

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Susan Mason Bazis  
Susan Mason Cook-Bazis  
Susan Mason Cook  
Susan Lillian Mason

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

United States District Judge for the District of Nebraska

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

United States District Court for the District of Nebraska  
111 South 18th Plaza, Suite 2271  
Omaha, Nebraska 68102

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

1968; Omaha, Nebraska

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.

1990 – 1993, Creighton University School of Law; J.D., 1993

1988 – 1990, University of Nebraska at Omaha; B.S. (*magna cum laude*), 1990

1986 – 1987, St. Edward's University; no degree received

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.

2017 – present

United States District Court for the District of Nebraska  
111 South 18th Plaza  
Omaha, Nebraska 68102  
United States Magistrate Judge

2007 – 2016  
State of Nebraska  
Douglas County Court  
1445 K Street, Room 1213  
Lincoln, Nebraska 68509  
Judge (2007 – 2016)  
Presiding Judge (2010 – 2013)

2001 – 2007  
Bazis Law Offices, P.C., L.L.O.  
209 South 19th Street, Suite 500  
Omaha, Nebraska 68102  
Sole Owner and Attorney

1999 – 2001  
Paragas Law Offices  
9202 West Dodge Road, #307  
Omaha, Nebraska 68114  
Associate Attorney

1996 – 1999  
Kelly, Lehan and Hall, P.C.  
7134 Pacific Street  
Omaha, Nebraska 68106  
Associate Attorney

1994 – 1996  
Douglas County Public Defender  
1717 Harney Street  
Omaha, Nebraska 68183  
Assistant Public Defender

1993 – 1994  
Paragas Law Offices  
9202 West Dodge Road, #307  
Omaha, Nebraska 68114  
Associate Attorney (part time)

1993 – 1994  
West Telemarketing  
9910 Maple Street

Omaha, Nebraska 68134  
Inbound Telemarketer (part time)

1992 – 1993  
Mutual of Omaha  
Mutual of Omaha Plaza  
Omaha, Nebraska 68175  
Law Clerk

1988 – 1992  
Wats Telemarketing (defunct)  
Omaha, Nebraska  
Part-Time Inbound Telemarketer

Other affiliations (uncompensated):

2022 – present  
Federal Magistrate Judges Association  
517 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202  
8th Circuit Director

2008 – present  
Robert M. Spire, American Inns of Court  
1701 Farnam Street  
Omaha, Nebraska 68183  
Counselor of the Inn (2017 – present)  
President (2013 – 2014)  
President-Elect (2012 – 2013)  
CLE Chair (2011 – 2013)  
Pupilage Leader (2008 – 2017)

2007 – 2016  
Nebraska County Judges Association  
1000 10th Avenue  
Sidney, Nebraska 69162  
President (2012 – 2013)  
Vice President (2011 – 2012)  
Secretary (2010 – 2011)  
Executive Committee (2009 – 2014)

2011 – 2014  
National Safety Council – Nebraska Chapter  
3111 Oak View Drive  
Omaha, Nebraska 68144  
Ex-Officio Member, Board of Directors

2003 – 2005  
Ollie Webb Center, Inc.  
1941 South 42nd Street, #122  
Omaha, Nebraska 68105  
Member, Board of Directors

1992 – 1993  
Client Counseling and Negotiations Board  
Creighton University School of Law  
2133 Cass Street  
Omaha, Nebraska 68178  
Member, Executive Board

Summer 1992  
Douglas County Public Defender  
1701 Farnam Street  
Omaha, Nebraska 68183  
Intern

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

I did not serve in the military. I was not required to register for the selective service.

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

University of Nebraska at Omaha School of Criminology and Criminal Justice, Alumni Award for Excellence in Public Service (2023)

Nebraska State Bar Foundation, Public Service Award (2016)

Nebraska State Bar Foundation, Lifetime Fellow (2016)

National College of Probate Judges, Treat Award for Excellence (2013)

Nebraska Supreme Court, Distinguished Judge, Service to the Community Award (2011)

University of Nebraska at Omaha School of Criminology and Criminal Justice, Rising Star Alumni Achievement Award (2010)

Creighton University

Highest Grade Awarded: Defense of Criminal Cases (1992)  
Highest Grade Awarded: Jurisprudence (1991)  
Winner of Negotiations Tournament, Law Student Division (1991)

University of Nebraska at Omaha  
*Magna Cum Laude* (1990)  
Dean's List (1988 – 1990)  
All-American Scholar (1989 – 1990)  
Golden Key National Honor Society (1989 – 1990)  
Alpha Phi Sigma Honor Society (Honorary) (1989 – 1990)  
Pi Gamma Mu Honor Society (Honorary) (1989 – 1990)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2007 – 2016)

County Court of Douglas County, Nebraska  
Judges Probate Committee (2012 – 2017)  
    Chairperson (2014 – 2017)  
Judges Civil Committee (2007 – 2010)

County Judges Association (2007 – 2016)  
    President (2012 – 2013)  
    Vice President (2011 – 2012)  
    Secretary (2010 – 2011)  
    Executive Committee (2009 – 2014)  
    Education Committee (2013 – 2017)  
    Probate, Civil Procedure, Court Rules & By-Laws Committee (2014 – 2017)  
        Chairperson (2016)  
    Best Practices for Judges, Lawyers & the Courts Subcommittee (approximately 2014 – 2017)  
        Chairperson (2016)  
    Case Management Committee for County Courts (approximately 2009 – 2013)

Douglas County Courts, Nebraska  
    Court Security Committee (approximately 2015 – 2017)  
    Court Referral Committee (2016 – 2017)  
    Ad Hoc Committee on Court Appointments (2015 – 2016)

Douglas County, Nebraska  
    Criminal Justice System Management Council (2010 – 2013)  
        Vice Chair (2012)  
    24/7 Sobriety Program Subcommittee 2012 – 2017)  
    Reentry Initiatives Council (2013 – 2017)

Federal Magistrate Judges Association (2017 – present)  
Eighth Circuit Director (2022 – present)  
Eighth Circuit representative for the Sunshine Committee (2022 – present)  
Bulletin Committee, Member (2023 – present)  
Security Committee, Member (2020 – present)

National College of Probate Judges (2012 – 2017)

Nebraska Criminal Defense Attorneys Association (1996 – 2006)

Nebraska State Bar Association  
House of Delegates (2005 – 2009)  
Criminal Practice and Procedure Committee (2002 – 2003)

Nebraska State Bar Foundation  
Bench Media Committee (2016 – present)  
Lifetime Fellow (2016)  
Mock Trial Chair (2020 – present)

Nebraska Supreme Court  
State and Federal Judicial Council (2018 – present)  
Consortium of Tribal, State, and Federal Court (2019 – present)  
Nebraska Supreme Court Commission on Guardianships and Conservatorships  
(2012 – 2016)  
Co-Chair (2012 – 2016)  
Advisory Council on Public Guardian (2015 – 2016)  
Chairperson (2015 – 2016)  
Joint Review Committee on the Status of Guardianships and Conservatorships in  
Nebraska Court System (2010)  
Judicial Nominating Commission-Supreme Court-Second, Alternate Member  
(approximately 1998 – 1999)

Robert M. Spire Inns of Court (2008 – present)  
Counselor of the Inn (2017 – present)  
President (2013 – 2014)  
President-Elect (2012 – 2013)  
CLE Chair (2011 – 2013)  
Pupilage Leader (2008 – 2017)

United States District Court for the District of Nebraska  
District of Nebraska Judicial Council (2017 – present)  
District of Nebraska Federal Practice Committee (2017 – present)  
District of Nebraska Court Security Committee (2018 – present)  
Chairperson (2018 – present)

10. **Bar and Court Admission:**

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

Nebraska, 1993

There have been no lapses in membership.

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

Supreme Court of the United States, 2005

United States Court of Appeals for the Eighth Circuit, 2005

United States District Court for the District of Nebraska, 1993

Once I became a state court judge in 2007, I no longer paid the biennial assessment to the United States District Court for the District of Nebraska because I would no longer be practicing law. My status was then listed as inactive. The United States District Court for the District of Nebraska did away with the biennial assessment in 2020 and my status is now showing as active.

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.

To the best of my knowledge and recollection, I have not belonged to any other organizations other than those listed in questions 9 and 10.

- 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.

Not applicable.

**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.

Contributor to article by Todd J. Hutton *et al.*, *Changes in Guardianship and Conservatorship Laws and Rules Effective January 1, 2012*, Nebraskans Care, THE NEBRASKA LAWYER (January/February 2012). Copy supplied.

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

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive materials, but it is possible that there are a few that I have been unable to identify.

Supreme Court Commission on Guardianships and Conservatorships – 2013 Report. Report Supplied.

Joint Review Committee on the Status of Adult Guardianships and Conservatorships in the Nebraska Court System Report of Final Recommendations, October 1, 2010. Report supplied.

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

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive materials, but it is possible that there are a few that I have been unable to identify.

On February 3, 2016, I provided testimony regarding LB 934 to the Judiciary Committee of the Nebraska Legislature regarding changes to the Public Guardian laws. Transcript supplied.

On February 3, 2016, I provided testimony regarding LB 1008 to the Judiciary Committee of the Nebraska Legislature regarding legislation that would define what a guardian ad litem can do in a probate proceeding. Transcript supplied.



On March 18, 2015, I provided testimony regarding LB 422 to the Judiciary Committee of the Nebraska Legislature regarding legislation that would allow the courts to pay a guardian ad litem appointed for a minor in a probate guardianship proceeding. Transcript supplied.

On January 21, 2015, I provided testimony regarding LB 43 to the Judiciary Committee of the Nebraska Legislature regarding the creation of a law for standby guardians in Nebraska. Transcript supplied.

On January 29, 2014, I provided testimony regarding LB 920 to the Judiciary Committee of the Nebraska Legislature regarding the creation of a Public Guardian for Nebraska. Transcript supplied.

On February 27, 2013, I provided testimony regarding LB 615 to the Judiciary Committee of the Nebraska Legislature regarding proposed changes to the Guardianship and Conservatorship laws. Transcript supplied.

On January 20, 2011, I provided testimony regarding LB 157 to the Judiciary Committee of the Nebraska Legislature regarding proposed changes to the Guardianship and Conservatorship laws. Transcript supplied.

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

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive materials, but it is possible that there are a few that I have been unable to recall or identify.

December 12, 2023: Judge, Championship round of the State Championship of the Lyle Strom High School Mock Trial competition, Nebraska State Bar Foundation, Lincoln, Nebraska. I provided feedback to the students on their performances after the competition. I have no notes, transcript, or recording. The address for the Nebraska Bar Foundation is 635 South 14th Street, Suite 120, Lincoln, Nebraska 68508.

October 19, 2023: Panelist, Panelist, Nebraska State Bar Association, Nebraska Federal Practice Committee and Federal Law Section, Omaha, Nebraska. The magistrate judges talked about the benefits of consenting to a magistrate judge,

updates on federal procedures, best practices, and settlement conferences. We then took questions from the audience. I have no notes, transcript, or recording. The address of the Nebraska State Bar Association is 635 South 14th Street, Suite 200, Lincoln, Nebraska 68508.

2017 – present: Speaker, Naturalization Ceremonies, United States District Court for the District of Nebraska. As part of my duties, I preside over naturalization ceremonies for new citizens and have conducted ceremonies on the following dates: March 17, 2023; January 13, 2023; November 18, 2022; September 9, 2022; June 11, 2021; October 16, 2020; September 25, 2020; October 11, 2019; September 16, 2019; September 11, 2019; August 9, 2019; March 22, 2019; December 7, 2018; September 28, 2018; August 10, 2018; June 16, 2018; September 29, 2017; and August 11, 2017. My standard notes are supplied.

October 18, 2023: Remarks, Legacy of Liberty Breakfast, Nebraska State Bar Foundation, Lincoln, Nebraska. Remarks supplied.

September 20, 2023: Guest Speaker, government class at Central High School. I spoke to the class with two probation officers. We talked about our career paths and answered questions from the students. I have no notes, transcript, or recording. The address of Central High School is 124 North 20th Street, Omaha, Nebraska 68102.

August 24-26, 2023: Facilitator and Speaker, Mediation Training for Lawyers, Roman L. Hruska Courthouse, Omaha, Nebraska. PowerPoints supplied.

May 4, 2023: Facilitator and Speaker, Magistrate Judge Forum, Quarry Oaks Golf Club, Ashland, Nebraska. PowerPoints supplied.

