

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Cristal Michelle Brisco n/k/a Cristal C. Brisco
Cristal Michelle Clark

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

United States District Judge for the Northern District of Indiana

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.

St. Joseph Superior Court No. 4
101 South Main Street
South Bend, Indiana 46601

Residence: Granger, Indiana

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

1981; Merrillville, Indiana

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

2003 – 2006, University of Notre Dame Law School; J.D., 2006

1999 – 2002, Valparaiso University; B.A. (*cum laude*), 2002

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.

2021 – present
St. Joseph Superior Court No. 4

101 South Main Street
South Bend, Indiana 46601
St. Joseph Superior Court Judge – Civil Division (2021 – present)
Indiana Commercial Court Judge (2022 – present)

2018 – 2021
St. Joseph Circuit Court – Mishawaka Division
County Services Building
219 Lincolnway West
Mishawaka, Indiana 46544
Magistrate Judge

2017 – 2018
The Corporation of Saint Mary's College - Notre Dame
134 Le Mans Hall, Saint Mary's College
Notre Dame, Indiana 46556
General Counsel

2013 – 2017
City of South Bend, Department of Law
227 West Jefferson Boulevard, Suite 1200
South Bend, Indiana 46601
Corporation Counsel

2006 – 2013; Summer 2004; Summer 2005
Barnes & Thornburg LLP
201 South Main Street
South Bend, Indiana 46601
Associate, Litigation and Labor & Employment Departments (2006 – 2013)
Summer Associate (Summer 2005)
Summer Associate (Summer 2004)

2002 – 2003
Gary Steelheads Continental Basketball Association
(Organization has ceased operating)
Gary, Indiana 46402
Member, Cheer and Dance Team

Other Affiliations

2023 – present
The Lutheran University Association, Inc. d/b/a Valparaiso University
1509 Chapel Drive
Valparaiso, Indiana 46383
Member, Board of Directors (Uncompensated)

2021 – present

Gibson Insurance
202 South Michigan Street, Suite 1400
South Bend, Indiana 46601
Member, Board of Advisors (Compensated)

2020 – present
The Community Foundation of St. Joseph County
305 South Michigan Street
South Bend, Indiana 46601
Member, Board of Directors (Uncompensated)

2019 – 2023
Centier Bank
600 East 84th Avenue
Merrillville, Indiana 46410
Member, Board of Directors (Compensated)

2016 – 2018
Boys & Girls Clubs of St. Joseph County
502 East Sample Street
South Bend, Indiana 46601
Member, Board of Directors (Uncompensated)

2011 – 2015
United Way of St. Joseph County
3517 East Jefferson Boulevard
South Bend, Indiana 46615
Member, Board of Directors (Uncompensated)

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.

Indiana Graduate Program for Judges (2022 – 2023)

Indiana State Bar Association Presidential Citation (2022)

City of South Bend Black History Month Committee Honoree (2022)

The University of Notre Dame Law School – Black Law Student Association’s Alvin J. McKenna Alumnus of the Year Award (2018, 2021)

Valparaiso University Outstanding Young Alumna Award (2019)

South Bend Mayor Pete Buttigieg “Key to the City” Award (2017)

League of Women Voters of the South Bend Area and Michiana Women Leaders Project Honoree (2016)

Leadership South Bend Michiana Class 42 Co-Valedictorian (2015)

Indiana State Bar Association’s Leadership Development Academy Graduate (2013)

South Bend Regional Chamber of Commerce “40 under 40” Award (2013)

LAWYERS OF COLOR MAGAZINE Hot List (2013)

“Rising Star” in Business Litigation and Employment Litigation practice, INDIANA SUPER LAWYERS (2012, 2013)

Leadership in Law “Up and Coming Lawyer” Award, THE INDIANA LAWYER (2010)

Indiana Carccrs Initiative at Notre Dame Fellowship Recipient (2006 – 2008)

ABA Client Counseling Competition Regional Finalist (2005 – 2006)

The University of Notre Dame Law School’s Association of Trial Lawyers of America Competition Team Co-Captain (2004 – 2005)

Indiana Conference for Legal Education Opportunity Fellow (2003)

Mortar Board (2002)

Phi Sigma Mu (approximately 2002)

Phi Alpha Theta (approximately 2002)

Valparaiso University

Outstanding Leadership and Service Award (approximately 2001)

Honor/Academic Integrity Council (approximately 2000 – 2002)

President’s Student-Athlete Academic Achievement Award (approximately 1999 – 2002)

William Randolph Hearst Scholarship Recipient (approximately 1999 – 2002)

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

American Bar Association (approximately 2006 – 2015)

Indianapolis Bar Association (approximately 2006 – 2008)

Indiana Commercial Courts Committee (2022 – present)

Education and Growth Subcommittee (2022 – present)

Co-chair (2023 – present)

Rules Subcommittee (2022 – present)

Indiana Commission on Equity and Access in the Court System (2021 – 2022)

Indiana Conference for Legal Education Opportunity Advisory Committee (2011 – 2016)

Indiana Judges Association (2018 – present)

At-Large Representative (2021 – present)

Indiana State Bar Association (2006 – present)

Audit Committee (2014 – 2018)

Board of Governors District Representative (2018 – 2022)

Equity and Inclusion Taskforce (2020 – 2021)

Nominating Committee (2014 – 2015)

Young Lawyers Committee (2014 – 2016)

Lake County Bar Association (approximately 2008 – 2013)

Marion County Bar Association (approximately 2006 – 2008)

National Association of Women Judges (2023 – present)

Education Committee for the 2023 Annual Conference

Notre Dame Law Association Board of Directors (2015 – present)

Admissions Committee (2015 – 2019)

Black Alumni Affinity Representative (2015 – 2021)

Diversity & Inclusion Committee (2019 – present)

Executive Advisory Committee (2021 – present)

Robert A. Grant Inn of Court (2008 – present)

Executive Board, Inn Counselor (2021 – present)

Saint Joseph County Bar Association (2008 – present)

Strategic Planning Committee of the Judicial Conference of Indiana (2019 – present)

Access to Justice Subcommittee (2019 – present)
Chair (2021 – present)
Technology Subcommittee (2019 – present)

Study Commission on the Future of the Indiana Bar Examination (2018 – 2020)

United States District Court for the Northern District of Indiana Merit Selection Committee (2018)

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.

Indiana, 2006

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.

United States Court of Appeals for the Seventh Circuit, 2010

United States District Court for the Northern District of Indiana, 2006

United States District Court for the Southern District of Indiana, 2006

There have been no lapses in membership.

11. **Memberships:**

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

Boys & Girls Clubs of St. Joseph County (approximately 2013 – 2018)
Board of Directors (2016 – 2018)

Centier Bank Board of Directors (2019 – 2023)
Audit Committee (2021 – 2023)
Community Reinvestment Act Committee (2019 – 2023)
Diversity & Inclusion Working Group (2021 – 2022)
Salary and Benefits Committee (2019 – 2023)

Community Foundation of St. Joseph County Board of Directors (2020 – present)
African American Community Fund Committee (2020 – present)
21st Century Scholar Success Program Working Group (2021 – present)

Gibson Insurance Board of Advisors (2021 – present)

Girls on the Run Michiana, Inc. (2019 – 2021)
Inclusion, Diversity, Equity, and Access Committee (2020 – 2021)

South Bend Area (IN) Chapter of the Links, Inc. (2014 – 2017)

The Lutheran University, Inc. d/b/a Valparaiso University Board of Directors
(2023 – present)
Campus Life Committee (2023 – present)
Advancement, Enrollment, and Marketing Committee (2023 – present)

United Way of St. Joseph County Board of Directors (2011 – 2015)

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

To the best of my knowledge, none of the organizations listed in response to 11a above invidiously discriminates on the basis of race, sex, religion, or national origin. Girls on the Run, Inc. is a non-profit dedicated to supporting the physical and emotional health of girls in grades third through eighth grade. The Links, Inc. is a service organization whose membership consists of more than 16,000 professional women of African descent.

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.

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

With David Pruitt, *I Never Used Their Trade Secrets Is Not an Absolute Defense to Trade Secret Misappropriation*, ABA Intellectual Property Litigation Newsletter (Mar. 2009). I am unable to locate a copy of this article.

As a summer associate at Barnes & Thornburg LLP, I worked with lawyers in the Government Practice Group on editing a handbook on Indiana laws relevant to local government units. I do not recall the name of the publication. Also, as an attorney at Barnes & Thornburg LLP, I helped research and draft internal and external newsletters on legal developments relevant to the Litigation Practice Group and Labor & Employment Practice Group. I do not recall the specific subject matter or distribution lists.

- 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.

Final Report of the Commission on Equity and Access in the Court System (Dec. 31, 2022). Copy supplied.

The Strategic Planning Committee of the Judicial Conference of Indiana, "2020 Forward" *White Paper* (July 2020). Copy supplied.

Report of the Study Commission on the Future of the Indiana Bar Exam (Dec. 11, 2019). Copy supplied.

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

April 7, 2021: Remarks about maintaining court operations during the Covid-19 pandemic, Indiana Supreme Court Chief Justice Loretta Rush's video address to the Governor and the Indiana General Assembly for the annual State of the Judiciary. Video available at https://youtu.be/vrv_Jv36VJA.

As the Corporation Counsel for the City of South Bend, Indiana from 2013 to 2017, I oversaw the City's Department of Law, which was comprised of seven attorneys and four administrative staff. One of the department's functions was to

make presentations (written and oral) to the City's departments, boards, commissions, and legislative branch on matters of legal interpretation. I have thoroughly reviewed my files and searches of publicly available databases, and have identified the following responsive materials.

Personnel & Finance Committee of the South Bend Common Council, Meeting Minutes of Legal Department Budget Hearing, August 16, 2017, City of South Bend, Indiana. Copy supplied.

Brief for the City of South Bend as Amicus supporting Appellee, *Int'l Refugee Assistance Project v. Trump*, 857 F.3d 554 (4th Cir. 2017). Copy supplied.

Personnel & Finance Committee of the South Bend Common Council, Meeting Minutes of Legal Department Budget Hearing, August 17, 2016, City of South Bend, Indiana. Copy supplied.

Proposed 2017 Budget for the City of South Bend's Legal Department, August 17, 2016. Copy supplied.

Residential Neighborhoods Committee of the South Bend Common Council, Meeting Minutes of Legal Department Update on LaSalle Park/Beck's Lake EPA Superfund Site, May 23, 2016, City of South Bend, Indiana. Copy supplied.

Personnel and Finance Committee of the South Bend Common Council, Meeting Minutes of Presentation regarding Resolution No. 16-32 – Approving an Agreement with the Pokagon Band of Potawatomi Indians, April 11, 2016, City of South Bend, Indiana. Copy supplied.

Meeting Minutes of Presentation to Common Council regarding Resolution No. 16-32 – Approving an Agreement with the Pokagon Band of Potawatomi Indians, April 11, 2016, City of South Bend, Indiana. (The cover letter of the minutes contains the correct year that the meeting was held “2016,” however, the heading of the minutes contains the incorrect year “2015”). Copy supplied.

Letter to South Bend Common Council Candidate Regina Preston and South Bend Common Council Attorney Kathy Cekanski-Farrand regarding Ms. Preston's email to City employees regarding her campaign for City Council (October 14, 2015). Copy supplied.

Proposed 2015 Budget for the City of South Bend's Legal Department, August 16, 2014. Copy supplied.

Letter to City of South Bend Common Council Attorney Kathy Cekanski-Farrand and Council Members Dr. David Varner and Tim Scott regarding the Executive Branch's suggested edits to Council's proposed Resolution for policies and procedures for elected officials (August 11, 2014). Copy supplied.

Memorandum to City of South Bend Department Heads summarizing regular reporting requirements for city departments, commissions, and boards, July 9, 2014. Copy supplied.

Proposed 2014 Budget for the City of South Bend's Legal Department, August 16, 2013. Copy supplied.

Response to Formal Complaint 13-FC-160, Alleged Violation of the Indiana Access to Public Records Act by the City of South Bend, Indiana, June 21, 2013. Copy Supplied, exhibits referenced therein omitted. A copy of the Indiana Public Access Counselor's Decision dated June 28, 2013, is also 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 identify.

