.

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.

I was contacted in May 2011 by Senator Barbara Boxer's Judicial Advisory Committee regarding the open District Court position. On May 4, 2011, I met with members of the Senator's committee, to discuss my interest in the position. On May 20, 2011, I spoke with a member of Senator Boxer's staff regarding my interest in the position and on May 23, 2011, I advised him that I was submitting my judicial application.

On June 28, 2011, I was interviewed by the Senator's committee, chaired by Candace M. Carroll. Since July 11, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 22, 2011, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On November 10, 2011, 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.

AFFIDAVIT

I, Gonzalo P. Curiel, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

November 11, 2011
(DATE)

Gonzalo P. Curiel
(NAME)

Mir Ali
(NOTARY)

State of California
County of San Diego
Subscribed and sworn to (or affirmed) before
me on this 11th day of Nov, 2011
by GONZALO P. CURIEL
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.
Signature Mir Ali (Seal)