April 13, 2023: Moot Court Judge for semi-final round of Thomas Stinson Allen Moot Court Competition, University of Nebraska College of Law. Eighth Circuit Court of Appeals Courtroom, Roman L. Hruska Courthouse, Omaha, Nebraska. I served as one of three judges for the semi-final round of the moot court competition and provided feedback to the law students on their performances after each round. I have no notes, transcript, or recording. The address for the University of Nebraska College of Law is 1875 North 42nd Street, Lincoln, Nebraska 68503.

March 9, 2023: Acceptance Remarks, Alumni Award for Excellence in Public Service from the University of Nebraska at Omaha School of Criminology and Criminal Justice, Omaha, Nebraska. Notes supplied.

February 24, 2023: Speaker, Southwest Iowa Lawyer League Seminar, Council Bluffs, Iowa. PowerPoint and outline supplied.

October 14, 2022: Panelist, Nebraska State Bar Association, Nebraska Federal

Practice Committee and Federal Law Section, Omaha, Nebraska. The Magistrate Judges talked about case progression, preferences, and settlement conferences. We also answered questions from the audience. I have no notes, transcript, or recording. The address of the Nebraska State Bar Association is 635 South 14th Street, Suite 200, Lincoln, Nebraska 68508.

October 12, 2022: Remarks, Legacy of Liberty Breakfast, Nebraska State Bar Foundation. Remarks supplied.

September 16, 2022: Panelist, Bench Bar Briefing, Omaha Bar Association, Omaha, Nebraska. I have no notes, transcript, or recording. The address of the Omaha Bar Association is 2133 California Street, Omaha, Nebraska 68178.

July 28, 2022: Speaker, Teachers Law School, University of Nebraska at Omaha-Omaha Political Science Department and Nebraska and Iowa Chapters of ABOTA, Omaha, Nebraska. Notes supplied.

July 22–23, 2022: Facilitator and Speaker, Federal Practice Advanced Mediation Training, Nebraska Federal Practice Committee and Werner Institute for Negotiation & Conflict Resolution at Creighton University School of Law, Omaha, Nebraska. Notes supplied.

February 25, 2022: Speaker, Southwest Iowa Lawyer League Seminar, Council Bluffs, Iowa. Notes supplied.

January 13, 2022: Judge, Championship round of the State Championship of the Lyle Strom High School Mock Trial competition, Nebraska State Bar Foundation, Omaha, Nebraska (virtual). I provided feedback to the students on their performances after the competition. I have no notes, transcript, or recording. The address for the Nebraska Bar Foundation is 635 South 14th Street, Suite 120, Lincoln, Nebraska 68508.

October 15, 2021: Speaker, Nebraska State Bar Association, Federal Section, Omaha, Nebraska. The PowerPoint I used was created by another judge who was supposed to be the speaker but was unable to do so at the last minute. PowerPoint, as edited by me, supplied.

June 15, 2021: Speaker, Teachers Law School, University of Nebraska at Omaha-Omaha Political Science Department and Nebraska Chapter of ABOTA, Omaha, Nebraska. Notes supplied.

April 30, 2021: Speaker, Southwest Iowa Lawyer League Seminar, Council Bluffs, Iowa. PowerPoint and notes supplied.

March 4, 2021: Judge, Championship round of the State Championship of the Lyle Strom High School Mock Trial competition, Nebraska State Bar Foundation,

Omaha, Nebraska (virtual). I provided feedback to the students on their performances after the competition. I have no notes, transcript, or recording. The address for the Nebraska Bar Foundation is 635 South 14th Street, Suite 120, Lincoln, Nebraska 68508.

May 17, 2019: Facilitator and Speaker, Civil and Criminal Best Practices Forum, Federal Practice Committee, Quarry Oaks Golf Club, Ashland, Nebraska. PowerPoints supplied.

March 1, 2019: Speaker, Southwest Iowa Lawyer League Seminar, Council Bluffs, Iowa. The PowerPoint I used was created by another judge and modified by me. PowerPoint and my notes supplied.

October 19, 2018: Speaker, Nebraska State Bar Association, Federal Law Section, Omaha, Nebraska. Notes supplied.

May 4, 2018: Speaker, Omaha Bar Association Memorial Day Program, Omaha, Nebraska, Omaha Bar Association. Notes supplied.

April 6, 2018: Facilitator and Speaker, Best Practices Civil and Criminal, Federal Practice Committee, Quarry Oaks Golf Club, Ashland, Nebraska. PowerPoint supplied.

March 2018 (specific date unknown): Speaker, Metropolitan Community College Courts and Judicial Process Class, Omaha, Nebraska. I spoke to the class about my progression from being a lawyer to a judge and what I did in both roles. I have no notes, transcript, or recording. The address for Metropolitan Community College is 829 North 204th Street, Elkhorn, Nebraska 68022.

November 9, 2017: Remarks, Welcoming New Attorneys, Omaha Bar Association, Omaha, Nebraska. Notes supplied.

2017 (specific date unknown): Panelist, An Afternoon with Federal Magistrates: A Candid Conversation on Active Case Management and Case Progression, Federal Bar Association-Nebraska Chapter, Omaha, Nebraska. All of the Nebraska magistrate judges appeared on the panel and spoke about case progression. We also took questions from the audience. I have no notes, transcript, or recording. The current president of the Federal Bar Association-Nebraska Chapter is Catherine Cano, 9148 Pauline Street, Omaha, Nebraska 68124.

June 6, 2017: Speaker, Magistrate Judges and Federal Court, University of Nebraska at Omaha class on International Narcotics Trafficking and Money Laundering, Omaha, Nebraska. PowerPoint supplied.

February 24, 2017: Remarks, Investiture as United States Magistrate Judge for

the District of Nebraska, Omaha, Nebraska. Notes supplied.

December 22, 2015: Panelist, View from the Bench, Omaha Bar Association, Omaha, Nebraska. I talked about best practices, changes in our procedures, and took questions from the audience. I have no notes, transcript, or recording. The address for the Omaha Bar Association is 2133 California Street, Omaha, Nebraska 68178.

June 23, 2015: Speaker, Guardianship and Conservatorship Updates and Update on Guardianship and Conservatorship Commission, Elder Abuse, Financial Exploitation and Elder Issues, Nebraska Department of Health and Human Services, State Unit on Aging, and the Nebraska State Bar Association-Elder Law Section, Lincoln, Nebraska. PowerPoint supplied.

April 10, 2015: Panelist, Nebraska State Bar Association Leadership Academy. The panel consisted of judges from different courts, and we discussed the process of how we each became a judge. I have no notes, transcript, or recording. The Nebraska State Bar Association's address is 635 South 14th Street, Suite 200, Lincoln, Nebraska 68508.

November 5, 2014: Speaker, Guardianships and Conservatorships, Protecting Our Future: Understanding Child Welfare in Nebraska, Omaha, Nebraska. PowerPoint supplied.

October 2, 2013: Speaker, Guardianships and Conservatorships, Nebraska State Bar Association, Omaha, Nebraska. We discussed problems and concerns that had arisen due to the changes in the guardianship and conservatorship laws. I have no notes, transcript, or recording. The address for the Nebraska State Bar is 635 South 14th Street, Suite 200, Lincoln, Nebraska 68508.

February 25, 2013: Speaker, Elder Abuse, Financial Exploitation and Elder Issues, Supreme Court Commission on Guardianships and Conservatorships, Lincoln, Nebraska. PowerPoint supplied.

2012 (approximately October): Speaker, Nebraska Uniform Guardianship Act, Nebraska State Bar Association Seminar, Omaha, Nebraska. PowerPoint supplied.

2012 (approximately October): Speaker, Guardianships and Conservatorships, Nebraska State Bar Association, Young Lawyers Education Meeting, Omaha, Nebraska. PowerPoint and introductory notes supplied.

2011 (approximately August): Speaker, Role of the Judge, Elder Rights Training, Nebraska Department of Health and Human Services, State Unit on Aging, and the Nebraska State Bar Association-Elder Law Section, Lincoln, Nebraska. The information discussed was guardianships and conservatorships, the findings of the

Supreme Court's task force on guardianships and conservatorships, and the new legislation regarding guardianships and conservatorships. I have no notes, transcript, or recording. The address for the Nebraska State Bar Association-Elder Law Section is 635 South 14th Street, Suite 200, Lincoln, Nebraska 68508.

2010 (approximately June): Speaker, Sentencing, Omaha Bar Association Seminar, Omaha, Nebraska. PowerPoint supplied.

April 9, 2010: Speaker, Sentencing, Nebraska State Bar Association Seminar, Omaha, Nebraska. PowerPoint supplied.

May 18, 2007: Remarks, Oath of Office, Douglas County Court Judge. Notes 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.

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive materials, but it is possible that there are a few that I have been unable to recall or identify.

James Wilcox, KETV, *Naturalization Ceremony Held in Conjunction with World Refugee Day*, Omaha (June 16, 2018). Copy supplied.

Bill Kelly, *Guardianship reform advances after judges, victims share concerns*, Nebraska Public Media (February 13, 2014). Recording available at <https://nebraskapublicmedia.org/en/news/news-articles/guardianship-reform-advances-after-judges-victims-share-concerns>.

NET video interview regarding guardian/conservator issues, *Safe, Secure Seniors, Legal Services to Protect Older Nebraskans* (June 16, 2013). Video supplied.

Todd Cooper, *In hectic pace of County Court, 4 Cases Mistakenly Transferred to Juvenile Court*, OMAHA WORLD HERALD (June 4, 2013). Copy supplied.

Steve Jordon, *Interlocks' Use Growing Installations of the Ignition Devices are Part of a Growth Industry How They Work*, OMAHA WORLD HERALD (June 2, 2013). Copy supplied.

Todd Cooper, *Task Force to Help Shore up Safeguards for Nebraska Wards-An Investigation follows W\_H Report on Guardian Accused of Looting from her Vulnerable Charges*, OMAHA WORLD HERALD (April 18, 2010). Copy supplied.

Jason Kuiper, *Two from Metro Area are Appointed to Judgeships*, OMAHA WORLD HERALD (March 11, 2007). Copy supplied.

States News Service, *Gov. Heineman Appoints Susan Bazis of Omaha to Douglas County Court* (March 9, 2007). Copy supplied.

Chris Burbach, *Men Waive Hearing in Triple Slaying*, OMAHA WORLD HERALD (January 10, 2007). Copy supplied.

Lynn Safranek, *Homicide Suspect Denied Bail: The Capital Charges Against the Omahan Stem from May '05 Killings of Three Men*, OMAHA WORLD HERALD (December 8, 2006). Copy supplied.

Lynn Safranek, *Death Penalty Sought in Triple Slaying*, OMAHA WORLD HERALD (December 6, 2006). Copy supplied.

Lynn Safranek, *2 Omahans Arrested in 2005 Triple Slaying: Omaha Police Worked with Agencies in Other States on the Case, Which has been Linked to a Major Drug*, OMAHA WORLD HERALD (December 6, 2006). Copy supplied (reprinted in multiple outlets).

Cara Pesek, *Horicon Teens Only Suspects*, Lincoln Journal Star (December 6, 2006). Copy supplied (reprinted in multiple outlets).

John Ferak, *Livers Savors Freedom: His Confession in a Double Homicide is Ruled Unreliable*, OMAHA WORLD HERALD (December 6, 2006). Copy supplied.

Martha Stoddard, *Court Rejects Bias Claim, Upholds Man's Life Term*, OMAHA WORLD HERALD (December 2, 2006). Copy supplied.

Todd Cooper, *Prosecutors Dismiss Murder Charge: His DNA on a Shoe at the Crime Scene Wasn't Enough to Convict*, OMAHA WORLD HERALD (November 16, 2006). Copy supplied (reprinted in multiple outlets).

Jennifer Greff, *Prison Possible for Violin Teacher after Verdict in Sex Assault Case*, OMAHA WORLD HERALD (September 26, 2006). Copy supplied.

Todd Cooper, *Murder Conspiracy Case May be Costly for Taxpayers*, OMAHA WORLD HERALD (December 10, 2005). Copy supplied.

Judith Nygren, *Conditions for Father to See Son Take Shape: A Therapist Recommends Two or Three Visits a Week at a Court Hearing, and a Judge Issues Several*, OMAHA WORLD HERALD (October 5, 2005). Copy supplied.