May 13, 2023: Board Representative, Welcome Remarks to graduates and guests at the Valparaiso University College of Arts and Sciences/College of Business Commencement Ceremony, Valparaiso, Indiana. Remarks supplied.

May 13, 2023: Board Representative, Welcome Remarks to graduates and guests at the Valparaiso University College of Engineering/College of Nursing and Health Professions Commencement Ceremony, Valparaiso, Indiana. Remarks supplied.

April 5, 2023: Moot Court Judge, the Notre Dame Law School Moot Court Board, Notre Dame, Indiana. I served as a judge for the Annual Notre Dame 1L Moot Court Tournament Championship. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Notre Dame Law School Moot Court Board is 1100 Eck Hall of Law, Notre Dame, Indiana 46556.

February 16, 2023: Co-Presenter, Indiana Law Course for Uniform Bar Exam applicants – Module on Practical Aspects of Practicing in Indiana: "Local Rules and Other Things Judges Think New Lawyers Should Know," the Indiana Supreme Court Board of Law Examiners, Indianapolis, Indiana. PowerPoint supplied.

February 13, 2023: Guest Speaker, the University of Notre Dame Law School, Notre Dame, Indiana. I participated in a question-and-answer session for a local government law class about my experiences representing the City of South Bend, Indiana. I have no notes, transcript, or recording. The address for Professor Nicole Garnett is 3115 Eck Hall of Law, Notre Dame, Indiana 46556.

December 2, 2022: Co-Presenter, “Continuing Legal Education – Indiana Commercial Courts,” Elkhart County Superior Court and Elkhart County Bar Association, Elkhart, Indiana. PowerPoint supplied.

September 23, 2022: Co-Moderator, Question-and-Answer session with the Indiana Court of Appeals, the University of Notre Dame Law School, Notre Dame, Indiana. Following oral arguments held at the law school, I moderated a panel discussion with the appellate judges. I have no notes, transcript, or recording, but press coverage is supplied. The address for the University of Notre Dame Law School is 1100 Eck Hall of Law, Notre Dame, Indiana 46556.

September 20, 2022: Panelist, A Conversation with First Generation Judges: Judge Amul Thapar, Judge Cristal Brisco, and Judge Damon Leichty, the University of Notre Dame Law School, Notre Dame, Indiana. I participated in a panel discussion on how to navigate law school and the legal profession as a first-generation professional. I have no notes, transcript, or recording, but press coverage is supplied. The address for the University of Notre Dame Law School is 1100 Eck Hall of Law, Notre Dame, Indiana.

September 14, 2022: Panelist, 2022 Commercial Courts Workshop, Indiana Office of Court Services (formerly Indiana Judicial Center), Indianapolis, Indiana. PowerPoint and other materials supplied.

May 11, 2022: Co-Presenter, The Commercial Court Forum, Robert A. Grant Inn of Court, South Bend, Indiana. PowerPoint and other material supplied.

February 24, 2022: Honoree, the City of South Bend’s Seventh Annual Black History Month Celebration and Award Ceremony, City of South Bend Black History Month Committee, South Bend, Indiana. I made impromptu remarks thanking the committee and community for the award; encouraging the youth at the event to work hard and believe in themselves, and encouraging the adults at the event to support the youth in their efforts to achieve their goals. I have no notes, transcript, or recording. The address for the City of South Bend is 227 West Jefferson Boulevard, Suite 1400, South Bend, Indiana 46601.

November 11, 2021: Co-Presenter, “Trial by Zoom: 698 tips in 50 minutes,” St. Joseph County Bar Association, South Bend, Indiana. PowerPoint and other material supplied.

November 5, 2021: Remarks, Investiture and Ceremonial Swearing-in of Judge Brisco, St. Joseph Superior Court and the St. Joseph County Bar Association, South Bend, Indiana. Remarks supplied.

May 20, 2021: Panelist, Young Lawyers Committee Networking and Mentoring Initiative, Indiana State Bar Association, Indianapolis, Indiana. The panel was on career advice for young lawyers. I have no notes, transcript, or recording. The address for the Indiana State Bar Association is 201 North Illinois Street, Suite 1225, Indianapolis, Indiana 46204.

April 7, 2021: Remarks, Indiana Supreme Court Chief Justice Loretta Rush's video address to the Governor and the Indiana General Assembly for the annual State of the Judiciary, Indiana Supreme Court, Indianapolis, Indiana. Video available at https://youtu.be/vrv_Jv36VJA.

October 5, 2020: Guest Speaker, the University of Notre Dame Law School, Notre Dame, Indiana. I participated in a question-and-answer session for a local government law class about my experiences representing the City of South Bend, Indiana. I have no notes, transcript, or recording. The address for Professor Nicole Garnett is 3115 Eck Hall of Law, Notre Dame, Indiana 46556.

May 8, 2020: Speaker, Virtual Lunch and Learn, Young Lawyers Section of the St. Joseph County Bar Association, South Bend, Indiana. The presentation was on my practices and procedures to keep cases moving during the pandemic; a question-and-answer session; and a general discussion about managing health and wellness during the pandemic. I have no notes, transcript, or recording. The address for the St. Joseph County Bar Association is 101 South Main Street, Courthouse Basement, South Bend, Indiana 46601.

February 9, 2020: Presenter, Judges Series: Hon. Cristal Brisco – What I expect in my courtroom, St. Joseph County Bar Association, Mishawaka, Indiana. The presentation was on my case management processes and procedures and general expectations of civility and decorum. I have no notes, transcript, or recording. The address for the St. Joseph County Bar Association is 101 South Main Street, Courthouse Basement, South Bend, Indiana 46601.

October 3, 2019: Moderator, Pathways to the Judiciary, the University of Notre Dame Law School Women's Legal Forum and the Office of the Indiana Governor - General Counsel, Notre Dame, Indiana. I moderated a panel discussion on the state court judicial selection process. I have no notes, transcript, or recording. The address for the Office of the Indiana Governor is State House Room 206, 200 West Washington Street, Indianapolis, Indiana 46204. The address for the University of Notre Dame Law School is 1100 Eck Hall of Law, Notre Dame, Indiana 46556.

August 19-20, 23-24, 2019: Guest faculty, Intensive Trial Advocacy Class,

University of Notre Dame Law School. I have no notes, transcript or recording. The address for the University of Notre Dame Law School is 1100 Eck Hall of Law, Notre Dame, Indiana 46556.

May 28, 2019: Speaker, Commencement Luncheon, Andrean High School, Merrillville, Indiana. The remarks were to congratulate the graduating seniors and inspire them about life beyond high school. I have no notes, transcript, or recording. The address for Andrean High School is 5959 Broadway, Merrillville, Indiana 46410.

April 2019 (specific date unknown): Panelist, “Fireside Chat: Challenges and Opportunities for Women in Business” Headquarters at Ignition Park and RISE|Regional Innovation and Startup Education, South Bend, Indiana. The panel discussion was about challenges and opportunities for women in leadership positions. I have no notes, transcript, or recording. The address for RISE|Regional Innovation and Startup Education is Ignition Park, 18 Ignition Circle, South Bend, Indiana 46601.

March 2019 (specific date unknown): Guest Speaker, Saint Mary’s College, Notre Dame, Indiana. I participated in a question-and-answer session for a public communication seminar. I have no notes, transcript, or recording. The address for Professor Terri Russ is 106 Moreau Center for the Arts, Notre Dame, Indiana 46556.

January 5, 2019: Guest faculty, Intensive Trial Advocacy Class, University of Notre Dame Law School. I have no notes, transcript, or recording. The address for the University of Notre Dame Law School is 1100 Eck Hall of Law, Notre Dame, Indiana 46556.

November 16, 2018: Speaker/Mistress of Ceremonies, Investiture of the Honorable James R. Sweeney II, U.S. District Court for the Southern District of Indiana, Indianapolis, Indiana. Speech supplied.

November 12, 2018: Speaker, C.H.A.S.E. Program (Confidence, Health, Attitude, and Self-Esteem), Jefferson Intermediate School and School Resource Officer Detective Britton Odle, South Bend, Indiana. The discussion was on my experience growing up in Gary, Indiana and the importance of goal setting and perseverance. I have no notes, transcript, or recording. The address for Jefferson Intermediate School is 528 South Eddy Street, South Bend, Indiana 46617.

November 8, 2018: Speaker, C.H.A.S.E. Program (Confidence, Health, Attitude, and Self-Esteem), LaSalle Intermediate Academy and School Resource Officer Detective Britton Odle, South Bend, Indiana. The discussion was on my experience growing up in Gary, Indiana and the importance of goal setting and perseverance. I have no notes, transcript, or recording. The address for LaSalle Intermediate Academy is 2701 Elwood Avenue, South Bend, Indiana 46628.

October 10, 2018: Panelist, Law Student & Lawyer Wellness in Public Interest, the University of Notre Dame Law School, Notre Dame, Indiana. The panel was on how to create a fulfilling legal career with good work/life balance. I have no notes, transcript, or recording, but press coverage is supplied. The address for the University of Notre Dame Law School is 1100 Eck Hall of Law, Notre Dame, Indiana 46556.

July 16, 2018: Newly appointed judicial officer, Closing Remarks at swearing-in ceremony of Magistrate Judge Brisco, St. Joseph Circuit Court, South Bend, Indiana. The brief remarks were an expression of gratitude to the bench, bar, my friends, and my family. I have no notes, transcript, or recording. The address for the St. Joseph Circuit Court is 101 South Main Street, South Bend, Indiana 46601.

April 24, 2018: Speaker and Panelist, “Sex, Power, and the Workplace: A Candid Conversation,” Women & Hi Tech Executive Women’s Forum, Indianapolis, Indiana. The presentation and panel discussion was on the challenges and opportunities for women in leadership, and advice for personal and professional success. I have no notes, transcript, or recording. The address for Women and Hi Tech is 133 West Market Street, Suite 220, Indianapolis, Indiana 46204.

February 6, 2018: Featured Speaker for Pathways to Purpose Speaker Series, “The Logistics of Change: Providing a Legal Framework for Meaningful Action,” Valparaiso University Institute for Leadership and Service, Valparaiso, Indiana. Video available at https://youtu.be/gowR5jr3_NE.

February 2018 (specific date unknown): Guest Speaker, the University of Notre Dame Law School, Notre Dame, Indiana. I participated in a question-and-answer session for a local government law class about my experiences representing the City of South Bend, Indiana. I have no notes, transcript, or recording. The address for Professor Nicole Garnett is 3115 Eck Hall of Law, Notre Dame, Indiana 46556.

January 2018 (specific date unknown): Panelist, Dr. Martin Luther King, Jr. Program, Saint Mary’s College, Notre Dame, Indiana. I participated in a question-and-answer session with a group of students about diversity and inclusion. I have no notes, transcript, or recording. The address for Saint Mary’s College is 134 Le Mans Hall, Notre Dame, Indiana 46556.

October 11, 2017: Guest Speaker, the University of Notre Dame Law School – Black Law Student Association Speaker Series, Notre Dame, Indiana. I spoke about my experiences as a Notre Dame lawyer, Barnes & Thornburg attorney, Corporation Counsel, and General Counsel for Saint Mary’s College. I have no notes, transcript, or recording. The address for the University of Notre Dame Law School is 1310 Biolchini Hall, Notre Dame, Indiana 46556.

May 18, 2017: Speaker, Remarks at Commencement Luncheon, Leadership South Bend Mishawaka, South Bend, Indiana. Remarks supplied.

May 2017 (specific date unknown): Speaker, Women's Entrepreneurship Initiative, Saint Mary's College, Notre Dame, Indiana. The presentation and panel discussion was on the challenges and opportunities for women in leadership, and advice for personal and professional success. I have no notes, transcript, or recording. The address for the Women's Entrepreneurship Initiative at Saint Mary's College is 103 Haggard Hall, Notre Dame, Indiana 46556.