Karyn Spencer, *Ruling Gives Dad Chance at Custody: The State Made "Minimal Efforts" to Contact the Man, Whose Pit Bull Disfigured the Boy's Half Brother*,

OMAHA WORLD HERALD (June 11, 2005). Copy supplied (reprinted in multiple outlets).

Judith Nygren, *Man Sought Should Have Been in Jail*, OMAHA WORLD HERALD (May 21, 2005). Copy supplied.

Lyn Safranek, *Prisoner Put Out No Contract, Family Says*, OMAHA WORLD HERALD (May 19, 2005). Copy supplied.

Todd Cooper, *State Returns Kids to Slain Girl's Mother*, OMAHA WORLD HERALD (February 9, 2005). Copy supplied.

Todd Cooper, *Mother of Slain Child also was a Victim Battered Woman Syndrome Blamed; Situation was Complex*, OMAHA WORLD HERALD (February 5, 2005). Copy supplied.

Lynn Safranek, *Judge Sentences Teen, 17, Says She's Not Bad Person*, OMAHA WORLD HERALD (December 16, 2004). Copy supplied.

Todd Cooper, *Girl, 3, Paid with Her Life for 'Kid Stuff'*, OMAHA WORLD HERALD (December 10, 2004). Copy supplied.

Karyn Spencer and Jeremy Olson, *Foster System Leaves Lives in Limbo: The Investigation Finding Fathers Court Drags Growing Older in Nebraska Foster Care*, OMAHA WORLD HERALD (October 10, 2004). Copy supplied.

Todd Cooper, *Troubled Marriage Led to Bigger Trouble*, OMAHA WORLD HERALD (October 7, 2004). Copy supplied.

Todd Cooper, *Douglas County Justice Rooted in Rucker: The Man Who Fatally Shot an Omaha Officer One Year Ago is the Precedent No One Wants to Repeat.*, OMAHA WORLD HERALD (September 12, 2004). Copy supplied.

Kristin Zagurski, *Judge Undecided in Millard Beating Case Does Videotaping the Assault Show Premeditation or Immaturity?*, OMAHA WORLD HERALD (April 9, 2004). Copy supplied.

Todd Cooper, *Sentence of Death is Answer to Prayer*, OMAHA WORLD HERALD (December 10, 2003). Copy supplied.

*Gales Sentenced to Death Again*, AP Alert-Business (December 9, 2003). Copy supplied.

Todd Cooper, *For Gales, It's Again Death Row Second Sentence is Same as First Two Children Slain*, OMAHA WORLD HERALD (Dec. 9, 2003). Copy supplied.



Todd Cooper, *Slain Tot was Beaten Often, Prosecutors Say*, OMAHA WORLD HERALD (November 4, 2003). Copy supplied.

Chris Burbach, *'Ultimate Sin' Puts Killer Closer to Execution Jurors Find Aggravating Circumstances in Arthur Lee Gales' Strangling of Two Children*, OMAHA WORLD HERALD (Oct. 23, 2003). Copy supplied.

Karyn Spencer, *Police Auditor Panel Meets Citizen Complaint is 1st for Committee Closed - Door Session*, OMAHA WORLD HERALD (July 26, 2002). Copy supplied.

Karyn Spencer, *Suspect in Standoff Says Police Beat Him*, OMAHA WORLD HERALD (February 6, 2001). Copy supplied.

Karyn Spencer, *Man Charged After Standoff*, OMAHA WORLD HERALD (February 5, 2001). Copy supplied.

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

From April 2007 through December 2016, I was a County Court Judge in Douglas County Nebraska. I was appointed to this position by Governor David Heineman. After my appointment I stood for a retention vote in the first general election after my appointment (2010) and then again in 2016. The county court is a trial court of general jurisdiction. I handled criminal, civil, probate and protection order matters.

Since January 1, 2017, I have served as a United States Magistrate Judge for the District of Nebraska. I was appointed by the United States District Judges for the District of Nebraska after my name was forwarded to them, along with five other individuals, by a merit selection panel. The United States District Court for the District of Nebraska is an Article III court of limited jurisdiction, and the jurisdiction of United States magistrate judges is governed by 28 USC § 636. In our district the magistrate judges are in the rotation to be assigned civil cases as the primary judge. Prior to the start of discovery, the parties will have to affirmatively consent to the magistrate judge for them to continue handling the matter through a trial. If the parties do not consent to the magistrate judge then a district judge will be assigned but the magistrate judge also remains on the case. For the cases that a district judge is assigned to from the beginning, a magistrate judge is also assigned to the case. In criminal cases a district judge and a magistrate judge are assigned in every case. The district judges in our district refer the majority of matters in civil and criminal cases to the magistrate judges to handle. On civil matters, I handle all issues related to the case except for injunctions, motions to dismiss, motions for summary judgement, motions in limine, and the trial. On criminal matters we handle all issues related to a case except motions in limine and the trial.

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

or judgment?

550. Approximately 545 were in state court and approximately 5 were in federal court.

i. Of these cases, approximately what percent were:

jury trials:	5%
bench trials:	95%

ii. Of these cases, approximately what percent were:

civil proceedings:	50%
criminal proceedings:	50%

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

See attached list of citations.

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. *Powell v. Doane University*, 8:20CV427 (D. Neb.), 2023 WL 4849150 (D. Neb. July 28, 2023).

In this case the plaintiff asserted claims for employment discrimination based on gender and retaliation in violation of Title VII and Title IX. The plaintiff was hired by the defendant to coach its women's basketball team. Approximately three months later, the plaintiff was terminated. The plaintiff maintains she was fired due to complaints she made about inadequate resources for female athletes compared to male athletes. The plaintiff contends her firing was also the result of her requesting assistance in handling problems with her assistant coach. The defendant denies the plaintiff's allegations and contends the plaintiff was terminated for performance-related issues. I handled numerous motions including motions to compel discovery and the request for sanctions, which I denied in this case. The district judge granted summary judgement to the defendants and the matter is currently on appeal.

Counsel for Plaintiff:

Jamie M. Hurst

Raymond R. Aranza

Walentine, O'Toole Law Firm  
11240 Davenport Street  
Omaha, NE 68154  
(402) 330-6300

Danya Keller  
Jill M. Zwagerman  
Newkirk, Zwagerman Law Firm  
515 East Locust Street  
Suite 300  
Des Moines, IA 50309  
(515) 883-2000

Thomas J. Bullock  
Bailey, Glasser Law Firm  
309 East 5th Street  
Suite 202b  
Des Moines, IA 50309  
(515) 416-9051

Counsel for Defendant:

Lily Amare  
Susan K. Sapp  
Cline, Williams Law Firm  
233 South 13th Street  
1900 US Bank Building  
Lincoln, NE 68508-2095  
(402) 474-6900

2. *United States v. Trouba*, Case No. 8:20CR316, 2021 WL 3639681 (D. Neb. July 26, 2021), *adopted*, 2021 WL 3631273 (D. Neb. Aug. 17, 2021), *aff'd*, 2023 WL 8539667 (8th Cir. Dec. 11, 2023).

Two boxes were placed outside the Douglas County Courthouse. There was a concern that the boxes could contain a bomb, so the bomb squad was brought in. While the bomb squad was going through their protocols regarding the boxes, law enforcement started an investigation to determine who placed the boxes outside of the courthouse. Through the investigation it was determined Mr. Trouba placed the boxes outside of the courthouse. Law enforcement made contact with the defendant, and he was in possession of a large amount of narcotics and money. The defendant was charged federally with conspiracy to distribute marijuana, tetrahydrocannabinol ("THC"), and 3,4-methylenedioxymethamphetamine and possession with intent to distribute marijuana, tetrahydrocannabinol ("THC"), and 3,4-methylenedioxymethamphetamine. The defendant filed a motion to suppress all statements and physical evidence as a result of the defendant's encounter with law enforcement. I held an evidentiary hearing and after reviewing the evidence,

I issued findings and a recommendation that the motion to suppress be denied. United States District Judge Buescher adopted my recommendation. Among other findings, I determined that probable cause existed to arrest the defendant where officers visually identified him from security video footage as a disruptive defendant in traffic court earlier that day, obtained his name from his attorney, and determined that Trouba had the same vehicle model registered to him as the vehicle observed to be involved with the boxes left outside the court. The defendant pled guilty to count I of the indictment and was sentenced to ten years in prison, plus forfeiture of his pickup truck, his home, and \$400,000. The defendant appealed the decision denying his motion to suppress to the Eighth Circuit, which affirmed.

Counsel for the United States:

Christopher Ferretti  
Kimberly Bunjer  
United States Attorney's Office  
1620 Dodge Street  
Suite 1400  
Omaha, NE 68102  
(402) 661-3700

Counsel for the Defendant:

Steven Lefler  
Matthew Burns  
Law Offices of Lefler Kuehl Burns  
1213 Jones Street  
Omaha, NE 68102  
(402) 342-4433

3. *United States v. Simpson*, Case No. 8:18CR333, 2020 WL 7130589 (D. Neb. Aug. 27, 2020), *adopted*, 2020 WL 5835134 (D. Neb. Oct. 1, 2020), *aff'd*, 44 F.4th 1093 (8th Cir. 2022), *cert. denied*, 143 S. Ct. 813 (2023).

The defendant, Mr. Simpson, was charged with kidnapping resulting in death and conspiracy to commit kidnapping in connection with the death of a woman on the Santee Sioux Indian Reservation. He filed a motion to suppress the statements he made to law enforcement related to the investigation. I held an evidentiary hearing and, after reviewing the evidence, I issued findings and a recommendation that the motion to suppress be denied. United States District Judge Buescher adopted my recommendation. The defendant went to trial before Judge Buescher and was convicted of kidnapping resulting in death and conspiracy to commit kidnapping. The defendant was sentenced to life in prison on both counts to run concurrently, a 5-year term of supervised release on each count and a \$200 special assessment. The defendant appealed his conviction and among the issues on appeal was the denial of his motion to suppress. The Eighth Circuit affirmed the denial of the motion to suppress. The defendant then filed a

petition for writ of certiorari to the United States Supreme Court, which was denied.

Counsel for the United States:

Sean P. Lynch  
Jody B. Mullis  
United States Attorney's Office  
1620 Dodge Street  
Suite 1400  
Omaha, NE 68102  
(402) 661-3700

Counsel for the Defendant:

Matthew M. Munderloh  
Johnson, Mock Law Firm  
9900 Nicholas Street, Suite 225  
Omaha, NE 68114  
(402) 346-8856

4. *Siemers v. BNSF Railway Company*, Case No. 8:17CV360 (D. Neb.), 2019 WL 1517094 (D. Neb. April 8, 2019), *objection overruled*, ECF No. 167 (D. Neb. May 7, 2019). Order supplied.

The plaintiff was an employee of the defendant and was injured at work. The plaintiff alleged that the defendant was required to give the plaintiff a reasonably safe place to work, reasonably safe tools and equipment for work, reasonably safe conditions for work, reasonably safe methods and procedures for work, reasonably safe supervision for work, and a duty to exercise ordinary care in connection with all aspects of the plaintiff's working environment. The plaintiff alleged that the defendant breached these duties of care owed to the plaintiff. The defendant denied they breached any duty of care. I handled a number of discovery disputes, including defendant's motion to compel, and the plaintiff filed an objection with the district court judge. The district judge found that my order was neither clearly erroneous nor contrary to law. The court went on to concur with my factual findings, analysis, and conclusions of law in all respects. This matter ultimately went to trial before a jury, which found in favor of the defendant.

Counsel for Plaintiff:

James L. Cox, Jr.  
Coo & Associates  
3801 East Florida Avenue  
Suite 905  
Denver, CO 80210  
(303) 756-3243

Jeffrey E. Chod  
Chod Law Firm  
P.O. Box 17727  
Denver, CO 80217  
(314) 541-5862

Counsel for Defendant:

Cash K. Parker  
Keith M. Goman  
M. Kelly Ledoux  
Hall, Evans Law Firm  
1001 17th Street  
Suite 300  
Denver, CO 80202  
(303) 628-3300

5. *Pals v. Weekly et al.*, 8:17CV27 (D. Neb.), 2018 WL 2272789 (D. Neb. May 17, 2018), 2018 WL 10229721 (D. Neb. Dec. 7, 2018), 2019 WL 7482263 (D. Neb. June 28, 2019).