December 14, 2016: Panelist, Bingham Greenebaum Doll Legislative Conference, Indianapolis, Indiana. I have a general recollection that the panel discussed tribal gaming and municipal identification programs. I have no notes, transcript, or recording. The address for Dentons Bingham Greenebaum LLP is 10 West Market Street, Suite 2700, Indianapolis, Indiana 46204.

October 27, 2016: Representative from the City of South Bend, Indiana, Community Orientation for newly relocated business leaders, Leadership South Bend Mishawaka, South Bend, Indiana. Remarks supplied.

May 24, 2016: Presenter, PowerPoint presentation and discussion: Beck's Lake/LaSalle Park Superfund Site, City of South Bend, Indiana. The presentation was part of a community education and outreach effort to residents about the proposed remediation plan. I have no notes, transcript, or recording. The address for the City of South Bend Venue, Parks, and Arts Department is 219 South Saint Louis Boulevard, South Bend, Indiana 46617.

March 11, 2016: Speaker, Introduction of Mayor Pete Buttigieg, the Indiana State Bar Association's Leadership Development Academy, South Bend, Indiana. Remarks supplied.

March 2016 (specific date unknown): Speaker, Washington High School's Leadership and Academic Excellence Girlfriends Club. The speech was on my experience growing up in Gary, Indiana and the importance of goal setting and perseverance. I have no notes, transcript, or recording. The address for Washington High School is 4747 West Washington Street, South Bend, Indiana 46619.

December 15, 2015: Panelist, Be Inspired with Michael and Tina Patton, Be Inspired YouTube Channel, South Bend, Indiana. Video available at <https://youtu.be/JeY-pJlqTWO>.

September 23, 2015: Panelist, How Bar Memberships Assist Students with Career Development, the University of Notre Dame Law School Career Development Office, Notre Dame, Indiana. The panel discussion was on career advice and the benefits of joining local and state bar associations. I have no notes, transcript, or

recording, but press coverage is supplied. The address for the Law School's Career Development Office is 1315 Biolchini Hall, Notre Dame, Indiana 46556.

June 9, 2015: Keynote Speaker, Annual Soul Food Luncheon, South Bend Heritage Foundation, South Bend, Indiana. The speech was on community dialogue and engagement being essential to our democracy. I have no notes, transcript, or recording. The address for the South Bend Heritage Foundation is 803 Lincoln Way West, South Bend, Indiana 46616.

May 2015 (specific date unknown): Co-Valedictorian, Commencement Speech on behalf of Class 42, Leadership South Bend Mishawaka, South Bend, Indiana. The speech was on servant leadership and the class's experience in the leadership program. I have no notes, transcript, or recording. The address for Leadership South Bend Mishawaka is 1700 East Mishawaka Avenue, Administration Suite 159, South Bend, Indiana 46615.

April 14, 2015: Representative from the City of South Bend, Indiana, Remarks at Equal Pay Day event, YWCA of North Central Indiana and the League of Women Voters, South Bend, Indiana. Remarks supplied.

February 2015 (specific date unknown): Speaker, Remarks at the City of South Bend's First Annual Black History Month Award Celebration and Reception, Mayor's Office, South Bend, Indiana. Remarks supplied.

April 25, 2014: Panelist, Economic Outlook – Opportunity for Women in Business, WNIT Studios PBS Michiana, South Bend, Indiana. Notes supplied.

June 2013 (specific date unknown): Speaker, Michiana Diversity Leadership Initiative Graduation, 100 Black Men of Greater South Bend – Education Committee, South Bend, Indiana. The speech was on applying one's education and experience to effectuate positive change in the community. I have no notes, transcript, or recording. The address for 100 Black Men of Greater South Bend is 2043 South Bend Avenue, Private Mailbox 345, South Bend, Indiana 46637.

- 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 identify.

Marek Mazurek, *County judges weigh media cameras in court: Indiana Supreme Court decision allows recordings May 1*, SOUTH BEND TRIBUNE (Mar. 1, 2023). Copy supplied.

Marek Mazurek, *'An important moment' South Bend reacts to Jackson joining Supreme Court*, SOUTH BEND TRIBUNE (Oct. 16, 2022). Copy supplied.

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Erin Blasko, *Flood damage an act of God, or man?*, SOUTH BEND TRIBUNE (Aug. 28, 2016). Copy supplied.

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Two new faces joining city administration, SOUTH BEND TRIBUNE REPORT (Apr. 25, 2013). 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 2018 to 2021 I served as a magistrate judge on the St. Joseph Circuit Court – Mishawaka Division. All circuit courts in the State of Indiana have original and concurrent jurisdiction in all civil cases and in all criminal cases; original and concurrent jurisdiction with the superior courts in all user fee cases; de novo appellate jurisdiction of appeals from city and town courts; and appellate jurisdiction that may be conferred by law upon it. The St. Joseph Circuit Court consists of one judge elected to a six-year term and three magistrate judges appointed by the judge. The types of cases heard by circuit court are established by local rule based upon the annual weighted caseload requirements established by the Indiana Supreme Court. As a result, the types of cases assigned to circuit court are almost exclusively civil disputes, ranging from contract, personal injury, collection, divorce, child support, protective orders, injunctions, estates, and administrative appeals. By local rule, the criminal jurisdiction of the circuit court is limited to criminal nonsupport and welfare fraud. The circuit court also conducts all grand jury proceedings and oversees civil protective order court.

In July 2021 I was appointed to serve as a judge of the St. Joseph Superior Court. All superior courts in the State of Indiana have original and concurrent jurisdiction in all civil cases and in all criminal cases; original and concurrent jurisdiction with the circuit courts in all user fee cases; and de novo appellate jurisdiction of appeals from city and town courts. The St. Joseph Superior Court consists of eight judges, with four judges sharing responsibility for civil cases with the circuit court and the remaining four judges hearing criminal cases. I serve in the Civil Division of the St. Joseph Superior Court. The governor appoints judges upon recommendation of the St. Joseph County Judicial Nominating Committee. Superior Court judges serve a first term of two years, followed by subsequent terms of six years, renewed by a retention vote at the general election.

In February 2022 I was appointed by the Indiana Supreme Court to concurrent service on the Indiana Commercial Court. Ten commercial courts are permanently established in Allen, Elkhart, Floyd, Hamilton, Lake, Madison, Marion, St. Joseph, Vanderburgh, and Vigo counties. Cases are eligible for assignment to the commercial court docket if the gravamen of the case relates to disputes between business entities or individuals as to their business activities. Case assignments to the commercial court docket are not mandatory; rather, the parties voluntarily elect to have their case assigned to the Commercial Court docket.

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

As a judge on the St. Joseph Superior Court since 2021, I have issued dispositions in approximately 2,330 cases. There is no way to accurately account for the type of disposition (i.e., judgment or voluntary dismissal). I have presided over approximately 100 bench trials and two jury trials.

Specific case counts are not available for my tenure as a magistrate judge on the St. Joseph Circuit Court from 2018 to 2021 because the four judicial officers of the circuit court share the "C01" designation. I estimate that I issued dispositions in approximately 2,000 cases during my tenure as a Circuit Court Magistrate Judge. There is no way to accurately account for the type of disposition (i.e., judgment or voluntary dismissal). I presided over more than 100 bench trials.

i. Of these cases, approximately what percent were:

jury trials:	0.086%
bench trials:	99.91%

ii. Of these cases, approximately what percent were:

civil proceedings:	100%
criminal proceedings:	0%

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 of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Musser v. Feagler*, 71D04-1908-CT-000299 (St. Joseph Super. Ct. Oct. 11, 2023)

This automobile collision case involved questions of comparative fault and damages. After trial concluded, the jury assessed 25 percent fault to the plaintiff and 75 percent fault to the defendant. Under Indiana's modified comparative fault rule, this resulted in a plaintiff's verdict because plaintiff was less than 50 percent at fault for the accident. However, the total dollar award for damages was marked at zero dollars, resulting in a plaintiff's verdict that was worth \$0.

Counsel for Plaintiff:

William Keller
Sweeney Julian P.C.

1620 South Bend Avenue
South Bend, IN 46617
(574) 247-1234

Counsel for Defendant:

John J. Holmen
Kightlinger & Gray LLP
8001 Broadway, Suite 100
Merrillville, IN 46410
(219) 769-0413

2. *Dimarzio v. Salous*, No. 71D04-2110-PL-000344 (St. Joseph Super. Ct. May 19, 2023)

This case involved a claim for medical malpractice for care and treatment of Ms. DiMarzio by Dr. Salous at Beacon Medical Group d/b/a Med Point-Main Street (“Med Point”), an urgent care facility, on June 15 and 17, 2019. Pursuant to the Indiana Medical Malpractice Act, the plaintiff first submitted her claim to a medical review panel. The panel reached a 3-0 decision in the plaintiff’s favor. Subsequently, the plaintiff filed the instant complaint and alleged that Dr. Salous breached the standard of care by failing to properly care for Ms. DiMarzio’s open fracture and wound, failing to properly refer, and failing to perform proper follow up care. The plaintiff also alleged that Med Point was vicariously liable for Dr. Salous’s actions.

The defendants denied the plaintiff’s allegations and argued their care and treatment of the plaintiff was appropriate and within all standards of care applicable to them, and that their care and treatment did not cause or contribute to the plaintiff’s alleged damages. The defendants also raised affirmative defenses of contributory negligence and failure to mitigate damages, among other things. After a five-day jury trial, the jury returned a verdict in favor of the defendants.

Counsel for Plaintiff:

Michael Paul Misch
Peter J. Agostino
Jill D. Manges
Anderson Agostino & Keller
131 South Taylor Street
South Bend, IN 46601
(574) 288-1510

Counsel for Defendants:

Georgianne Marie Walker
Amanda Marie Jordan
May Oberfell Lorber
4100 Edison Lakes Parkway, Suite 100

Mishawaka, IN 46545
(574) 232-2031

3. *Core Bore, LLC v. Martell Electric, LLC*, No. 71D04-2209-PL-000161 (St. Joseph Super. Ct., Commercial Ct. Dkt. Jan. 19, 2023). Opinion supplied.

This is a contract dispute arising from Executive Order 13767, which in 2017 ordered the construction of a border wall along the United States/Mexico border (the “Border Wall Project”). In 2019, the federal government awarded BFBC, LLC (“BFBC”) the government contract for certain portions of the Border Wall Project. BFBC entered contracts with Martell to perform construction work for portions of the Border Wall Project located in El Centro, California and in Yuma, Arizona (the “General Contracts”). Martell entered two Subcontracts with Core Bore to perform a portion of the work under the General Contracts. Other than the scope of work and project cost, the legal terms of the two Subcontracts are identical in all material respects.

In 2021, the federal government ordered work on the Border Wall to cease. Consequently, the work under Martell’s General Contracts with BFBC was terminated, as well as the work under Martell’s Subcontracts with Core Bore. Core Bore filed a complaint alleging that Core Bore was owed an outstanding principal balance of \$2,308,365. In response, Martell filed a motion to stay the proceedings pursuant to the terms of the subcontracts. The parties voluntarily agreed to assign the case to my Commercial Court docket.

In reaching my decision, I determined that the subcontracts at issue both contain provisions that entitle Martell to stay litigation in certain circumstances, and that those circumstances were present to support a stay in this instance. I also found that it would not be in the interest of justice to grant a stay of litigation in perpetuity. Therefore, I granted the stay of proceedings up to a date certain; ordered the parties to mediation; appointed a mediator; and set a mediation deadline. The parties did not resolve their dispute at mediation, and the case remains pending.

Counsel for Plaintiffs:

Peter J. Agostino
Tracey Lynn Schafer
Anderson Agostino & Keller
131 South Taylor Street
South Bend, IN 46601
(574) 288-1510

Counsel for Defendants:

John David LaDue
Mark Francis Criniti
SouthBank Legal: LaDue Curran Kuehn

100 East Wayne Street, Suite 300
South Bend, IN 46601
(574) 968-0760

4. *Tennant v. University of Notre Dame Du Lac*, No. 71D04-2007-CT-000254 (St. Joseph Super. Ct. Oct. 5, 2022). Opinion supplied.