This case arose out of an automobile accident which occurred in a construction zone for which IHC was the general contractor. IHC and its subcontractor, defendant D.P. Sawyer, Inc. (“DPS”), were purportedly responsible for monitoring the traffic control devices and signage used to route and signal traffic for the project. Plaintiffs contended that IHC and DPS were liable for the accident because they failed to exercise reasonable care in implementing, monitoring, and evaluating the traffic control plan. I handled numerous motions and discovery disputes in this case. I eventually had to impose sanctions against IHC for discovery violations. The plaintiffs and Mr. Weekly and Bohern Logistics reached a settlement. Mr. Weekly was employed by Bohern Logistics and was driving one of their semi-trailers when he ran into the back of the Pals’ vehicle. The district judge granted summary judgment in favor of the remaining defendants, IHC and DPS, and the case was dismissed as to these two defendants.

Counsel for the Plaintiffs:

Thomas A. Grennan  
Gross, Welch Law Firm  
2120 South 72nd Street  
Suite 1500, Omaha Tower  
Omaha, NE 68124  
(402) 392-1500

Eric A. Ruzicka  
George G. Eck  
Michael D. Stinson

Nathan J. Ebnet  
Vernle C. Durocher, Jr  
Dorsey, Whitney Law Firm  
50 South Sixth Street  
Suite 1500  
Minneapolis, MN 55402  
(612) 340-2600

Counsel for Weekly, Jr. and Bohren Logistics, Inc.:

Margaret R. Jackson  
Brouillette, Dugan Law Firm  
810 South Dewey Street  
North Platte, NE 69103  
(308) 532-1600

Terrance O. Waite  
Tyler J. Volkmer  
Waite, Mcwha Law Firm  
P.O. Box 38  
116 North Dewey Street  
North Platte, NE 69103  
(308) 532-2202

Counsel for Interstate Highway Construction, Inc.:

Daniel B. Shuck  
Shuck Law Firm  
501 Pierce Street  
Suite 205, US Bank Building  
Sioux City, IA 51101  
(712) 258-0121

Counsel for D.P. Sawyer, Inc.:

Bonnie M. Boryca  
Thomas J. Culhane  
Erickson, Sederstrom Law Firm  
10330 Regency Parkway Drive  
Suite 100  
Omaha, NE 68114  
(402) 397-2200

Patrick R. Guinan  
Governmental Law  
8040 Eiger Drive  
Suite B  
Lincoln, NE 68516  
(402) 742-9239

6. *Tarrence et al. v. City of Lincoln et al.*, No. 4:16CV3056 (D. Neb.)

The plaintiffs, who alleged an illegal detention, search, and seizure by Lincoln police officers, brought claims under the Fourth, Fifth and Fourteenth Amendments to the United States Constitution; under 42 U.S.C. §§ 1983 and 1988; the Nebraska Political Subdivision Tort Claims Act, Neb. Rev. Stat. §13-901 *et seq.*; and under Nebraska common law for intentional and/or negligent infliction of emotional distress, conversion, loss of companionship, negligence, negligent supervision, gross negligence assault, false imprisonment, false arrest and civil conspiracy. During the progression of the case the parties requested that I conduct a settlement conference. I conducted a settlement conference, which resulted in the resolution of the action and dismissal of the case.

Counsel for Plaintiffs:

Robert B. Creager  
Anderson, Creager Law Firm  
1630 K Street  
Lincoln, NE 68508  
(402) 477-8800

Counsel for City of Lincoln:

Christopher J. Connolly  
Jocelyn Golden  
City Attorney's Office  
555 South 10th Street  
Suite 300  
Lincoln, NE 68508  
(402) 441-7281

Counsel for Lincoln Police Department:

Tonya Peters  
Lincoln City Attorney's Office  
555 South 10th Street #300  
Lincoln, NE 68508  
(402) 441-7200

7. *Cooper et al. v. Redding*, Case No. 8:15CV441, 2017 WL 4699635 (D. Neb. Feb. 1, 2017)

The plaintiffs, who were citizens of Missouri, were rear-ended by defendant, who was operating a tractor-trailer owned by the second defendant, who was a Minnesota Corporation. The plaintiffs sued for their injuries and medical expenses. One of the plaintiffs claimed medical expenses of \$57,500 and lost income. The other plaintiff claimed medical expenses of \$14,500 and lost income. Each plaintiff asked for \$500,000 in the complaint. The plaintiffs



claimed that the driver of the tractor-trailer was negligent and careless in his operation of the tractor-trailer. One of the plaintiffs was a very good piano player and had a very unique way in which he played the piano. The injuries he sustained in the accident prevented him from playing the piano as he did prior to the accident. The parties consented to magistrate judge jurisdiction. I was assigned this case shortly after becoming a magistrate judge, and I held the pretrial conference and ruled on the motions in limine filed by the parties. I presided over a jury trial that lasted for three days and on February 1, 2017, a jury returned a verdict in favor of the plaintiffs in the amount of \$350,000 for one plaintiff, the piano player, and \$50,000 for the second plaintiff. The jury found that one of the plaintiffs, the driver, was 20 percent responsible for the accident, so their award was reduced by 20 percent.

Counsel for Plaintiffs:

C. Robert Buckley  
William Carr  
White, Graham Law Firm  
19049 East Valley View Parkway, Suite C  
Independence, MO 64055  
(816) 373-9080

Terrence J. Salerno  
Salerno Law Firm  
809 North 96th Street, Suite 100  
Omaha, NE 68114  
(402) 502-9002

Counsel for Defendant:

Joseph D. Thornton  
Smith, Peterson Law Firm  
P.O. Box 249  
Council Bluffs, IA 51502  
(712) 328-1833

8. *United States of America, for the use of Donald B. Murphy Contractors, Inc. v. Travelers Casualty and Surety Company of America et al.*, Case No. 8:15CV48, 2017 WL 3172754 (D. Neb. July 25, 2017)

Donald B. Murphy (DBM) was a second-tier subcontractor on a replacement project at Offut Air Force Base. DBM subcontracted to Treviicos South, Inc. (TIS), who in turn subcontracted to KiewitPhelps (KP). DBM alleged that they had performed a substantial amount of work on the project for which they remained unpaid. DBM sued Travelers, the surety for the project's Miller Act payment bond, to recover payment for DBM's work. DBM also sued KP, the co-obligor on the bond. The plaintiff sought \$2,057,818, plus interest. I took over this case from the magistrate judge that I replaced. I ruled on two motions to

compel the production of documents in this case. The matter was set for trial, but new facts came to light during the pre-trial conference that I held. During the pretrial conference the parties asked me to conduct a settlement conference. The parties that had issues left to be resolved were TIS and KP. I conducted a settlement conference with these parties, which resulted in the resolution of the action and dismissal of the case.

Counsel for Trevicos South, Inc.:

Scott D. Cessar  
600 Grant Street, 44th Floor  
Pittsburgh, PA 15219  
(412) 566-6000

Timothy Engler  
Rembolt, Ludtke Law Firm  
3 Landmark Centre  
1128 Lincoln Mall, Suite 300  
Lincoln, NE 68508  
(402) 475-5100

Counsel for KiewitPhelps:

Bartholomew McLeay  
Jeremy Fitzpatrick  
The Omaha Building  
1650 Farnam Street  
Omaha, NE 68102  
(402) 346-6000

9. *Thompson v. Johnson et al.*, Case No. CI15-18756, Douglas County Court, *aff'd*, 299 Neb. 819 (2018). Order supplied.

The plaintiff worked for the Millard Public Schools and her job was to organize construction projects within the district. One of the defendants, Mr. Johnson, was an independent contractor who did work for the Millard Public Schools. At some point plaintiff started having issues with the defendants. She also started having job performance issues. After a meeting with the school district, they sent plaintiff a letter outlining what was discussed at the meeting and what the school district's expectations were. Eventually, plaintiff was terminated from her employment. Plaintiff alleged she was terminated from her employment due to the defendants. The plaintiff sued the defendants for tortious interference with a business relationship, false light/invasion of privacy: disclosure of private facts, and intentional infliction of emotional distress. The plaintiff filed a motion for summary judgment, which I denied. The defendants filed a motion for summary judgment, which I granted. I granted summary judgment to the defendants because the evidence presented to the court showed that the plaintiff was terminated based on her own conduct and actions and not because of anything the

defendants did. The plaintiff appealed my granting of defendants' summary judgment motion to the Douglas County District Court. The district judge affirmed my decision. The plaintiff then appealed to the Nebraska Supreme Court which ruled that the district court did not err in affirming my granting of summary judgment in favor of the defendants.

Counsel for Plaintiff:

Ms. Thompson was *pro se*

Counsel for the Defendants:

Damien Wright  
Welch Law Firm, PC  
1299 Farnam Street #1220  
Omaha, NE 68102  
(402) 341-1200

10. *In the Matter of the Guardianship/Conservatorship of Potter*, Case No. Doc. 47 No. 308, Probate Division, Douglas County Court. Order supplied.

This was a surcharge action against Mr. Potter's successor guardians and successor conservators. Mr. Potter was about seven years old when his mother died in a car accident, and his aunt and uncle took him in and became his guardians. This placement did not work out, so Mr. Potter moved in with another aunt and uncle, who then became his successor guardians. Initially, a bank was Mr. Potter's conservator because there was a large amount of money to oversee from a life insurance policy from Mr. Potter's mother. Eventually, the successor guardians petitioned to have the bank removed as conservator to save fees and have themselves appointed as the successor conservators. This was approved by Judge Atkins, who previously handled this matter. When Mr. Potter was in college, it was discovered that the successor guardians and successor conservators had spent almost all of Mr. Potter's money and a surcharge action was filed on his behalf by an attorney that he hired. Judge Atkins had retired, so as the presiding judge of the Douglas County Court, I handled the matter. After a bench trial, I found that the successor guardians and successor conservators should be surcharged \$117,694.

Counsel for Mr. Potter:

Karen S. Nelson  
Carlson & Burnett, LLP  
17525 Arbor Street  
Omaha, NE 68130  
(402) 216-0615

Counsel for the successor guardians and successor conservators:

David J. Lanphier  
Broom Clarkson Lanphier & Yamamoto

4535 Leavenworth Street #1  
Omaha, NE 68106  
(402) 346-8323

Counsel for intervenor, Ms. Kennedy:

Joseph C. Byam  
Byam & Hoarty  
8990 West Dodge Road #317  
Omaha, NE 68114  
(402) 397-0303

- 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. *West Point Auto & Truck Center, Inc. v. Klitz*, Case No. 8:20CV194 (D. Neb. May 6, 2022). Order supplied.

Counsel for Plaintiff:

David L. Edwards  
Hagen, Wilka Law Firm  
600 South Main Avenue, Suite 102  
Sioux Falls, SD 57104  
(605) 334-0005

Jeff W. Wright  
Jessica A. Board  
Heidman, Redmond Law Firm  
1128 Historic 4th Street  
P.O. Box 3086  
Sioux City, IA 51102  
(712) 255-8838

Counsel for Defendants:

Alexis S. Mullaney  
Fiedler Law Firm  
17330 Wright Street, Suite 102  
Omaha, NE 68130  
(402) 316-3060

Danielle Sund  
Nebraska Department of Health and Human Services-Lincoln  
301 Centennial Mall South  
3rd Floor  
Lincoln, NE 68509

(402) 310-9359

MaKenna J. Dopheide  
Gerber, Ciano Law Firm  
599 Delaware Avenue  
Suite 100  
Buffalo, NY 14202  
(646) 650-5155

Robert A. Mooney  
Mooney, Lenaghan Law Firm  
450 Regency Parkway Drive, Suite 320  
Omaha, NE 68114  
(402) 218-1168

2. *Villarreal v. Bigsby*, Case No. 8:20CV355, 2022 WL 2835775 (D. Neb. June 17, 2022), *aff'd*, 2022 WL 17819849 (8th Cir. Dec. 20, 2022)

Counsel for Plaintiff:

Mr. Villarreal was *pro se*

Counsel for Defendants:

Jeffery R. Kirkpatrick  
Governmental Law  
8040 Eiger Drive, Suite B  
Lincoln, NE 68516  
(402) 742-9245

3. *Bell Flyers, Inc. v. Husker Aircraft Repair Inc.*, Case No. CI11-20754, Douglas County Court. Order supplied.

Counsel for Plaintiff:

John M. Heida  
Heida Law Firm  
P.O. Box 208  
Bellevue, NE 68005  
(402) 345-0535

Counsel for Defendant:

George Babcock  
Law Office of Evelyn N. Babcock  
3240 North 159th Avenue  
Omaha, Nebraska 68116  
(402) 216-4419

4. *Prince Global Sports, LLC v. Clarke et al.*, Case No. CI13-19451, Douglas

County Court. Order supplied.

Counsel for Plaintiff:

John Lingelbach and John Matson  
Koley Jessen P.C., L.L.O.  
1125 South 103rd Street #800  
Omaha, NE 68124  
(402) 343-3764

Counsel for Defendants:

Giacomo Bossa  
8700 West Flagler Street, Suite 120  
Miami, FL 33174  
(305) 559-1600

Angela Madathil  
285 South 68th Place, Suite 322  
Lincoln, NE 68510  
(402) 964-1489

5. *In the Matter of the Guardianship of Ballew et al.*, Case No. PR 10-1385,  
Probate Division, Douglas County Court. Order supplied.

Counsel for the Natural Mother:

Peter Garofalo  
1823 Harney Street, Suite 100  
Omaha, NE 68102  
I am unable to locate a phone number

Counsel for the Guardian:

Thomas F. Hoarty Jr.  
Byam & Hoarty  
10330 Regency Parkway Drive, #100  
Omaha, NE 68114  
(402) 397-0303

6. *Manning's Truck Brokerage, Inc. v. Dino's Trucking, Inc.*, Case No. CI09-  
30538, Douglas County Court. Order supplied.

Counsel for Plaintiff:

Matthew Heffron  
Brown & Brown LLC  
2027 Dodge Street #501  
P.O. Box 40  
Omaha, NE 68101  
(402) 346-5010

Counsel for Defendant:

Renee Eveland  
Cline Williams Wright Johnson & Oldfather, LLP  
233 South 13th Street  
1900 US Bank Building  
Lincoln, NE 68508  
(402) 474-6900

7. *Thomas v. Consolidated Concrete*, Case No. CI10-28060, Douglas County Court. Order supplied.

Counsel for Plaintiff:

Mr. Thomas was *pro se*

Counsel for Defendant:

Allison Balus  
Baird Holm LLP  
1700 Farnam Street #1500  
Omaha, NE 68102  
(402) 344-0500

8. *In the Matter of the Guardianship of Castonguay*, Case No. PR 10-24, Probate Division, Douglas County Court. Order supplied.

Counsel for the Petitioners:

James T. Blazek  
Blazek & Gregg, PC, LLO  
1405 North 205th Street, #120  
Omaha, NE 68022  
(402) 496-3432

Counsel for the Natural Mother:

Cassidy Chapman  
821 South 36th Street  
Omaha, NE 68105  
(402) 885-4810

9. *Wagner v. City of Omaha Police and Fire Retirement System*, Case No. CI08-25077 and No. CI08-25846, Douglas County Court. Order supplied.

Counsel for Plaintiff:

David Christensen  
Marks Clare & Richards, LLC  
11605 Miracle Hills Drive #300  
P.O. Box 542005

Omaha, NE 68154  
(402) 492-9800

Counsel for Defendant:

Jo Cavel  
Deputy City Attorney  
804 Omaha/Douglas Civic Center  
1819 Farnam Street  
Omaha, NE 68183  
(402) 444-5115

10. *Williams v. West Point Partners, LLC*, Case No. CI08-24704, Douglas County Court. Order supplied.

Counsel for Plaintiff:

Joseph Daly  
Senior Certified Law Clerk Matthew Milligan  
11422 Miracle Hills Drive, #400  
Omaha, NE 68154  
(402) 951-7235

Counsel for Defendant:

Amy Van Horne  
Kutak Rock LLP  
The Omaha Building  
1650 Farnam Street  
Omaha, NE 68102  
(402) 346-6000

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

*Bartunek v. United States*, Case No. 8:17CR28, 2017 WL 9480189 (D. Neb. Aug. 9, 2017), *adopted*, 2017 WL 4564724 (D. Neb. Oct. 11, 2017), *aff'd*, 969 F.3d 860 (8th Cir.), *cert. denied*, 141 S. Ct. 1439 (2021), *denying post-conviction relief*, 2022 WL 20727795 (D. Neb.), *denying certificate of appealability*, 2023 WL 6475447 (8th Cir.), *cert. denied*, 2023 WL 6378299 (U.S. Oct. 2, 2023)

*Simpson v. United States*, Case No. 8:18CR333, 2020 WL 7130589 (D. Neb. Aug. 27, 2020), *adopted*, 2020 WL 5835134 (D. Neb. Oct. 1, 2020), *aff'd*, 44 F.4th 1093 (8th Cir. 2022), *reh'g en banc denied*, 2022 WL 4295416 (8th Cir. Sept. 19, 2022), *cert. denied*, 143 S. Ct. 813 (2023)

*Woitaszewski v. United States*, Case No. 8:20CR308, 2022 WL 447229 (D. Neb. Jan. 6, 2022), *adopted*, 2022 WL 447211 (D. Neb. Feb. 14, 2022), *aff'd*, 2023 WL 3244606 (8th Cir. May 4, 2023), *cert. denied*, 2023 WL 8007588 (U.S. Nov. 20, 2023)



*Johnson v. United States*, Case No. 8:19CR87, 2019 WL 4920712 (D. Neb. Aug. 5, 2019), *adopted*, 2019 WL 4565259 (D. Neb. Sept. 20, 2019), *aff'd*, 70 F.4th 1115 (8th Cir. 2023), *reh'g en banc denied*, 2023 WL 4825684 (8th Cir. July 27, 2023), *cert. denied*, 2023 WL 8532050 (U.S. Dec. 11, 2023)

- 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.

To the best of my knowledge and based upon a review of my records and publicly available databases, I have identified the following responsive cases, but it is possible that there are a few that I have been unable to identify.

*United States v. Onate*, No.8:23CR3, 2023 WL 8378935 (D. Neb. Sept. 7, 2023), *adopted in part and rejected in part*, 2023 WL 8015887 (D. Neb. Nov. 20, 2023). The defendant filed a motion to suppress evidence obtained as a result of his stop and detention at the Trailways bus station in Omaha, Nebraska. After a hearing I recommended to the district judge that he grant in part and deny in part the defendant's motion to suppress. I found that the defendant's initial contact with law enforcement was consensual, and that he voluntarily consented to have his suitcase searched and have a dog sniff his backpack and suitcase. I found that the defendant being placed in handcuffs was reasonable and there was reasonable suspicion to detain the defendant. I found that any statements the defendant made while in handcuffs should be suppressed. I also found, under the facts of this case, that the defendant was not under arrest, but only being detained, while the officers held onto the defendant's backpack and suitcase while they obtained a warrant for these items. I found there was probable cause for the issuance of the search warrant. The defendant objected and the district court sustained in part and overruled in part the defendant's objections. The district court found that my conclusions were correct as to the defendant not being detained at the beginning of the encounter, the defendant initially gave valid consent to the dog sniff, and the statements the defendant made while awaiting the results of the dog sniff should be suppressed. The district court however found that once the defendant was placed in handcuffs the defendant was not just being detained but under arrest and the officers did not have probable cause to arrest the defendant at this point. Therefore, any evidence obtained following his arrest must be suppressed. The case was then dismissed on the government's motion.

*United States v. Peck*, No. 8:20CR227, 2023 WL 2352846 (D. Neb. Jan. 3, 2023), *rejected*, 2023 WL 2351697 (D. Neb. Mar. 3, 2023). The defendant filed a motion to dismiss a criminal charge against him for being a felon in possession of a firearm. The defendant argued that the firearm charge was unconstitutional as applied to him because he was using the firearm to protect his home, his prior

felony conviction was for a nonviolent offense, and he is no more dangerous than the typical, law-abiding citizen. The defendant was also charged with possession with intent to distribute a controlled substance and using or possessing a firearm in furtherance of drug trafficking. I found the facts surrounding the defendant's possession of the firearm are inevitably bound up and intertwined with evidence concerning the drug count. I found that the defendant's as-applied challenge could not be decided without resolving factual issues related to the charged offenses, which must be left to the finder of fact. Therefore, I recommended to the district judge that the motion be deferred until after the trial. The district judge found he could make a pretrial determination and denied the defendant's motion, citing the defendant's dangerousness based on the nature of his drug trafficking convictions and other violent convictions.

*Alliance Group, Inc. v. Zurich American Insurance Company*, Case No. 8:21CV188 (D. Neb. Sept. 28, 2021), *objection sustained*, 2021 WL 5325883 (D. Neb. Nov. 16, 2021), *reconsideration denied*, 2022 WL 1406670 (D. Neb. Jan. 7, 2022). Defendant filed a motion to compel arbitration. One of the parties challenged the delegation of the question of arbitrability to an arbitrator. The Nebraska Supreme Court has previously found that delegation clauses in agreements concerning or relating to insurance policies are invalid under Nebraska law. I found that Nebraska, rather than New York, law applied, that the threshold question of arbitrability remains with the court, and that the arbitration provisions in the agreement were invalid under to Nebraska law. I recommended that the district judge deny the motion. The defendants filed an objection. The district judge sustained the objection, finding that New York law applied, and granted defendant's motion to compel arbitration.

*United States v. Campbell*, No. 8:19CR324, 2021 WL 3684579 (D. Neb. May 13, 2021), *adopted in part and rejected in part*, 2021 WL 3012872 (D. Neb. July 16, 2021), *appeal dismissed*, 2021 WL 6689164 (8th Cir. Sept. 15, 2021). The defendant filed a motion to suppress evidence obtained from a traffic stop and subsequent detention, arrest, and search of his motor vehicle. After a hearing, I recommended to the district judge that he grant the defendant's motion in part and deny it in part. I found there was reasonable suspicion to detain the defendant, there was probable cause for the warrantless search of the vehicle, that any statements defendant made while in the police cruiser violated *Miranda*, and the statements defendant made at the police station were made after he voluntarily waived *Miranda* and his statements were not coerced. The defendant filed an objection. The district judge adopted my findings in part, sustained the defendant's objection in part and granted the motion to suppress in part. The district judge found that the statements the defendant made at the police station were made after the defendant knowingly and intelligently waived his *Miranda* rights. However, the district court found the defendant did not voluntarily waive his *Miranda* rights because the officer's pre-*Miranda* statements about the possibility of defendant's girlfriend being arrested were threatening and coercive, and therefore any subsequent statements and physical evidence must be

suppressed. The defendant ultimately pled guilty to conspiracy to distribute 50 grams or more of actual methamphetamine. He was sentenced to 180 months in prison, 10 years of supervised release and \$100 special assessment.

*United States v. Moreno*, No. 8:18CR258, 2019 WL 1795594 (D. Neb. Mar. 19, 2019), *objections sustained*, 2019 WL 1792302 (D. Neb. Apr. 24, 2019), *aff'd*, 988 F.3d 1027 (8th Cir. Feb. 24, 2021). The defendant filed a motion to suppress evidence obtained as a result of her stop, arrest and search at the Trailways bus station in Omaha, Nebraska. After a hearing I recommended to the district judge that he grant the defendant's motion to suppress finding that there was not probable cause when they placed defendant under arrest and any evidence or statements after this were fruits of the unlawful arrest and not admissible. The government filed an objection. The district judge granted the government's objections finding that the initial frisk of the defendant did not violate her Fourth Amendment rights and officers had probable cause to arrest the defendant. The Eighth Circuit Court of Appeals affirmed the district court.

*Harris v. Union Pacific Railroad Company*, Case No. 8:16CV381, 2018 WL 3801718 (D. Neb. Aug. 9, 2018), *objections sustained*, 2019 WL 418418 (D. Neb. Feb. 1, 2019). Defendant filed a motion for protective order to preclude plaintiffs from conducting discovery on defendant's color vision field test. The defendant argued that this discovery is irrelevant because the amended complaint does not mention this testing and none of the named plaintiffs suffer from vision issues. The defendant also sought to exclude an expert report because it indicates that the color vision test is an improper method to test an employee's visual capacity. The defendant argued that because the color vision test is not relevant to the claims in this lawsuit, then this expert report has no bearing on this case and should be stricken. I granted the motions, finding that the color vision test was not relevant to the case. The plaintiffs filed an objection to my order and district judge granted their objection while also ruling on a number of other motions that were pending in front of him. The district judge found that the defendant was not entitled to a protective order. The district judge found that the plaintiffs were entitled to conduct discovery on the color vision test and after discovery the defendant could file another motion, if it chose to do so. The district judge also found plaintiff's expert rebuttal report to be relevant and found it should not be excluded.