The plaintiffs, S. T., Mr. Tennant, and Mrs. Tennant, individually and as parents and legal guardians of S.T. filed suit against the defendant, University of Notre Dame du Lac, for damages and injuries sustained by S.T. from a fall from his first-year residence hall. This lawsuit was originally filed in a different court; the parties moved for change of judge and filed an agreement selecting me as special judge. Before accepting jurisdiction, I promptly scheduled and held a pretrial conference with the lawyers to disclose my connections to the University of Notre Dame Law School, and ordered them to share the disclosure with their clients. The parties consented to me accepting jurisdiction, which was confirmed in writing and on the record. I assumed jurisdiction in March 2022 and presided over extensive motion practice in order to keep the case on track for an October 2022 trial date scheduled by the previous judge. This included resolving six discovery disputes; denying the defendant's motion to bifurcate trial; deciding 11 motions to bar expert testimony; and hearing argument on cross-motions for summary judgment. I informed the parties that I would issue my decision on the summary judgment motion on September 27, 2022. That morning, the parties reported that they were resuming settlement discussions and asked that I delay issuing my ruling. I extended the deadline by one day, during which time the parties reached a settlement.

Counsel for Plaintiffs:

Robert T. Dassow
Tyler Jackson Zipes
Hovde Dassow & Deets LLC
10201 North Illinois Street, Suite 500
Indianapolis, IN 46290
(317) 818-3100

Franklin D. Julian
Sweeney Julian P.C.
1620 South Bend Avenue
South Bend, IN 46617
(574) 247-1234

Jonathan Peter Mincieli
Thomas Michael Connelly
Peter J. Flowers
Meyers & Flowers LLC
3 North Second Street, Suite 300

Saint Charles, IL 60174
(630) 232-6333

Counsel for Defendant:

Paul Edgar Harold
John A. Conway
SouthBank Legal: LaDue Curran Kuehn
100 East Wayne Street, Suite 300
South Bend, IN 46601
(574) 968-0760

Johnson & Bell P.C.
Edward W. Hearn
Catherine Breitweiser-Hurst
11041 Broadway
Crown Point, IN 46307
(219) 791-1900

Matthew L. Johnson
33 West Monroe Street, Suite 2700
Chicago, IL 60603
(312) 984-0245

5. *In Re: The D. Osadchuk Irrevocable Trust Dated October 2, 2008, as Amended*, No. 71D04-0809-GU-000034 (St. Joseph Super. Ct. July 22, 2022).
Opinion supplied.

The D. Osadchuk Irrevocable Trust was created in 2008 and docketed in the St. Joseph Superior Court. Petitioner A. Osadchuk was D. Osadchuk's spouse. In 2018, A. Osadchuk filed for divorce in Vigo County, Indiana, and contended that the Trust is a marital asset. In 2022, A. Osadchuk filed a motion in the St. Joseph Superior Court that sought additional information from the Trust as part of divorce proceedings. I denied the motion because I found that A. Osadchuk was not an income beneficiary and therefore could not invoke the law to obtain the information. I also denied A. Osadchuk's motion to disqualify counsel, A. Osadchuk's motion to strike D. Osadchuk's pleadings, D. Osadchuk's motion for judgment on the pleadings, A. Osadchuk's motion to remove trustee and appoint a corporate fiduciary, and A. Osadchuk's motion to suspend disbursements. The parties ultimately settled their overall dispute at mediation.

Counsel for Interested Person, C.R.:

Dina Margaret Cox
Lewis Wagner LLP
1411 Roosevelt Avenue, Suite 102
Indianapolis, IN 46201
(317) 237-0500

Ronald Gilbert (formerly with Lewis Wagner LLP)
Akerman LLP
71 South Wacker Drive, 47th Floor, Suite 102
Chicago, IL 60606
(312) 634-5700

Counsel for Protected Person, D.O.:

Andrew Michael Hicks
Warrick & Boyn LLP
861 Parkway Avenue
Elkhart, IN 46516
(574) 294-7491

Counsel for Petitioner, A.O:

Mary Patricia Hackett
Sara Elizabeth Tumbleson
Hackett & Associates P.C.
205 West Jefferson Boulevard, Suite 600
South Bend, IN 46601
(574) 233-8010

Counsel for Trustee, C.R.:

Brent E. Inabnit
Sopko Nussbaum Inabnit Kaczmarek
210 South Michigan Street
5th Floor – Plaza Building
South Bend, IN 46601
(574) 234-3000

6. *Pennington v. Mem. Hosp. of S. Bend, Inc.*, No. 71D04-1804-CT-000160 (St. Joseph Super. Ct. May 4, 2022; May 17, 2022; June 10, 2022), *aff'd*, 206 N.E.3d 473 (Ind. Ct. App. 2023), *vacated by Pennington v. Mem. Hosp. of S. Bend, Inc. d/b/a Beacon Health and Fitness*, No. 23S-CT-00182 (Ind. 2023). Opinions supplied.

In January 2015, Memorial Hospital of South Bend, Inc. d/b/a Beacon Health and Fitness (“Beacon”) contracted with Panzica Building Company (“Panzica”) to design and build a health and fitness center (“the Project”) in Granger, Indiana, that included a multipurpose pool (“the Pool”) for lap swimming, aquatic fitness programs, and general recreational use. Included in the design and construction of the facility were Panzica, Spear Corporation (“Spear”), and several other entities no longer present in the case. Amidst complicated contracts, Panzica created a secondary entity, Panzica 2, which then hired various entities to design the Pool.

On November 16, 2016, shortly after completion of the Project and the opening of the facility, Dr. Pennington visited the new aquatic facility to use the Pool. During her visit and while swimming the backstroke, Dr. Pennington allegedly suffered an injury after a collision with the wing wall that protected the ADA access point into the Pool. At the time of the incident, no other accidents had been reported to Beacon.

The Penningtons filed suit against Beacon, Panzica, and Spear. Their fourth amended complaint alleged five pertinent claims: (1) negligent and defective design of the Pool by Beacon, Panzica, and Spear; (2) failure to warn and instruct by Beacon, Panzica, and Spear; (3) negligent maintenance and operation by Beacon; (4) negligent construction of the Project; (5) a derivative claim by Mr. Pennington against Beacon, Panzica, and Spear for loss of services and companionship.

This case involved voluminous exhibits (deposition transcripts, contracts, architectural drawings, etc.) and the resolution of several motions. For example, I granted defendant Spear's motion to bar plaintiffs' proposed expert testimony with respect to the design or construction of the pool, but denied it as to the operation and management of an aquatic facility. I denied defendant Panzica's motion for summary judgment because the operative contractual language raised serious questions of material fact regarding Panzica's assertion that it had no contractual duty of care relating to the design of the pool. I granted in part and denied in part defendant Beacon's motion, joined by defendants Spear and Panzica, to strike portions of the evidence designated by the plaintiffs in opposition to the motions for summary judgment. Finally, I granted Spear's motion for summary judgment, which was joined by Panzica, and dismissed counts one, two, four, and five as directed towards Spear and Panzica; and granted Beacon's motion for summary judgment as to counts one, two, and four and denied Beacon's motion for summary judgment with regards to counts three and five.

The Penningtons and Beacon filed separate interlocutory appeals, and the Indiana Court of Appeals consolidated the matters for appeal and then affirmed my decisions. The Indiana Supreme Court granted transfer and oral argument was held on October 10, 2023. Proceedings before me are stayed pending the resolution of the interlocutory appeals.

Counsel for Plaintiffs:

Jeffrey Joseph Stesiak
Daniel Henry Pfeifer
Ryan Gregory Milligan
Peter David Hamann
Pfeifer Morgan & Stesiak
53600 North Ironwood Drive
South Bend, IN 46635

(574) 272-2870

Counsel for Defendant Memorial Hospital of South Bend, Inc. d/b/a Beacon Health and Fitness:

John McCrum
Eichhorn & Eichhorn
2929 Carlson Drive, Suite 100
Hammond, IN 46323
(219) 931-0560

Counsel for Defendant Panzica Building Corporation:

Martin Jacob Gardner
Christopher J. Uyhelji
Gardner & Rans P.C.
117 Perspective Drive, Suite 2
Granger, IN 46530
(574) 233-6035

Counsel for Defendant/Third Party Plaintiff Spear Corporation:

Lyle Raymond Hardman
Hunt Suedhoff Kalamaros LLP
205 West Jefferson Boulevard, Suite 300
P.O. Box 4156
South Bend, IN 46634
(574) 232-4801

Beverly Jean Mack
Huelat & Mack P.C.
Legacy Hills Business Park
286 West Johnson Road, Suite G
LaPorte, IN 46350
(219) 879-3090

Scott A. Ruksakiati
Tyson & Mendes
125 South Wacker Drive, Suite 300
Chicago, IL 60606
(312) 300-6108

Counsel for Third-Party Defendants R.E.C. Consultants, LLC:

Robert E. Coghill, Jr.
Charles B. Daugherty
3012 North County Road 300 West
West Baden Springs, IN 47469
(812) 791-8451

7. *Estate of Krusinski*, No. 71D04-2106-EU-000085 (St. Joseph Super. Ct. Oct. 18, 2021). Opinion supplied.

This case involves an estate dispute between the decedent's daughters, Ms. Goodspeed and Ms. Goffinet, over the validity of the decedent's will. Ms. Goodspeed and Ms. Goffinet were appointed co-personal representatives of the decedent's estate. Shortly thereafter, Ms. Goffinet filed a petition to contest will ("the Ohaneson Petition"). Ms. Goodspeed filed a motion to dismiss said petition, and several related motions and objections thereto followed.

Indiana Code Section 29-1-7-17 outlines the requirements for will contests. Ms. Goffinet failed to comply with the statutory requirements in that she did not file a "separate cause of action" as required by Indiana law; therefore I granted Ms. Goodspeed's motion to dismiss the Ohaneson Petition. I granted Ms. Goodspeed's motion to strike due to Ms. Goffinet twice failing to comply with the local rule regarding "Verified" pleadings. I granted Ms. Goodspeed's motion to quash subpoena duces tecum because the issue before the court was purely a question of law. I denied Ms. Goffinet's petition for leave of court to file a relation back amendment because the "proposed" amended petition would not cure Ms. Goffinet's failure to comply with Indiana law. I struck the "amended verified petition" because it was filed without leave of court and would not cure Ms. Goffinet's failure to comply with Indiana law; and I denied Ms. Goodspeed's request for Rule 11 sanctions, and closed the case.

Counsel for Co-Personal Representative Goodspeed:

Mary Patricia Hackett
Sara Elizabeth Tumbleson
Hackett & Associates P.C.
205 West Jefferson Boulevard, Suite 600
South Bend, IN 46601
(574) 233-8010

Counsel for Co-Personal Representative Goffinet:

Theora Ohaneson
The Graber Law Firm P.C.
114 South Main Street, P.O. Box 58
Middlebury, IN 46530
(574) 825-9665

8. *Burkhart Advertising v. Dolgencorp et al.*, No. 71C01-1803-PL-000074 (St. Joseph Circuit Ct., Mishawaka Division Nov. 7, 2019). Opinion supplied.

This case arose from a dispute over a lease for an outdoor advertising sign. The plaintiff, Burkhart Advertising, Inc. ("Burkhart"), had a 20-year lease running through 2024 to maintain an outdoor advertising sign in South Bend, Indiana. Local 75 was the fee simple owner of real property subject to Burkhart's recorded

lease. Dolgencorp, LLC d/b/a Dollar General (“Dollar General”) and Local 75 entered into an agreement for Dollar General to build a retail store on the property. When Local 75 and Dollar General determined that construction of the store required removal of the sign, Local 75 sent Burkhart a written “notice of termination” of the lease, leading to Burkhart’s lawsuit against multiple defendants for breach of contract, eviction, trespass, criminal conversion, and punitive damages.