*Klein v. TD Ameritrade Holding Corporation*, No. 8:14CV396, 2018 WL 3997126 (D. Neb. July 12, 2018), *adopted in part and rejected in part*, 327 F.R.D. 283 (D. Neb. Sept. 14, 2018), *rev'd*, 995 F.3d 616 (8th Cir. 2021). On the plaintiff's motion for class certification, I found that the predominance requirement had not been satisfied and the superiority requirement had not been satisfied. I found that class certification was not appropriate. I recommended to the district judge that class certification be denied. The plaintiff objected to my order. The district judge did not adopt my recommendation and found that the plaintiff had demonstrated each of the prerequisites for certification and certified the class. On appeal, the Eighth Circuit Court of Appeals reversed the district

court's order certifying a class and remanded for further proceedings. The district court granted plaintiff's renewed motion to certify a class. The defendant has appealed this ruling to the Eighth Circuit Court of Appeals where it remains pending.

*United States v. Bailey*, No. 8:17CR61, 2017 WL 3701612 (D. Neb. July 17, 2017), *objections sustained*, 2017 WL 3700881 (D. Neb. Aug. 24, 2017). The defendant filed a motion to suppress all evidence that was obtained during a traffic stop of the vehicle she was driving. After a hearing I recommended the district judge grant the motion because I found the officer did not have probable cause to believe the defendant committed a traffic violation. Therefore, everything that came after the traffic stop was fruit of the poisonous tree and needed to be suppressed. I further found that the officer did not have reasonable suspicion to detain the defendant while waiting for a drug dog to arrive to conduct a dog sniff on her vehicle. The government filed an objection. The district judge granted the government's objection. The district judge found there was probable cause to stop defendant's vehicle and that there was reasonable suspicion to extend the traffic stop for a drug dog to arrive and conduct a dog sniff of defendant's vehicle.

*United States v. Bartunek*, No. 8:17CR28, 2017 WL 9480189 (D. Neb. Aug. 9, 2017), *adopted in part*, 2017 WL 4564724 (D. Neb. Oct. 11, 2017), *aff'd*, 969 F.3d 860 (8th Cir.), *cert. denied*, 141 S. Ct. 1439 (2021). The defendant filed multiple motions. He filed a motion to suppress, a motion to compel, a motion for reconsideration and motion to compel, and a motion for a *Franks* hearing. I entered a findings and recommendation order recommending that the district court judge deny all of the defendant's motions. The defendant filed an objection. The district court judge adopted my recommendations on all matters, except as to my denial of defendant's motion to amend his previously-filed motion to suppress.

*United States v. Bartunek*, Case No. 8:17CR28 (D. Neb. Feb. 28, 2017). The defendant was charged with distribution of child pornography and possession of child pornography. Upon consideration of the required statutory factors – including that defendant had no criminal convictions and had lived in Nebraska his entire life with the last 20 years living in Omaha, and that he owned the home he was living in and was employed – I ordered the defendant released pre-trial with significant conditions. He was required to wear an ankle monitor and was restricted to his home at all times except for medical treatment, religious services, meetings with his public defender and court appearances pre-approved by his supervising officer. The defendant could not have contact with anyone under the age of 18. The defendant could not loiter near schools, parks, video arcades, amusement parks or other places used by persons under the age of 18. The defendant could not be employed or participate in any volunteer activities that involved anyone under the age of 18. The defendant could not use any device that could connect to the internet. The defendant could only have access to a computer for word processing. The defendant was required to submit to

unannounced examinations of computer hardware, and software which may include retrieval and copying of all data from defendant's computer. This included the seizure of such electronic equipment, if necessary, for purposes of monitoring compliance with the conditions of release. The defendant could not obtain or possess materials, in paper or other form, which include visual depictions of any person under the age of 18, or image appearing to be such a person, clothed or unclothed, engaging in or simulating any sexually explicit conduct as defined by law. The defendant, his place of residence and his vehicle were subject to being searched by any law enforcement officer or pretrial services. The defendant could not possess or use any alcohol. The defendant could not use or possess a narcotic drug unless proscribed by a licensed medical practitioner. The defendant was also subject to alcohol and drug testing. The government appealed my release order, and the district judge ordered the defendant detained. The defendant was convicted at trial, and sentenced to 204 months on Count I and 120 months on Count II to be served concurrently. The defendant also received a 15-year term of supervised release, \$1,000 in restitution and \$200 special assessment. Orders supplied.

*Edwards v. Barnes et al.*, Case No. SC13-967, County Court of Douglas County, (Dec. 4, 2013), CI14-71, District Court of Douglas County (Apr. 8, 2014). This was an appeal from a small claims trial that I presided over. The plaintiff sued for payment for work performed on the defendants' house that occurred during a hailstorm in Omaha, and defendants claimed that they had paid him in full. After a trial, I found that the defendants did owe additional money for the work the plaintiff had performed. The defendants gave the plaintiff a certified check in the amount of \$1,415 in court after my ruling. I found the defendants still owed the plaintiff \$1,939. On appeal, the district court judge found there was not sufficient evidence to find the defendants owed plaintiff the additional money. The district judge modified my judgment and found that the plaintiff had been fully paid by the defendants. Orders supplied.

*McVeigh v. Hauptman O'Brien Wolf & Lathrop, P.C.*, Case No. CI13-19567, County Court of Douglas County (Apr. 3, 2014), Case No. CI14-3625, District Court of Douglas County, Case No. CI13-19567 County Court of Douglas County (Feb. 24, 2016), Case No. CI 16-4023, District Court of Douglas County (Nov. 3, 2016). The defendant personal injury law firm represented an individual in a personal injury case. During the case, the defendant's client fell behind on his rent and agreed to pay his landlord out of any personal injury proceeds he received. When the personal injury case did not settle in a reasonable length of time, the landlord commenced eviction proceedings against the defendant's client. The defendant did not represent its client in the eviction proceeding. The parties reached an agreement in the eviction proceedings. The settlement agreement provided that the defendant's client would pay his landlord out of his personal injury settlement within six months of the date of the settlement agreement. The personal injury case was settled more than six months after the settlement agreement and, per its client's request, the defendant did not pay its client's

landlord. The landlord sued the law firm for not paying him for the back rent its client owed per the settlement agreement. The defendant filed a motion to dismiss. At the motion hearing the parties submitted exhibits that went outside the complaint and pleadings, so I converted the motion to dismiss to a motion for summary judgment. After converting the motion to dismiss into a motion for summary judgment, I granted the motion and denied the plaintiff's motion to amend. The district court found I erred in converting the motion to dismiss to a motion for summary judgment and remanded the case for me to grant the motion to dismiss and deny the motion to amend the complaint. The plaintiff appealed to the Nebraska Court of Appeals, which found that neither it, nor the district court had jurisdiction because my order was not a final appealable order. Once the case was returned to county court, the defendant filed a motion for summary judgment on its counterclaim. I granted the motion. The plaintiff appealed this order. A different district judge found that I abused my discretion in determining, that as a matter of law, the plaintiff had pursued a frivolous action. The district judge remanded for action in accordance with his order. A hearing was held, after I left the state court bench, on the mandate and to release the bond. Another judge ordered the bond released and for the defendant to file a new pretrial order. No pretrial order was ever filed, and the case remains pending. My orders, the district court judges' orders, and appellate order are supplied.

*State of Nebraska v. Johnson*, Case No. CR12-29886, County Court of Douglas County (Feb. 8, 2013), Case No. CR13-738, District Court of Douglas County (Sept. 19, 2013). This was an appeal from a criminal trial on the charge of caretaker neglect and disorderly conduct. After a bench trial, I found the defendant guilty of both counts and placed her on probation. The defendant appealed her convictions. The district judge reversed both convictions, finding without explanation that there was error appearing on the record made in the County Court and that the judgment and conviction of the defendant should be reversed. Orders supplied.

*Davenport v. Law d/b/a L.A. Auto Sales, Inc.*, SC12-289, County Court of Douglas County (April 9, 2012), Case No. CI12-4423, Douglas County District Court (Aug. 24, 2012). This was an appeal from a small claims trial that I presided over. This case involved the purchase of a vehicle. I found that the plaintiff was not the correct party because her name was not on the vehicle or loan. I also referenced the fact that the plaintiff had brought this same action in 2008. The plaintiff originally filed the case in January 2008, and, after a trial and appeal, the case was dismissed. The plaintiff filed the instant case again in March 2012, and I dismissed it on *res judicata* grounds. The district court found that I erred in dismissing the case because the 2008 appellate decision was not on the merits. The district court's order did not address my finding that the plaintiff was not the proper party. The district court judge reversed the matter for a new trial. Orders supplied.

*Pitt v. Kanne Korp, L.P.*, Case No. CI09-22452, County Court of Douglas County

(Apr. 16, 2010), Case No. Doc 1107 No. 482, District Court of Douglas County (Jan. 19, 2011), Orders supplied. The district court affirmed in part and reversed in part my order on defendant's motion for summary judgment. The plaintiff sued for the return of a security deposit. The defendant filed a counterclaim seeking unpaid rent, locksmith charge, and pest control charge. I granted in part and denied in part the defendant's motion for summary judgment on its counterclaim. I granted summary judgment as to past rent and the locksmith charge but denied summary judgment as to the pest control bill. The district court found I was correct in assessing the locksmith service fee, the denial of the pest control bill and the denial of attorney fees but reversed on the issue of amount of rent due minus the balance of the security deposit. Orders supplied.

- 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 issued more than 130,000 decisions. All of my opinions were unpublished, but are available on the State of Nebraska case management system, which is called JUSTICE. They can be accessed by the public at the courthouse or at Nebraska.gov.

As a federal magistrate judge I have issued approximately 9,514 orders, findings and recommendations, opinions, and memorandum orders. The majority of these are routine matters that are not available on Westlaw and/or Lexis. All of my decisions are stored in the electronic case management system maintained by the United States District Court for the District of Nebraska.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have not issued any significant opinions on constitutional issues.

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

I have not sat by designation on any federal court of appeals.

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

information:

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

The federal court requires that all judges create a recusal list. If a case involving a company or person on my recusal list is filed, the court's electronic filing/docketing system will not choose me to be assigned to the case. I also review all cases that are filed to determine if I have a conflict. I have recused myself from approximately 10 cases. This has been because I have either represented a party, I knew or was related to one of the parties, or attempted contact was made to me regarding the case.

I was asked to recuse in the following cases:

*Deremer et al. v. Owens*, CI15-4762, County Court of Douglas County. Mr. Owens was a pro se party in a protection order case. Mr. Owens made oral motions for me to recuse myself every time I made a decision he did not like. I would let him voice his issues on the record but ultimately he never provided a basis for me to recuse myself. Therefore, I did not recuse myself.

*Clark v. Heyenga*, Doc. 1102 No. 549, District Court of Douglas County. An individual I knew attempted to tell me about a party in this case. I immediately terminated the conversation. I notified the parties' attorneys about the attempted contact so they could talk to their clients outside of my presence to see if they wanted me to recuse myself. The parties talked with their attorneys and one side requested that I recuse myself, which I did. I was also assigned the guardianship case regarding the petitioners and their grandchildren (PR 09-1689). They asked me to recuse myself from this case as well, which I did.

I recused sua sponte in the following cases:

*United States v. Dolph and Norwood*, 8:22cr72 (D. Neb.). I signed search warrants in this case. After the defendants were indicted, it was learned that they, or other individuals on their instructions, came to Omaha to find the agent who signed the affidavit in the search warrant and the judge who signed the search warrant and confront them. Once I was made aware of this I recused myself from the case.



*AuSable Capital Partners, LLC v. Sati Exports India Private Limited et al.*, 8:21cv129 (D. Neb.). This case involves a company that my stepbrother used to own, and that his father, my stepfather, owned prior to his death. Due to this, I recused myself from the case.

*United States v. Lockett*, 8:21cr192 (D. Neb.). Due to my representation of Mr. Lockett on a state court criminal case I had to recuse myself.

*Frazier v. Smith et al.*, 8:20cv520 (D. Neb.). I previously represented Mr. Frazier on a number of matters. At a status hearing, which was held by telephone conference, I realized that the plaintiff was a former client of mine. I then recused myself from the case.

*Livers v. Schenck et al.*, 8:08CV107 (D. Neb.). I was re-assigned this federal court case due to the retirement of Judge Thalcken. Due to my representation of Mr. Livers in his state criminal case, I had to recuse myself.

*Sampson v. Schenck et al.*, 8:07cv155 (D. Neb.). Mr. Sampson was a co-defendant in the state case I represented Mr. Livers in. Due to this I recused myself from his case.

Unknown name and case number. The former Executive Director at my grandmother's assisted living facility called me one evening and attempted to talk to me regarding his son who got arrested for driving under the influence. I told him I could not talk about any pending cases and could not help him in any way, and I terminated the conversation. The next morning, I went to the prosecutor to inform him of what happened and asked him if we could figure out who the son was. We were able to figure out who he was, and I was to be his arraignment judge, so I recused myself and another judge handled the matter. I cannot remember the defendant's name or case number of the individual.

*State v. Kline*, case number unknown. I was the trial judge assigned to the case. When the case was called for trial, the defendant and his witnesses approached and one of the witnesses was a friend of mine from high school. I disclosed the conflict to the parties on the record and recused myself. Another judge handled the matter.

**15. Public Office, Political Activities and Affiliations:**

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

I have not held any other public offices other than my judicial office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have not held a position in a political campaign. I co-hosted a fundraiser for Governor David Heineman for his re-election campaign in 2006.

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

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

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

I have not served as a clerk to a judge.

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

Bazis Law Offices, P.C., L.L.O.  
209 South 19th Street, Suite 500  
Omaha, Nebraska 68102

I was a solo practitioner from September 2001 until April 2007 when I was appointed to be a Douglas County Court Judge.

- 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.

1993 – 1994  
Paragas Law Offices  
9202 West Dodge Road, #307  
Omaha, Nebraska 68114  
Associate Attorney (part time)

1994 – 1996  
Douglas County Public Defender  
1717 Harney Street  
Omaha, Nebraska 68183  
Assistant Public Defender

1996 – 1999  
Kelly, Lehan and Hall, P.C.

7134 Pacific Street  
Omaha, Nebraska 68106  
Associate Attorney

1999 – 2001  
Paragas Law Offices  
9202 West Dodge Road, #307  
Omaha, Nebraska 68114  
Associate 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.

As an attorney, I did not serve as a mediator or arbitrator. As a magistrate judge I do conduct settlement conferences.

b. Describe:

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

When I was an Assistant Douglas County Public Defender from 1994 to 1996 I handled only misdemeanor cases. Every case I was assigned was set for trial.

When I worked for Kelly, Lehan and Hall, P.C. from 1996 to 1999 I handled: domestic; personal injury; workers compensation; product liability; asbestos; bankruptcy; corporate; probate; protection order; misdemeanor; felonies; juvenile court matters; and general civil litigation, which included both plaintiff and defense work.

At Paragas Law Offices, from 1999 to 2001, I continued to handle: domestic; protection orders; personal injury; probate; corporate; bankruptcy; misdemeanor; felonies; juvenile court matters; and general civil litigation, which included both plaintiff and defense work. When I first worked for Paragas Law Offices as a part-time associate in 1993 to 1994, I handled criminal hearings, conducted research, and wrote memos.

At Bazis Law Offices, from 2001 until 2007, I handled: misdemeanor; felonies, in both state and federal courts; juvenile court matters; protection order; personal injury; corporate; probate; domestic; and general civil litigation, which included both plaintiff and defense work.

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

When I had my own practice, Bazis Law Offices, PC, LLO, from 2001 to 2007, I represented individuals and businesses in criminal, civil, domestic, and juvenile matters. As to civil matters I handled both plaintiff- and defense-side matters.

When I worked in private practice at Kelley, Lehan & Hall and Paragas Law, from 1996 to 2001, I represented individuals and businesses in criminal, civil, domestic, and juvenile matters. As to civil matters I handled both plaintiff and defense matters.

When I worked in the public defender's office, from 1994 to 1996, I represented individuals who had matters set for misdemeanor trials.

- 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.

The majority of my practice throughout my career has been in litigation. I regularly appeared in court throughout my career.

As a Douglas County Public Defender, from 1994 to 1996, my practice was 100 percent criminal. I was in court every day handling 10 to 20 trials per day. I handled approximately 1,000 cases per year.

At Kelly, Lehan & Hall, P.C., from 1996 to 1999, my practice was originally 90 percent civil and 10 percent criminal. Eventually, it became 75 percent civil and 25 percent criminal. At the time I left this firm, I was in court almost every day.

At Paragas Law Offices, P.C., from 1999 to 2001, I was in court almost every day.

At Bazis Law Offices, P.C, from 2001 to 2007, I was in court almost every day handling between 5 and 15 hearings per day.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. Federal courts:          | 15% |
| 2. State courts of record:  | 80% |
| 3. Other courts:            | 0%  |
| 4. Administrative agencies: | 5%  |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 50% |
| 2. criminal proceedings: | 50% |

- d. State the number of cases in courts of record, including cases before

administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried approximately 675 cases to verdict in front of an administrative hearing officer. I was sole counsel in each.

I tried approximately 150 cases to verdict in courts of record. I was sole counsel in almost all matters. I was co-counsel on one case while I was at Kelly, Lehan & Hall.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 10% |
| 2. non-jury: | 90% |

- 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.

*Gales v. Nebraska*, 546 U.S. 947 (2005) (petition for writ of certiorari). Copy supplied.

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. *State of Nebraska v. Livers*, District Court of Cass County, Case No. CR 06-56.

In 2006, Mr. Livers was charged in Cass County District Court, along with his cousin, with two counts of first-degree murder. Mr. Livers had given a false confession implicating himself and his cousin in the crime. We hired an expert to look at our client's confession. Our expert and the state's expert, under whom our expert trained, came to the same conclusion—that our client gave a false confession. The experts consulted the Cass County Attorney on their findings. There were also statements from another

individual charged stating repeatedly that our client and his cousin had nothing to do with this crime. Their comments, the determinations of the experts, along with irregularities with the DNA evidence ultimately led the government to dismiss the case against my client and his cousin. The two individuals who actually committed the murders were convicted, and the crime lab supervisor involved in the case was convicted of planting evidence. I was co-counsel on this case and was brought in after my co-counsel was appointed due to my experience with DNA evidence. We each individually reviewed all of the evidence and investigated the case. We filed a motion for bill of particulars, a motion for discovery, a motion to suppress statements, a motion to produce, a motion for DNA testing, and a motion for sanctions for violating the discovery order. We both participated in depositions and we both were present and participated in any substantive court hearings.

Judge: District Court of Cass County, Nebraska: Randall Rehmeier

Co-Counsel:

Julie Bear  
Reinsch Slattery Bear & Minahan P.C., L.L.O.  
545 Main Street  
P.O. Box 489  
Plattsmouth, NE 68048  
(402) 296-6996

Counsel for the Plaintiff:

The Honorable Nathan Cox (formerly at the Cass County Attorney's Office)  
1210 Golden Gate Drive  
Papillion, NE 68046  
(402) 539-5950

2. *State v. Roy T. (In re Interest of Dylan Z.)*, 13 Neb. App. 586 (2005). Appeal from the juvenile court of Douglas County.

I represented the biological father in this case. My client's parental rights were terminated by Douglas County Juvenile Court Judge. This case started because when the minor child was born he tested positive for amphetamines. The minor was removed from his mother's care and placed into foster care. The Department of Health and Human services worked toward reunification with the mother but that was unsuccessful. On September 4, 2003, the juvenile court terminated the minor's mother's parental rights. On August 22, 2002, the biological mother had completed an affidavit of paternity indicating my client was the minor's father. The case worker assigned to the case did not make contact with my client. My client was unaware that he was the father of this child until the state's petition to terminate his parental rights was filed and he received a letter about it from the caseworker. My client immediately called the case worker and asked for visitation. The request was denied. A trial was conducted in this matter and the juvenile judge found there was enough evidence to terminate my client's parental rights. My client appealed the case to the Nebraska Court of Appeals. I wrote the brief and

participated in oral arguments before the Court of Appeals. The Court of Appeals found that my client's parental rights should not have been terminated. The court found that his lack of contact with the minor was directly attributable to my client's lack of knowledge that he was the minor's father. This case gave guidance to caseworkers as to what they need to do in making contact with natural fathers who may not know they have a child. The case was remanded, and my client was granted visitation with the minor. The court worked on re-unification with the minor and my client.

Judges:

Nebraska Court of Appeals: Rett Inbody, John Irwin and Richard Sievers

Separate Juvenile Court, Douglas County, Nebraska: Elizabeth Crnkovich

Counsel for Plaintiff:

Kim Hawekotte (formerly at the Douglas County Attorney's Office)  
Deputy County Administrator, Juvenile Services  
1819 Farnam Street  
Omaha, NE 68183  
(402) 444-6431

3. *State of Nebraska v. Jones*, Douglas County District Court, Doc. 166 No. 598 (CR10-9058814).

In 2005, Mr. Jones was charged in Douglas County District Court with five counts of assault in the first degree, three counts of assault in the second degree and eight counts of use of a weapon in the commission of a felony for a total of 16 counts. Mr. Jones was accused of firing a gun into a coffee shop that was being used at night as a dance hall. There were questions as to whether the description of the perpetrator could have been Mr. Jones. In addition, there was an issue about a witness's identification of the defendant. I filled a motion to suppress the identification of my client by one of the victims in the case. An evidentiary hearing was held on this motion. The district judge granted my motion and the identification of my client by the victim was suppressed and not allowed to be used at trial. I also participated in numerous depositions prior to the trial. After a jury trial the defendant was found not guilty on all counts.

Judge: Douglas County District Court, Nebraska: John Hartigan

Counsel for Plaintiff:

Sandra Denton  
Douglas County Attorney's Office  
101 Hall of Justice  
1701 Farnam Street  
Omaha, NE 68183  
(402) 444-7040

4. *State of Nebraska v. Lockett*, Doc. 165 No. 598 (CR10-9057816).

In 2005, Mr. Lockett was charged in Douglas County District Court with first-degree murder and use of a weapon in the commission of a felony. A robbery occurred during a drug deal and an individual was shot and killed. I conducted the investigation of my client's case and reviewed all of the discovery. I filed a plea in abatement, a motion to suppress, and motions in limine. I filed a motion to sever the defendant's case from the co-defendant, which was granted. I took numerous depositions. Ultimately, I convinced the prosecutors to dismiss this case. The co-defendant went to trial first and was convicted. Mr. Lockett's case was dismissed after the co-defendant was convicted.

Judge: Douglas County District Court, Nebraska: Patricia Lamberty

Counsel for Plaintiff:

Shawn Hagerty  
Douglas County Attorney's Office  
101 Hall of Justice  
1701 Farnam Street  
Omaha, NE 68183  
(402) 444-7040

5. *United States v. Brown*, 8:05CR161 (D. Neb.).

In 2005, Mr. Brown was charged in federal court with receiving a firearm while under indictment for a felony. I filed a motion to suppress, arguing that my client's vehicle was subjected to an illegal search because the search occurred without a warrant and without valid consent. Magistrate Judge Gossett recommended that the motion to suppress be granted because the government had not proven, by a preponderance of the evidence, that the defendant voluntarily consented to a search of his vehicle. Judge Smith Camp adopted Judge Gossett's recommendation. The case was dismissed.

Judges:

United States Magistrate Judge: F.A. Gossett  
United States District Judge: Laurie Smith Camp

Counsel for Plaintiff:

Christian Martinez  
Assistant United States Attorney  
1620 Dodge Street, Suite 1400  
Omaha, NE 68102  
(402) 661-3700

6. *State of Nebraska v. Howard*, Douglas County District Court, Doc. 160 No. 806, (CR10-9053045).



In 2003, Mr. Howard was charged in Douglas County District Court with murder in the second degree and use of a firearm in the commission of a felony. He was accused of shooting someone who was walking down the street. My client was in the area when the shooting occurred but had no connection to the victim. There was another individual that was in the area at the time the shooting occurred and had a motive to hurt the victim. I conducted the investigation of my client's case and reviewed all of the discovery. I conducted numerous depositions in this case and participated in a motion to suppress a photograph, which the district judge sustained. I also filed motion in limine and a subpoena duces tecum. After a jury trial, my client was found not guilty.

Judge: Douglas County District Court, Nebraska Gary Randall

Counsel for Plaintiff:

The Honorable Tressa Alioth (formerly at the Douglas County Attorney's office)  
1701 Farnam Street  
Omaha, NE 68183  
(402) 444-7012

7. *State of Nebraska v. Gales*, Douglas County District Court, Case No. Doc. 153 No. 391 (CR10-9045654), *aff'd*, 265 Neb. 598 (2003) (direct appeal), *State v. Gales*, 269 Neb. 443 (2005) (appeal after new penalty phase hearing.), *cert. denied*, 546 U.S. 947 (2005).