Burkhart alleged that the store could have been constructed without removal of the sign; and if removal of the sign wasn’t required for construction, then the written “notice of termination” by Local 75 was ineffectual under the terms of the lease, meaning that the subsequent entry upon the leasehold and removal of Burkhart’s sign was unlawful. Burkhart sued Local 75, Dollar General, and Dollar General’s contractors involved in the construction. When the defendants moved for partial summary judgment on the contract, eviction, trespass, and criminal conversion claims, the issue before me was whether the leasehold interest of Burkhart had been properly extinguished under the lease agreement.

The terms of the Burkhart lease provided that the agreement could be terminated if lessor “commenc[ed] construction of a permanent substantial building on said premises requiring removal of [Burkhart’s] sign structure.” The same form lease had been at issue in a 2002 case brought by Burkhart, where the district court reviewing the agreement concluded that “the logical interpretation of the Lease Agreement is that the Lessor may terminate it upon commencement of construction of a permanent substantial building if *construction* of the building requires removal of the sign.” I agreed with the district court’s reasoning and found the defendants had established that construction of the building required removal of the sign, and as such, Local 75’s written “notice of termination” was effective under the lease terms. Because the lease was properly terminated, Burkhart had no right to evict the defendants from the extinguished leasehold, and Burkhart’s claims arising from the lease were without merit, meaning the defendants were entitled to judgment as a matter of law. After my decision, only the punitive damages claimed remained.

Approximately three months after my decision, I received notice that a lawsuit had been filed against the City of South Bend, and several current and former City employees, including me as the City’s former Corporation Counsel. The attorney the City retained in that action was also counsel of record for several defendants in the instant matter. I disclosed the potential conflict of interest to all counsel in the instant matter, recused myself *sua sponte*, and transferred the case to the St. Joseph County Circuit Court Judge.

Counsel for Plaintiff:

Jesse Michael Barrett

Paul Edgar Harold

SouthBank Legal: LaDue Curran & Kuehn

100 East Wayne Street, Suite 300
South Bend, IN 46601
(574) 968-0760

Counsel for Defendants Dolgencorp., LLC d/b/a Dollar General, Zaremba Program Development, LLC, Zaremba Group, LLC, Zaremba Group Incorporated, Dearborn Land Investment, LLC, South Bend Huron BTS Retail, LLC (collectively “Dollar General Defendants”):

James Francis Groves
205 West Jefferson Boulevard, Suite 511
South Bend, IN 46601
(574) 250-1900

Counsel for Defendant The International Association of Heat and Frost Insulators and Asbestos Workers Local #75 of South Bend (“Local 75”):

Thomas Edward Moss
89 Ogden Road
Portage, IN 46368
(312) 405-0639

Johnson & Krol LLC
Suzanne Corbin Dyer
311 South Wacker Drive, Suite 1050
Chicago, IL 60606
(312) 757-5469

Joseph Edward Mallon
450 East 96th Street, Suite 500
Indianapolis, IN 46240
(312) 255-0449

9. *Grange Mutual Casual Company v. Virk Mart, Inc.*, No. 71C01-1511-PL-000419 (St. Joseph Circuit Ct., Mishawaka Division Mar. 5, 2019). Opinion supplied.

Grange Mutual Casual Company (“Grange”), an insurance company, filed a declaratory judgment action against its insured (Virk Mart, Inc., RK City Food Mart, Inc., and R. Singh) and an abutting property owner (Local Union 413 United Brotherhood of Carpenters), seeking a judicial determination as to whether certain insurance policies provided coverage for expenses related to a fuel release event. The insured filed a counterclaim for bad faith. Grange and Local Union 413 United Brotherhood of Carpenters (“the Union”) filed cross-motions for summary judgment on the declaratory judgment claim. Grange also moved for summary judgment on the bad faith claim.

The policies’ pollution exclusion language was at the center of the parties’

dispute. Indiana law requires specificity in pollution exclusions. I held that the Union was entitled to summary judgment in that both policies applied to the fuel release event and neither policy excluded coverage. I also determined that the bad faith claim was a question for the jury; however the bad faith claim did not proceed to trial because the parties settled.

Counsel for Plaintiff:

Plunkett & Cooney P.C.
Pamela A Paige
300 North Meridian Street, Suite 1250
Indianapolis, IN 46204
(317) 964-2730

Jeffrey Charles Gerish
38505 Woodward Avenue, Suite 2000
Bloomfield Hills, MI 48304
(248) 901-4031

Counsel for Defendant Virk Mart:

Allison J. Wells
Dinsmore & Shohl LLP
1 Indiana Square, Suite 1800
Indianapolis, IN 46204
(317) 636-6151

Counsel for Defendants RK City Food Mart, Inc. and Singh:

Peter J. Agostino
Stephanie Lynn Nemeth
Anderson Agostino & Keller
131 South Taylor Street
South Bend, IN 46601
(574) 288-1510

Counsel for Defendant Local Union 413:

Plews Shadley Racher & Braun LLP
Christopher Joseph Braun
Peter Michael Racher
1346 North Delaware Street
Indianapolis, IN 46202
(317) 637-0700

Daniel Philip Cory
1017 East Jefferson Boulevard
South Bend, IN 46617
(574) 273-1010

10. *Rosema Corporation v. Meyer Najem Construction, LLC*, 71C01-1711-PL-000393 (St. Joseph Circuit Ct., Mishawaka Division Sept. 24, 2018). Opinion supplied.

Defendant, Meyer Najem Construction, LLC (“MNC”) was the general contractor, and Plaintiff, Rosema Corporation f/k/a Rosema Construction, Inc. (“Rosema”) was MNC’s subcontractor, on a construction project (“the Project”) at Defendant, The University of Notre Dame (“the University”). Rosema filed a Complaint against MNC and the University alleging and seeking damages arising from the Project, in the principal sum of \$1,652,496. Rosema’s Complaint alleged five causes of action: (1) breach of contract against MNC; (2) quantum meruit against MNC; (3) foreclosure of Rosema’s mechanic’s lien; (4) recovery on Rosema’s notice of personal liability claim; and (5) quantum meruit against the University.

Defendant MNC filed a motion to bond over mechanic’s lien and notice of personal liability claims, seeking to tender a bond in the amount of \$2,478,743 (the “Bond”) as surety for any judgment entered against MNC or the University for counts three and four. Plaintiff Rosema agreed that the Bond was sufficient to cover the amount of Rosema’s lien and its attorneys’ fees and expenses. Rosema acknowledged that it could not recover twice, however, Rosema objected to the requested release of the notice of personal liability claim.

There are no statutory or case law prohibitions in Indiana to the application of a surety bond to a personal liability notice. I held that the Bond provided adequate surety protection for subcontractor Rosema, where the subcontractor, general contractor, and property owner are parties to the same litigation. Therefore, I issued an order that granted MNC’s motion to bond over mechanic’s lien and notice of personal liability claim.

Counsel for Plaintiff:

Sean P. Burke
Mattingly, Burke, Cohen & Biederman LLC
155 East Market Street, Suite 400
Indianapolis, IN 46204
(317) 614-7324

Counsel for Defendant Meyer Najem Construction, LLC:

Brian Michael Falcon
11787 Lanter Road, Suite 100
Fishers, IN 46308
(317) 577-0007

Counsel for Defendant, The University of Notre Dame:

Joseph R. Fullenkamp
Barnes & Thornburg LLP

201 South Main Street, Suite 400
South Bend, IN 46601
(574) 233-1171

- 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. *Nedlog Investments, LLC and Barak River Rock, LLC, derivatively through Nedlog Investments, LLC v. Scott Sivan and Barak River Rock, LLC, as a necessary party v. Golden*, No. 71D04-2301-PL-000011 (St. Joseph Super. Ct., Commercial Ct. Dkt. July 14, 2023); consolidated with *Golden v. Sivan v. River Gate South Development, LLC*, No. 71D04-2212-PL-000263 (St. Joseph Super. Ct., Commercial Ct. Dkt. Sept. 12, 2023). Opinion supplied.

Counsel for Plaintiffs Nedlog Investments, LLC and Barak River Rock, LLC derivatively through Nedlog Investments, LLC; H. Golden and Third-Party Defendant H. Golden:

Georgianne Marie Walker
Katyln Foust Hunneshagen
Savannah Boettcher
May Oberfell Lorber
4100 Edison Lakes Parkway, Suite 100
Mishawaka, IN 46545
(574) 232-2031

Counsel for Defendants and Third-Party Plaintiff S. Sivan and Barak River Rock, LLC, as a necessary party:

John A. Conway
Paul Edgar Harold
SouthBank Legal: LaDue Curran & Kuehn
100 East Wayne Street, Suite 300
South Bend, IN 46601
(574) 968-0760

Counsel for Third-Party Defendant River Gate:

Guy S. DiMartino
Guy S. DiMartino, P.C.
1000 Washington Street
Michigan City, IN 46360
(219) 690-8997

2. *Dimarzio v. Salous*, No: 71D04-2110-PL-000344 (St. Joseph Super. Ct. May 19, 2023). Opinion previously supplied in response to Question 13c.

Attorneys for Plaintiff:

Michael Paul Misch
Peter J. Agostino
Jill D. Manges
Anderson Agostino & Keller
131 South Taylor Street
South Bend, IN 46601
(574) 288-1510

Attorneys for Defendants:

Georgianne Marie Walker
Amanda Marie Jordan
May Oberfell Lorber
4100 Edison Lakes Parkway, Suite 100
Mishawaka, IN 46545
(574) 232-2031

3. *Core Bore, LLC v. Martell Electric*, No. 71D04-2209-PL-000161 (St. Joseph Super. Ct., Commercial Ct. Dkt. Jan. 19, 2023). Opinion previously supplied in response to Question 13c.

Counsel for Plaintiffs:

Peter J. Agostino
Tracey Lynn Schafer
Anderson Agostino & Keller
131 South Taylor Street
South Bend, IN 46601
(574) 288-1510

Counsel for Defendants:

John David LaDue
Mark Francis Criniti
SouthBank Legal: LaDue Curran & Kuehn
100 East Wayne Street, Suite 300
South Bend, IN 46601
(574) 968-0760

4. *In Re: The D. Osadchuk Irrevocable Trust Dated October 2, 2008, as Amended*, No. 71D04-0809-GU-000034 (St. Joseph Super Ct. July 22, 2022). Opinion previously supplied in response to Question 13c.

Counsel for Interested Person, C.R.:

Dina Margaret Cox
Lewis Wagner LLP
1411 Roosevelt Avenue, Suite 102
Indianapolis, IN 46201

(317) 237-0500

Ronald Gilbert (formerly with Lewis Wagner LLP)
Akerman LLP
71 South Wacker Drive, 47th Floor, Suite 102
Chicago, IL 60606
(312) 634-5700

Counsel for Protected Person, D.O.:

Andrew Michael Hicks
Warrick & Boyn LLP
861 Parkway Avenue
Elkhart, IN 46516
(574) 294-7491

Counsel for Petitioner, A.O.:

Mary Patricia Hackett
Sara Elizabeth Tumbleson
Hackett & Associates P.C.
205 West Jefferson Boulevard, Suite 600
South Bend, IN 46601
(574) 233-8010

Counsel for Trustee, C.R.:

Brent E. Inabnit
Sopko Nussbaum Inabnit Kaczmarek
210 South Michigan Street
5th Floor – Plaza Building
South Bend, IN 46601
(574) 234-3000

5. *Pennington v. Mem. Hosp. of S. Bend, Inc.*, No. 71D04-1804-CT-160 (St. Joseph Super. Ct. May 4, 2022; May 17, 2022; June 10, 2022), *aff'd*, 206 N.E.3d 473 (Ind. Ct. App. 2023), *vacated by Pennington v. Mem. Hosp. of S. Bend, Inc. d/b/a Beacon Health and Fitness*, No. 23S-CT-00182 (Ind. 2023). Opinions previously supplied in response to Question 13c.

Counsel for Plaintiffs:

Jeffrey Joseph Stesiak
Daniel Henry Pfeifer
Ryan Gregory Milligan
Peter David Hamann
Pfeifer Morgan & Stesiak
53600 North Ironwood Drive
South Bend, IN 46635
(574) 272-2870

Counsel for Defendant Memorial Hospital:

John McCrum
Eichhorn & Eichhorn
2929 Carlson Drive, Suite 100
Hammond, IN 46323
(219) 931-0560

Counsel for Defendant Panzica Building Corporation:

Martin Jacob Gardner
Christopher J. Uyhelji
Gardner & Rans P.C.
117 Perspective Drive, Suite 2
Granger, IN 46530
(574) 233-6035

Counsel for Defendant/Third Party Plaintiff Spear Corporation:

Lyle Raymond Hardman
Hunt Suedhoff Kalamaros LLP
205 West Jefferson Boulevard, Suite 300
P.O. Box 4156
South Bend, IN 46634
(574) 232-4801

Beverly Jean Mack
Huelat & Mack P.C.
Legacy Hills Business Park
286 West Johnson Road, Suite G
LaPorte, IN 46350
(219) 879-3090

Scott A. Ruksakiati
Tyson & Mendes
125 South Wacker Drive, Suite 300
Chicago, IL 60606
(312) 300-6108

Counsel for Third-Party Defendant R.E.C. Consultants, LLC

Robert E. Coghill, Jr.
Charles B. Daugherty
3012 North County Road 300 West
West Baden Springs, IN 47469
(812) 791-8451

6. *Estate of Krusinski*, No. 71D04-2106-EU-000085 (St. Joseph Super. Ct., Oct. 18, 2021). Opinion previously supplied in response to Question 13c.

Counsel for Co-Personal Representative Goodspeed:

Mary Patricia Hackett
Sara Elizabeth Tumbleson
Hackett & Associates P.C.
205 West Jefferson Boulevard, Suite 600
South Bend, IN 46601
(574) 233-8010

Counsel for Co-Personal Representative Goffinet:

Theora Ohaneson
The Graber Law Firm P.C.
114 South Main Street
P.O. Box 58
Middlebury, IN 46530
(574) 825-9665

7. *Thompson v. Izaak Walton League*, No. 71D04-1901-CT-000026 (St. Joseph Super. Ct. Sept. 2, 2021). Opinion supplied.

Counsel for Plaintiff:

Peter David Hamann
Pfeifer Morgan & Stesiak
53600 North Ironwood Drive
South Bend, IN 46635
(574) 272-2870

Counsel for Defendant:

Austin Thomas Kearney
Hunt Suedhoff Kalamaros LLP
205 West Jefferson Boulevard, Suite 300
P.O. Box 4156
South Bend, IN 46634
(574) 232-4801

8. *Burkhart Advertising v. Dolgencorp*, No. 71C01-1803-PL-000074 (St. Joseph Circuit Ct., Mishawaka Division Nov. 7, 2019). Opinion previously supplied in response to Question 13c.

Counsel for Plaintiff:

Jesse Michael Barrett
Paul Edgar Harold
SouthBank Legal: LaDue Curran & Kuehn
100 East Wayne Street, Suite 300
South Bend, IN 46601
(574) 968-0760

Counsel for Defendants Dolgencorp., LLC d/b/a Dollar General, Zaremba Program Development, LLC, Zaremba Group, LLC, Zaremba Group Incorporated, Dearborn Land Investment, LLC, South Bend Huron BTS Retail, LLC:

James Francis Groves
205 West Jefferson Boulevard, Suite 511
South Bend, IN 46601
(574) 250-1900

Counsel for Defendant The International Association of Heat and Frost Insulators and Asbestos Workers Local #75 of South Bend:

Thomas Edward Moss
89 Ogden Road
Portage, IN 46368
(312) 405-0639

Johnson & Krol LLC
Suzanne Corbin Dyer
311 South Wacker Drive, Suite 1050
Chicago, IL 60606
(312) 757-5469

Joseph Edward Mallon
450 East 96th Street, Suite 500
Indianapolis, IN 46240
(312) 255-0449

9. *Grange Mutual Casual Company v. Virk Mart, Inc.*, No. 71C01-1511-PL-000419 (St. Joseph Circuit Ct., Mishawaka Division Mar. 5, 2019). Opinion previously supplied in response to Question 13c.

Counsel for Plaintiff:

Plunkett & Cooney P.C.
Pamela A. Paige
300 North Meridian Street, Suite 1250
Indianapolis, IN 46204
(317) 964-2730

Jeffrey Charles Gerish
38505 Woodward Avenue, Suite 2000
Bloomfield Hills, MI 48304
(248) 901-4031

Counsel for Defendant Virk Mart:

Allison J. Wells

Dinsmore & Shohl LLP
1 Indiana Square, Suite 1800
Indianapolis, IN 46204
(317) 636-6151

Counsel for Defendants RK City Food Mart, Inc. and Singh:

Peter J. Agostino
Stephanie Lynn Nemeth
Anderson Agostino & Keller
131 South Taylor Street
South Bend, IN 46601
(574) 288-1510

Counsel for Defendant Local Union 413:

Plews Shadley Racher & Braun LLP
Christopher Joseph Braun
Peter Michael Racher
1346 North Delaware Street
Indianapolis, IN 46202
(317) 637-0700

Daniel Philip Cory
1017 East Jefferson Boulevard
South Bend, IN 46635
(574) 273-1010

10. *Rosema Corporation v. Meyer Najem Construction, LLC*, 71C01-1711-PL-000393 (St. Joseph Circuit Ct., Mishawaka Division Sept. 24, 2018). Opinion previously supplied in response to Question 13c.

Counsel for Plaintiff:

Sean P. Burke
Mattingly, Burke, Cohen & Biederman LLC
155 East Market Street, Suite 400
Indianapolis, IN 46204
(317) 614-7324

Counsel for Defendant Meyer Najem Construction, LLC:

Brian Michael Falcon
11787 Lanter Road, Suite 100
Fishers, IN 46308
(317) 577-0007

Counsel for Defendant The University of Notre Dame:

Joseph R. Fullenkamp
Barnes & Thornburg LLP

201 South Main Street, Suite 400
South Bend, IN 46601
(574) 233-1171

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

To the best of my knowledge and based upon a review of my records and publicly available legal databases, certiorari has not been requested in any of my cases.

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

To the best of my knowledge and based upon a review of my records and publicly available legal databases, my decisions have never been reversed by a reviewing court, nor have my judgments been affirmed with significant criticism of my substantive or procedural rulings.

- 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.

All my opinions are unpublished. Indiana trial courts do not maintain a readily accessible database of Circuit Court and Superior Court decisions, however significant Commercial Court decisions are available at <https://public.courts.in.gov/CCDocSearch>. My decisions are filed and stored on the Odyssey case management system for Indiana's state trial courts. I also maintain electronic files of my decisions in my chambers. A review of the electronic files in my chambers indicates that I have issued approximately 1,818 written decisions, some of which are sealed.

- 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 federal or state 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.

Judges have a responsibility to hear and decide cases assigned to the judge, except when disqualification is required by the Indiana Judicial Canons or other law; therefore, by default I approach each case with an expectation to stay in the case. I assess the necessity or propriety of recusal on a case-by-case basis, first applying the judicial canons. I also consider the Indiana Court of Appeals' analysis of Indiana Code of Judicial Conduct Canon 2.11 in *Bloomington Magazine, Inc. v. Kiang*, 961 N.E.2d 61 (Ind. Ct. App. 2012); consequently, even in circumstances where I subjectively believe I can be fair and impartial, I have recused myself sua sponte upon concluding that an objective person knowledgeable of all circumstances would have a rational basis for doubting my impartiality.

I recused on a party's motion in the following cases:

Johnson v. Housing Authority of South Bend, No. 71D04-2305-PL-000123. The plaintiff's counsel moved for my recusal because I previously represented defendant Housing Authority of South Bend during my tenure as an attorney with Barnes & Thornburg LLP. I granted the motion because recusal was warranted by the Indiana Judicial Canons.

Marriage of Utz, No. 71D04-1709-DC-000790. The respondent's counsel moved for my recusal because he, "[had] been advised that Judge Brisco lives in close proximity to one of the parties." I granted the motion to avoid the appearance of impropriety.

Reinoehl v. St. Joseph County Health Dept., No. 71C01-2011-CT-000443. During the Covid-19 pandemic, the plaintiffs sought an injunction against the defendant Health Department's recommendation for remote instruction in schools alleging that the guidance had a negative impact on their children who were enrolled in the Penn-Harris-

Madison School District. The plaintiffs also named the Penn-Harris-Madison School District as a defendant. The plaintiffs researched my background and determined that I have school-aged children and that I live in the Penn-Harris-Madison School District. They filed a motion incorrectly asserting that the Judicial Canons required that I recuse myself. I granted the motion to avoid the appearance of impropriety.

I recused sua sponte in the following cases:

The Bank of New York Mellon v. Tiffany, No. 71D04-1003-MF-000164. Mr. Sims is one of the defendants in this case. I recused sua sponte because I had been named as a defendant in a prior suit filed by Mr. Sims.

Matthews v. Chichowicz, No. 71D06-2211-PO-001174. I recused sua sponte because one of the “incidents” alleged in the petitioner’s petition for a protective order against the St. Joseph County Probate Court Judge included allegations that I denied his request for a hearing during my tenure as St. Joseph Circuit Court Magistrate Judge for the Mishawaka Division.

Dieter v. State Farm Mutual Automobile Insurance Company, No. 71D06-1809-CT-000455. Due to an interaction with the plaintiff at a public event, wherein the plaintiff made comments about a different legal matter, I contacted the Executive Director of the Indiana Disciplinary Commission and Counsel for the Indiana Judicial Nominating/Qualifications Commission and inquired whether I should recuse myself pursuant to Indiana Code of Judicial Conduct Rule 2.11(A). I then recused pursuant to her recommendation.

Robinson v. Tucker, No. 71D04-2107-PL-000248. One of the attorneys in this case was also counsel for the plaintiff in a case filed against me and my former employer and colleagues, in *Sims v. Buttigieg*, No. 50C01-2002-CT-16 (formerly Cause No. 71D06-2001-CT-24). I recused sua sponte pursuant to Indiana Code of Conduct Rule 2.11(A).

Burkhart Advertising, Inc. v. Dolgencorp, No. 71C01-1803-PL-000074. On February 7, 2020, I issued a “Disclosure and Requested Response” order informing counsel that I received notice that a lawsuit had been recently filed against the City of South Bend (“the City”), and several current and former City employees, including me as the City’s former Corporation Counsel. The attorney the City retained in that action was also counsel of record for several defendants in the instant matter. In the order, I directed counsel to confer with their clients and each other, and if the parties unanimously consented to me continuing to preside over this action, then the plaintiff’s counsel was directed to file a joint notice by no later than February 20, 2020, informing me of the unanimous consent; and if a joint notice was not filed by February 20, 2020, the action would be reassigned. The plaintiff’s counsel did not file such notice; therefore, I issued a recusal order and reassigned the matter to the St. Joseph Circuit Court Judge.