Mr. Gales was charged in Douglas County District Court in 2001 with two counts of first-degree murder and one count of attempted second-degree murder. Mr. Gales had a trial, was convicted, and was sentenced to death. During his first appeal, his attorney filed a motion to withdraw, which the district court granted. In 2003, I was appointed by Judge Moran to represent the defendant while his conviction was on appeal. During the pendency of his original appeal to the Nebraska Supreme Court, but before it was briefed and argued, the United States Supreme Court decided *Ring v. Arizona*, 536 U.S. 584 (2002), holding that the Sixth Amendment requires a jury, rather than a trial judge, to determine the presence of aggravating factors as required for the imposition of the death penalty. Subsequent to oral argument and submission of the appeal to the Nebraska Supreme Court, the Nebraska Legislature enacted amendments to Nebraska's capital sentencing statutes in response to the *Ring* decision. Mr. Gales' case presented the first opportunity for the Nebraska Supreme Court to assess the impact of *Ring* on Nebraska's capital sentencing statutes and to determine the applicability of the recent amendments by the legislature to those statutes. The Nebraska Supreme Court found that, because a judge determined the aggravating factors during sentencing and not a jury, his death sentence violated *Ring*. Therefore, the Nebraska Supreme Court vacated Mr. Gales' death sentences and sent the case back to the district court for a new penalty phase hearing and have a jury decide whether there were any aggravating factors. This was the first trial of its kind in Nebraska after the *Ring* decision. I tried the aggravating factors case to the jury, which found there were aggravating factors. I then argued mitigating factors to a three-judge panel. The three-judge panel re-sentenced Mr. Gales to death. I appealed his case to the Nebraska Supreme Court, which upheld his conviction. Mr.

Gales' petition for a writ of certiorari was then denied by the United States Supreme Court.

Judges:

United States Supreme Court: John Roberts Jr., John Stevens, Sandra Day O'Connor, Antonin Scalia, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg, Stephen Breyer.

Nebraska Supreme Court: John Wright, William Connolly, John Gerrard, Kenneth Stephan, Michael McCormack, Lindsey Miller-Lerman and John Hendry.

Douglas County District Court, Nebraska: Gerald Moran

Counsel for Plaintiff:

Donald Kleine  
Douglas County Attorney  
Douglas County Attorney's Office  
101 Hall of Justice  
1701 Farnam Street  
Omaha, NE 68183  
(402) 444-7040

8. *State of Nebraska v. Patterson*, Douglas County District Court, Case No. Doc. 151 No. 205 (CI10-9043480).

In 2000, Mr. Patterson was charged in the Douglas County District Court with assault in the second degree, robbery and two counts of use of a weapon in the commission of a felony. I investigated the case, reviewed discovery and conducted numerous depositions. I filed a plea in abatement and motions in limine. After a jury trial, Mr. Patterson was found not guilty on all counts.

Judge: Douglas County District Court, Nebraska: J. Patrick Mullen

Counsel for Plaintiff:

Sandra Denton  
Douglas County Attorney's office  
101 Hall of Justice  
1701 Farnam Street  
Omaha, NE 68183  
(402) 444-7040

9. *Christmas W. v. Serena H.*, 2000 Neb. App. Lexis 121 (2000).

I represented the natural mother of the children. The State of Nebraska filed a petition in the Douglas County Juvenile Court that my client's home was observed to be in a filthy

and unwholesome condition. My client's children were placed in the custody of the Department of Health and Human Services. Two weeks later the children were returned to the family home. Ultimately, my client admitted to the allegations in juvenile court. In October 1997, a supplemental petition was filed by the state with new allegations and further alleging that the termination of my client's parental rights was in the best interests of the children. A trial was held, and during the trial I argued that the state should not be allowed to introduce the children's statements that were made to a psychologist through the psychologist's testimony. The judge overruled my objection and allowed the testimony. At the conclusion of the trial the court dismissed the new allegations and refused to terminate my client's parental rights. The state appealed. The natural mother cross-appealed asserting that the court erred in admitting the psychologist's testimony regarding the children's statements to her. The Court of Appeals affirmed the juvenile court's order refusing to terminate my client's parental rights and affirming the juvenile court's determination that there was insufficient evidence of the new allegations against my client. The Court of Appeals also granted my cross-appeal and found the juvenile court committed plain error in admitting the psychologist's testimony.

Judges:

Nebraska Court of Appeals: John Irwin, Edward Hannon and Theodore Carlson

Separate Juvenile Court, Douglas County, Nebraska: Elizabeth Crnkovich

Counsel for Plaintiff:

The Honorable Vernon Daniels (formerly at the Douglas County Attorney's Office)  
Hall of Justice, #600  
1701 Farnam Street, Courtroom #5  
Omaha, NE 68183  
(402) 444-3305

10. *State v. Edmonson*, Douglas County District Court Case No. Doc.144 No. 251 (CR10-9036568), *aff'd*, 257 Neb. 468, 598 N.W.2d 450 (1999).

In 1999, Ms. Edmondson was charged in Douglas County District Court with one count of unlawful possession with intent to deliver a controlled substance. Ms. Edmondson challenged the warrant to search her home, claiming the original affidavit was insufficient to establish probable cause. The officers in this case submitted another affidavit to the judge after the warrant was issued but before the warrant was executed. The judge reviewed the new affidavit but did not issue a new warrant or amend the previously issued warrant. The district court judge denied the motion to suppress. Ms. Edmondson pled guilty to unlawful possession with intent to deliver a controlled substance but reserved the right to appeal her motion to suppress. After her conviction Ms. Edmondson timely appealed the denial of her motion to suppress to the Nebraska Supreme Court. The Nebraska Supreme Court held that the affidavit submitted to establish probable cause for the issuance of a search warrant did not establish probable cause, and that a search warrant cannot be supplemented after the warrant has been

issued. It further held that the judge, when presented with additional information establishing probable cause, should have rescinded the original warrant and issued a new warrant, or amended the original warrant by interlineation to indicate that the new affidavit was considered, and findings were made thereon. The court nonetheless upheld the defendant's conviction because the officers acted in objectively reasonable good faith reliance on the warrant, but noted such reliance would not be possible going forward.

Judges:

Nebraska Supreme Court: John Hendry, John Wright, William Connolly, John Gerrard, Kenneth Stephan, Michael McCormack and Lindsey Miller-Lerman

District Court of Douglas County, Nebraska: Robert Burkhard

Counsel for Plaintiff:

Ray Daniel  
Douglas County Attorney's Office  
101 Hall of Justice  
1701 Farnam Street  
Omaha, NE 68183  
(402) 444-7040

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.)

I have handled thousands of criminal cases that resolved themselves in a plea or dismissal and civil and domestic cases that resolved themselves short of trial. I have also handled hundreds of motions to suppress alleging violations of an individual's constitutional rights. While at Kelley, Lehan & Hall, I handled the claim forms for asbestos litigation in Nebraska.

As a magistrate judge I have worked with the other magistrate judges to revise court procedures for civil case management practices. This has resulted in consistency between the magistrate judges and improved the experiences of attorneys with the court because they no longer need to know different procedures based on which magistrate judge is assigned to the case. I also worked with our IT department and our local jails to devise procedures for remote hearings during the pandemic.

As a state court judge and a magistrate judge I have served on a number of committees which focus on improving the legal system. I am a member of the Consortium of Tribal, State and Federal Courts whose purpose is to better the working relationship between the

tribal, state, and federal courts and improve the public's trust and confidence in the various court systems with the ultimate goal of improving access to justice for all court users in Nebraska.

I am also a member of the State and Federal Judicial Council. The goal of this Council is to encourage Nebraska courts to work together to improve the efficiency in the judicial system. Through this Council, I helped facilitate the sharing of resources between state and federal probation departments. This resulted in state reporting centers being able to be used by our federal probation officers and our defendants who are on some form of supervised release. This has made reporting to probation easier for those living in rural areas and more programs are now available to federal defendants in rural areas.

As a state court judge I was the presiding judge for the Douglas County Court for four years. I was responsible for overseeing the delivery of county court services within Douglas County, which is the largest court in the state. I supervised the judicial administrator and worked with her to manage the work of approximately 82 staff members. I also provided direction regarding local district policy to ensure the state statutes, Nebraska Supreme Court rules, and the policies of the Administrative Office of the Courts were properly carried out. Additionally, I coordinated the work of all the county court judges within Douglas County and oversaw the implementation of technology into the courtrooms. I also brought mediation in the Douglas County to help with small claims cases, at no charge to the litigants. Further, I worked with the Douglas County Department of Corrections to strengthen its pre-trial release program and assisted in bringing the 24/7 sobriety program to Douglas County.

As a county court judge, I was heavily involved in guardianship and conservatorship issues across Nebraska. I worked closely with the Nebraska State Bar Association to improve the way courts operate in these matters in order to provide better protection for our most vulnerable citizens. In 2010, I was appointed by the Chief Justice of the Nebraska Supreme Court to a task force to examine the guardianship and conservatorship system in Nebraska. The recommendations from the task force led me to work with the legislature, Nebraska State Bar Association, guardians and conservators, clerk magistrates, adult protective services, service providers, and others to create statutory changes and re-write and create new Nebraska Supreme Court Rules and forms for guardianships and conservatorships. I co-chaired the Nebraska Supreme Court Commission on Guardianships and Conservatorships from its inception in 2012, until I resigned as a state court judge on December 31, 2016. The Commission consistently worked to have statutes and court rules passed or changed to better protect vulnerable adults. One issue the Commission continued to voice was the need for additional guardians and conservators. In 2014, the Nebraska Legislature passed legislation that created the Office of the Public Guardian. Nebraska was the last state to enact this type of legislation. On January 1, 2015, I was appointed by the Administrative Offices of the Courts to serve on the Advisory Council on the Public Guardianship. I was elected chair of the council by its members. The Advisory Council assisted in getting the Office of the Public Guardian up and running and helped create its policies and procedures.

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

None.

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

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.

None.

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

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My investments are in mutual funds in order to avoid any conflicts of interest. The only entities likely to present conflicts of interest are JJJ Corporation, owned by my stepbrother and stepsister, and Sunderland Brothers Company, formerly

owned by my stepbrother. I would recuse myself from any cases that would be filed regarding these companies.

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

If confirmed, I would continue to address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant laws, canons, rules, practices, and guidelines. In addition, our court has us create a recusal list and this list is cross-checked with any new cases that are filed. If I happen to get assigned one of the cases on my recusal list, I will enter an order recusing myself and ask the Chief Judge to reassign the case. I would also continue to check all new cases to which I am assigned to see whether there are any potential conflicts of interests. Depending on the type of conflict, I would either enter an order recusing myself from the case and ask the Chief Judge to reassign the case or I would notify the parties of the potential conflict and let them determine if they want to request that I recuse myself.

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.

When I was a lawyer, I took cases through the Legal Aid referral service. I also accepted criminal and juvenile court appointments for fees substantially less than I would charge a client. I also helped my court appointed clients with matters I was not court appointed to handle. I did not receive any type of compensation for the additional work. I was guardian and conservator for an individual who did not have anyone else to serve in this capacity. I did not charge for my services.

As a judicial officer, I have worked on numerous committees to improve the legal system. I am a member of the Consortium of Tribal, State and Federal Courts whose purpose is to better the working relationship between the tribal, state, and federal courts and improve the public's trust and confidence in the various court systems with the ultimate goal of improving access to justice for all court users in Nebraska. I am also a member of the State and Federal Judicial Council. The goal of this Council is to encourage Nebraska courts to work together to improve the efficiency in the judicial system. During my time on the state bench, I was appointed to the Supreme Court Commission on Guardianship and Conservatorships. The Commission consistently worked to have statutes and court rules passed or changed to better protect vulnerable adults.

26. **Selection Process:**

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

In October 2022, U.S. Senator Deb Fischer's office announced an application process for applicants to fill a judicial vacancy in the District of Nebraska. I submitted my application materials on December 9, 2022, and was interviewed by Senator Fischer on January 9, 2023. On February 3, 2023, I was notified that I would be one of the names that was being forwarded to the White House for consideration. On February 23, 2023, I interviewed with attorneys from the White House Counsel's Office. On September 28, 2023, I was informed by officials at the White House Counsel's Office that my application would proceed. Since September 30, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On December 19, 2023, the President announced his intent to nominate me.

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

No.