I recused sua sponte in the following cases because I have a personal relationship with at least one of the parties or possessed outside knowledge about the case:

Cripe v. Teachers Credit Union, No. 71D04-2304-PL-000098
CitiBank v. Clifford, No. 71C01-2010-CC-002676
Marriage of Mitchell, No. 71C01-2005-DC-000301
Capital One Bank v. Clifford, No. 71C01-1902-CC-683
Department Stores National Bank v. White, No. 71C01-1804-CC-001005
The Marriage of Watson, No. 71D04-2207-DN-549
One Advantage, LLC v. Flournoy, No. 71D04-2212-CC-003098
Collier v. Collier, No. 71D04-2205-CT-000156
Thomas v. Credi, No. 71D04-1902-CT-000062
Marriage of Collier, No. 71D04-2010-DC-000759

I recused sua sponte in the following cases because my spouse had a financial interest in a party:

Interra Credit Union v. Sutton, No. 71D04-2208-CC-002079
S & H Leasing, LLC v. Price, No. 71C01-2105-PL-000195
United Auto Credit Corp. v. Slater, No. 71C01-2010-CC-002749

I recused sua sponte in the following cases because I previously represented one of the parties:

Marriage of Urbanski and Richardson, No. 71D06-0910-DR-000572
Marriage of Lee, No. 71C01-1008-DR-491

City of South Bend, Indiana as a named party. Pursuant to Indiana Judicial Canon 2.11(A)(6)(b), due to my former employment as Corporation Counsel for the City of South Bend, Indiana, I recused in the following cases where the City of South Bend is a named party:

71C01-2308-MI-000216
71D04-0604-CC-000331
71D04-2305-MF-000121
71D04-2304-MF-000098
71D04-2304-CC-001297
71D04-2304-CC-001292
71D04-2301-PL-000072
71D04-2301-MF-000012
71D04-2212-MF-000423
71D04-2209-MF-000182
71D04-2209-MF-000319
71D04-2204-PL-000048
71D04-2111-PL-000380
71D04-2111-PL-000374
71D04-2205-MF-000182
71D04-2206-MF-000200

71D04-2206-MF-000216
71D04-2205-MF-000177
71D04-2204-MF-000140
71D04-2112-PL-000441
71D04-1608-CC-001903
71D04-2202-MF-000041
71D04-2201-MF-000024
71D04-2201-MF-00004
71D04-2108-MF-000091
71D04-2104-MF-000040
71C01-0602-CC-000130
71C01-2103-MF-000023
71C01-1704-MF-000202
71C01-0608-CC-001050
71C01-1908-MF-000379
71C01-1909-MF-000415
71C01-1910-MF-000425
71C01-1910-MF-000443
71C01-1907-MF-000303
71C01-1908-MF-000374
71C01-1906-MI-000196
71C01-1905-MF-000201
71C01-1907-MF-000313
71C01-1904-PL-000146
71C01-1904-PL-000144
71C01-1904-PL-000143
71C01-1904-PL-000137
71C01-1904-PL-000136
71C01-1904-PL-000135
71C01-1904-PL-000134
71C01-1904-PL-000139
71C01-1904-PL-000142
71C01-1901-MF-000047
71C01-1902-MF-000077
71C01-1904-MF-000195
71C01-1904-MF-000138
71C01-1901-MF-000010
71C01-1904-PL-000120
71C01-1902-MF-000061
71C01-1901-MF-000057
71C01-1901-MF-000005
71C01-1808-MF-000245
71C01-1811-PL-000448
71C01-1811-PL-000447
71C01-1811-PL-000446
71C01-1812-MF-000453

71C01-1809-MF-000304
71C01-1810-CT-000482
71C01-1809-MF-000331
71C01-1810-MF-000388
71C01-1809-PL-000349
71C01-1609-MF-000479
71C01-1804-MF-000160
71C01-1808-MF-000261
71C01-1804-MF-000154
71C01-1803-PL-000114
71C01-1702-MF-000078
71C01-1803-PL-000127
71C01-1804-PL-000147
71C01-1805-PL-000189

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.

From 2013 to 2017 I served as Corporation Counsel for the City of South Bend, Indiana. I was appointed by then-Mayor Pete Buttigieg.

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.

None.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk to a judge.

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

I have not practiced law alone.

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

2006 – 2013

Barnes & Thornburg LLP

201 South Main Street

South Bend, Indiana 46601

Associate, Litigation and Labor & Employment Departments

2013 – 2017

City of South Bend, Department of Law

227 West Jefferson Boulevard, Suite 1200

South Bend, Indiana 46601

Corporation Counsel

2017 – 2018

The Corporation of Saint Mary's College - Notre Dame

134 Le Mans Hall, Saint Mary's College

Notre Dame, Indiana 46556

General Counsel

2018 – 2021

St. Joseph Circuit Court – Mishawaka Division

County Services Building

219 Lincolnway West

Mishawaka, Indiana 46544

Magistrate Judge

2021 – present

St. Joseph Superior Court No. 4

101 South Main Street

South Bend, Indiana 46601

St. Joseph Superior Court Judge – Civil Division (2021 – present)

Indiana Commercial Court Judge (2022 – present)

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

I have never served as a mediator or arbitrator in alternative dispute

resolution proceedings.

b. Describe:

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

From 2006 to 2013 I practiced in the Litigation and Labor & Employment departments at Barnes & Thornburg, LLP, a full-service law firm with more than 600 legal professionals in 18 offices. During my tenure there, my state and federal court experience included drafting complaints, responsive pleadings, motions, briefs, discovery requests and responses, and mediation submissions; participating in Rule 16 conferences; arguing motions; and supervising local counsel for representation of a Fortune 500 manufacturer in product liability cases around the country. In addition, I represented employers before administrative agencies, such as the Equal Employment Opportunity Commission, Indiana Civil Rights Commission, and the South Bend Human Rights Commission.

As Corporation Counsel for the City of South Bend, Indiana, from 2013 to 2017, I served as the Chief Legal Officer for a city with more than 100,000 residents; led and supervised a legal department team of seven attorneys and four administrative staff; provided day-to-day counsel to the City's Executive Branch on strategic initiatives and legal compliance; effectively and efficiently resolved complex legal matters; collaborated with the City's Legislative Branch and its legal counsel; worked closely with and supervised in-house and outside legal counsel on every phase of representation of the City in court proceedings.

As General Counsel for the Corporation of Saint Mary's College – Notre Dame from 2017 to 2018, I served as the sole in-house attorney for a postsecondary institution with more than 500 employees and 1,600 students, providing a broad range of legal services, including researching and providing advice concerning governance matters and compliance with statutes and regulations affecting nonprofit higher education and working closely with insurance counsel in resolving threats of litigation against the College.

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

In private practice at Barnes & Thornburg, LLP, my typical clients were businesses and government units. I specialized in commercial litigation, employment defense, and products liability defense.

As Corporation Counsel for the City of South Bend, my client was the

City of South Bend, Indiana, including its departments, boards, and commissions.

As General Counsel for the Corporation of Saint Mary's College – Notre Dame, my sole client was the Corporation.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My entire career has been in litigation. From 2006 to 2013, I worked as an attorney at Barnes & Thornburg LLP. As I became more senior, I frequently appeared in court for Rule 16 conferences and to argue pretrial motions. I tried one case to judgment. The remainder of my cases resolved on dispositive motions or settled at (or before) mediation. From 2013 to 2017, I worked as Corporation Counsel for the City of South Bend, Indiana. During that time, I appeared in court occasionally and exclusively on a supervisory basis for bench and jury trials involving the City's police and fire departments. From 2017 to 2018, I worked as General Counsel for the Corporation of Saint Mary's College – Notre Dame. I did not appear in court during that time.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 30% |
| 2. state courts of record: | 20% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 50% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

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

As chief counsel, I tried one case to judgment in the St. Joseph Superior Court. Additionally, while serving as Corporation Counsel for South Bend, I supervised outside counsel in one federal court jury trial, one state court jury trial, and one federal bench trial.

- i. What percentage of these trials were:

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

- e. Describe your practice, if any, before the Supreme Court of the United States.

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

I did not practice before the Supreme Court of the United States.

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

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

1. *Tidwell v. City of South Bend, Indiana*, No. 71D05-1502-CT-000056 (St. Joseph Superior Ct., June 20, 2017).

From 2013 to 2017, I represented the City of South Bend, Indiana. This case resulted from the South Bend Fire Department being dispatched to the plaintiff, Ms. Tidwell's, home in March 2013. Upon arrival, the firefighters found Ms. Tidwell in a bathroom bleeding excessively from her dialysis port in her left arm and determined they needed to get Ms. Tidwell to the hospital as soon as possible. The firefighters applied a tourniquet to the port, and transferred her to a cot and then to an ambulance. After she was placed on the cot, it was discovered Ms. Tidwell had a fracture to her ankle, but it was unclear whether the fracture occurred before or after the firefighters moved her from the bathroom to the cot.

Ms. Tidwell filed a personal injury complaint in February 2015, alleging the firefighters were negligent in transporting her from the bathroom to the cot, and that as a proximate result of the negligence, Ms. Tidwell suffered a fracture of her right ankle, pain to her right ankle, and hospital and medical expenses of approximately \$175,000. I retained outside counsel to represent the City in a jury trial. I supervised motion practice, discovery, and trial preparation. A jury trial was held over two days and the jury returned a verdict in the City's favor.

Presiding Judge:

The Honorable Jenny Pitts Manier
St. Joseph Superior Court

Counsel for Plaintiff:

Richard Morgan
Pfeifer Morgan & Stesiak
53600 North Ironwood Drive
South Bend, IN 46635
(574) 272-2870

Jerome McKeever (formerly with Pfeifer Morgan & Stesiak)
U.S. Attorney's Office
204 South Main Street, Room MO-1
South Bend, IN 46601
(574) 236-8344

Counsel for Defendant:

Peter J. Agostino
Stephanie Lynn Nemeth
Anderson Agostino & Keller
131 South Taylor Street
South Bend, IN 46601
(574) 968-0760

2. *Franklin v. Civil City of South Bend*, No. 3:13-cv-207-TLS (N.D. Ind. July 29, 2016)

From 2013 to 2017, I represented the City of South Bend, Indiana. On February 26, 2013, the plaintiffs, Mr. and Mrs. Franklin, and D. Franklin, filed a lawsuit against the City of South Bend; then-Mayor Buttigieg; the Interim Chief of Police of the South Bend Police Department; and three individual officers from the South Bend Police Department alleging violations of the First, Fourth, Fifth, and Fourteenth Amendments through 42 U.S.C. § 1983, along with state law claims for trespass, battery, false arrest, false imprisonment, negligence, negligent supervision, and assault. The lawsuit stemmed from an attempted arrest that occurred on July 7, 2012, at the plaintiffs' home. The complaint was removed to federal court. After extensive motions practice, the court dismissed all claims except for the plaintiffs' claims against the individual officers for unlawful entry and seizure under the Fourth Amendment and state law claims of false arrest, false imprisonment, and battery.

In May 2013, I was appointed Corporation Counsel for the City of South Bend. I retained outside counsel and took a hands-on approach to the legal strategy for this case, including settlement negotiations. A jury trial was held from July 26 to 29, 2016. I attended the trial and collaborated with counsel on direct and cross examination, argument, and verdict forms. At the conclusion of the trial, the jury returned a verdict in favor of the plaintiffs on the Fourth Amendment claims and awarded \$1 to each plaintiff for a total of \$6 in damages. The jury found in favor of the officers on the state law claims.

Presiding Judge:

The Honorable Theresa L. Springmann
United States District Court for the Northern District of Indiana

Counsel for Plaintiff:

Johnny Ulmer
Ulmer Law Offices
P.O. Box 866
Bristol, IN 46507
(574) 848-7600

Counsel for Defendants:

Peter J. Agostino
Anderson Agostino & Keller
131 South Taylor Street
South Bend, IN 46601
(574) 968-0760

3. *City of S. Bend v. S. Bend Common Council*, No. 3:12-cv-532 JVB (N.D. Ind. Jan. 24, 2015), *vacated by City of S. Bend v. S. Bend Common Council*, 865 F.3d 889 (7th Cir. 2017); *Young v. City of South Bend*, 192 N.E.3d 176 (Ind. Ct. App. 2022).

These cases represent a consolidation of four cases which are commonly and collectively referred to as the “Tapes Litigation.” The dispute arose from the recording of telephone conversations of several of the South Bend Police Department’s command staff during 2011, without their knowledge.

From 2013 to 2017, I represented the City of South Bend, Indiana. I became involved in the litigation strategy and management of this matter after most written discovery had been exchanged, and after many of the parties and witnesses had been deposed. I played a key role in the strategic decision for the City of South Bend’s executive branch to settle the liability claims, as well as handling the settlement negotiations. The City’s executive branch settled with the current and former employees as to their liability claims in 2013 and 2014; however, litigation continues between the City of South Bend’s legislative branch and current and former employees as to whether the telephone recordings can now be released to the City’s legislative body pursuant to a subpoena.

Presiding Judge:

The Honorable Joseph Van Bokkelen
United States District Court for the Northern District of Indiana

Counsel for Plaintiffs/Counter-Defendants B. Young, S. Young, T. Corbett, D. Wells, and S. Richmond:

Daniel H. Pfeifer
Jeffrey J. Stesiak
Pfeifer Morgan & Stesiak
53600 North Ironwood Drive

South Bend, IN 46635
(574) 272-2870

Jeffrey S. McQuary
Tompkins Law Group
608 East Market Street
Indianapolis, IN 46202
(317) 631-6866

Counsel for Defendant City of South Bend:

Edward A. Sullivan III (formerly with Faegre Baker Daniels LLP)
NIBCO, Inc.
1516 Middlebury Street, Suite 1400
Elkhart, IN 46516
(574) 295-3388

Ryan A. Milligan (formerly with Faegre Baker Daniels LLP)
Pfeifer Morgan & Stesiak
53600 North Ironwood Drive
South Bend, IN 46635
(574) 272-2870

Counsel for Defendant South Bend Common Council:

E. Spencer Walton, Jr.
May Oberfell Lorber
4100 Edison Lakes Parkway, Suite 100
Mishawaka, IN 46545
(574) 243-4100

Counsel for Defendant/Counter Claimant D. Boykins:

Thomas M. Dixon
Dixon Wright & Associates P.C.
55255 Birchwood Court
Osceola, IN 46561
(574) 315-6455

Counsel for Defendant/Counter Claimant K. DePaepe:

Marielena Duerring
Duerring Law Offices
Colonial Place
61191 U.S. 31 South
South Bend, IN 46614
(574) 968-0250

Counsel for Defendant S. Duerring:

Marielena Duerring

Duerring Law Offices
Colonial Place
61191 U.S. 31 South
South Bend, IN 46614
(574) 968-0250

4. *Ramey v. Forest River*, No. 3:12-cv-225 (N.D. Ind. Sept. 12, 2012).

From 2007 to 2013, I represented Forest River, a recreational vehicle manufacturer. The plaintiff, Mr. Ramey, was employed at Forest River. He injured his shoulder at work, sought treatment, and was placed on light duty for three weeks. His doctor released him to return to work with no restrictions. He was discharged one week later. In 2011, Mr. Ramey filed a charge of discrimination with the EEOC alleging disability discrimination and retaliation in violation of the Americans with Disabilities Act (“ADA”). My co-counsel and I were tasked with defending Forest River against the EEOC Charge and in any subsequent litigation. In 2012, the EEOC found no probable cause of discrimination and issued a Right to Sue letter. Thereafter, Mr. Ramey filed his complaint in federal court.

I researched and drafted a motion to dismiss the ADA claims on the basis that Mr. Ramey failed to sufficiently allege that he is disabled, is perceived to be disabled or has a record of disability; and that he failed to sufficiently allege facts to support that he was discriminated against in any way because of a disability. The motion also argued that Mr. Ramey failed to sufficiently plead a retaliation claim, and that Mr. Ramey’s proposed amended complaint suffered from the same deficiencies as the original complaint. The court granted Forest River’s motion to dismiss, denied Mr. Ramey’s motion for leave to amend his complaint, and the case was closed.

Presiding Judge:

The Honorable William C. Lee
United States District Court for the Northern District of Indiana

Counsel for Plaintiff:

Christopher C. Myers
Christopher Myers & Associates
809 South Calhoun Street, Suite 400
Fort Wayne, IN 46802
(260) 424-0600

Co-Counsel for Defendant:

Jeanine M. Gozdecki
Barnes & Thornburg LLP
201 South Main Street, Suite 400
South Bend, IN 46601
(574) 237-1277

5. *Harnish v. Liberty Farm Equine Reproduction Center*, No. 3:10-cv-511-PPS (N.D. Ind. May 31, 2012)

From 2011 to 2012, I represented thirty-party defendants the Gillespies in this matter. Several valuable stallions contracted an equine disease, Contagious Equine Metritis (“CEM”), from a breeding facility in Kentucky. The owners of those stallions sued several defendants. Those defendants added the Gillespies as third-party defendants. They alleged the Gillespies’ stallion caused the CEM outbreak. I was part of the two-member team tasked with defending the Gillespies. I served as primary litigation counsel until May 2012.

I was responsible for targeted discovery on the issue of jurisdiction, as well as legal research and drafting a motion to dismiss the third-party complaint for lack of personal jurisdiction. The court granted the motion to dismiss.

Presiding Judge:

Philip P. Simon

United States District Court for the Northern District of Indiana

Counsel for Plaintiffs:

Timothy M. Curran

SouthBank Legal: LaDue Curran & Kuehn

100 East Wayne Street, Suite 300

South Bend, IN 46601

(574) 968-0760

Counsel for Defendants/Third-Party Plaintiffs:

Edward L. Holloran III (formerly with Frost Brown Todd LLC)

Quarles & Brady LLP

135 North Pennsylvania Street, Suite 2400

Indianapolis, IN 46204

(317) 399-2892

Co-Counsel for Third-Party Defendants, T. and S. Gillespie

Michael V. Knight

Barnes & Thornburg LLP

201 South Main Street, Suite 400

South Bend, IN 46601

(574) 237-1242

Counsel for Third-Party Defendant, United States

Philip D. MacWilliams

U.S. Department of Justice, Civil Division

175 N Street, Northeast

Washington, DC 20002

(202) 616-4285

6. *Collins v. America's Servicing Co.*, No. 2:09-cv-122-RM (N.D. Ind. July 13, 2010), *aff'd*, 652 F.3d 711 (7th Cir. 2011).

From 2009 to 2011, I represented America's Servicing Co. ("ASC"). This case began as a putative national class action for all borrowers serviced by ASC that were charged late fees. Specifically, the plaintiff alleged breach of contract and "pyramiding" of late fees on a home loan after the plaintiff failed to make his required monthly payments. The plaintiff brought claims under the Real Estate Settlement Procedures Act, 12 U.S.C. § 2605 (e) and (f) and the Indiana Home Loans Practices Act, Indiana Code § 24-9-1-1 *et seq.* I took primary responsibility for discovery, legal research on the claims and defenses, and drafting arguments in support of ASC's motion for summary judgment. The district court granted summary judgment in favor of ASC, and the Seventh Circuit Court of Appeals affirmed.

Presiding Judge:

The Honorable Robert L. Miller, Jr.
United States District Court for the Northern District of Indiana

Counsel for Plaintiff:

Glenn Vician
Bowman Heinz Bosman & Vician P.C.
23 South Washington Street, Suite 200
Valparaiso, IN 46383
(219) 464-3650

Co-Counsel for Defendant:

Joseph R. Fullenkamp
Barnes & Thornburg LLP
201 South Main Street, Suite 400
South Bend, IN 46601
(574) 237-1269

David R. Pruitt (formerly with Barnes & Thornburg LLP)
Notre Dame Clinical Law Center
725 Howard Street
Notre Dame, IN 46617
(574) 631-6704

7. *Shadle v. First Financial Bank, N.A.*, No. 1:09-cv-37-JVB (May 10, 2010).

From 2009 to 2010, I represented First Financial Bank, N.A. ("the Bank"). The plaintiff, Mr. Shadle, who was represented by counsel at the time, commenced this lawsuit in state court (originally filed as a class action) against the Bank, alleging that the Bank wrongfully discriminated against him due to his age and marital status, in violation of the Equal Credit Opportunity Act ("ECOA"), when it denied him a loan. The Bank removed

the case to federal court. I took primary responsibility for discovery, including drafting court filings regarding discovery disputes. I conducted legal research on the claims and defenses, and assisted my colleague with drafting a successful summary judgment motion, raising a statute of limitations defense. The court agreed that the plaintiff's claims were time-barred by the ECOA's limitation period. The court further held that even if the plaintiff's claims had been timely filed, the Bank would still be entitled to summary judgment.

Presiding Judge:

The Honorable Joseph S. Van Bokkelen
United States District Court for the Northern District of Indiana

Plaintiff proceeded pro se

Co-Counsel for Defendant:

Joseph R. Fullenkamp
Barnes & Thornburg LLP
201 South Main Street, Suite 400
South Bend, IN 46601
(574) 237-1269

8. *Pittman v. Housing Authority of South Bend*, 695 F. Supp. 2d 866 (N.D. Ind. Feb. 17, 2010)

From 2007 to 2013, I represented the Housing Authority of South Bend. The plaintiff, Mr. Pittman, was employed by the Housing Authority. Mr. Pittman claimed that the Housing Authority's decision not to promote him was motivated by racial discrimination in violation of Title VII of the Civil Rights Act of 1964, as well as in retaliation for associating with a coworker who filed discrimination charges against the Housing Authority. Mr. Pittman filed a charge of discrimination with the EEOC. I was part of the two-member litigation team tasked with defending the Housing Authority against the EEOC Charge and in any subsequent litigation. The EEOC found no probable cause of discrimination and issued a Right to Sue letter. Shortly thereafter, Mr. Pittman filed his complaint in federal court.

In defending the Housing Authority against these claims, I worked on all aspects of the case, including collecting and reviewing documents, interviewing multiple witnesses, conducting factual and legal research on the claims and defenses, and assisting my colleague with briefing a summary judgment motion. That motion was granted as to all claims and the case was closed.

Presiding Judge:

The Honorable James T. Moody
United States District Court for the Northern District of Indiana

Counsel for Plaintiff:

Roy D. Burbrink (Deceased)

Co-Counsel for Defendant:

Michael P. Palmer
Barnes & Thornburg LLP
201 South Main Street, Suite 400
South Bend, IN 46601
(574) 237-1134

9. *Goins v. Werner Enterprises, Inc.*, No. 3:07-cv-633 (N.D. Ind. Mar. 31, 2009)

From 2007 to 2009, I represented Werner Enterprises, Inc. (“Werner”) and Driver’s Management, LLC (“Drivers Management”). Werner is the parent company of Drivers Management. The plaintiff, Ms. Goins, was hired by Drivers Management to work as an over the road truck driver. When Ms. Goins was hired, she signed a Consent to State of Nebraska Workers Compensation (“Consent”). In the Consent, Ms. Goins agreed to be treated as a Nebraska employee, regardless of her residence. The Consent also stipulated that she would be subject to the Nebraska Workers Compensation Act (“the Nebraska Act”), regardless of where she claimed residence, and that she would waive the jurisdiction of any other state for workers compensation benefits and protections.

Ms. Goins alleged that while traveling in South Carolina for job training, she was assaulted by Drivers Management employee Mr. Johnson and Mr. Johnson’s friend, Mr. Larkin. Ms. Goins was treated for her injuries in South Carolina and in Indiana. Ms. Goins filed a lawsuit against Werner, Drivers Management, Mr. Johnson, and Mr. Larkin. I was part of the two-member litigation team tasked with defending Drivers Management and Werner against Ms. Goins’ claims of negligent hiring, retention, training, and supervision.

I researched the workers compensation laws for the states at issue (Nebraska, South Carolina, and Indiana). I drafted a motion for summary judgment and supporting brief arguing that the Nebraska Act provided the sole and exclusive remedy for all of Ms. Goins’ alleged injuries. The brief argued in the alternative, that under a *lex loci delicti* analysis, either South Carolina or Nebraska workers compensation law should apply and not Indiana law.

The court held that as a matter of law, Ms. Goins implicitly accepted that the Nebraska Act applied to her when she was paid by Drivers Management and Werner and received benefits under the Act. Therefore, the exclusive remedy provisions of the Nebraska Act applied to Ms. Goins, and Werner and Drivers Management were immune from liability under the Act, which warranted the granting of summary judgment in their favor.

Presiding Judge:

The Honorable Rudy Lozano
United States District Court for the Northern District of Indiana

Counsel for Plaintiff:

Richard J. LaSalvia
105 East Jefferson Street, Suite 220
South Bend, IN 46601
(574) 232-1900

Co-Counsel for Defendants:

D. Michael Anderson (formerly with Barnes & Thornburg LLP)
The Tire Rack, Inc.
7101 Vorden Parkway
South Bend, IN 46628
(574) 287-2316

10. *Colbert v. Housing Authority of South Bend*, No. 3:07-cv-446-CAN (N.D. Ind. Feb. 4, 2009)

From 2007 to 2013, I represented the Housing Authority of South Bend. Mr. Colbert, a former Housing Authority employee sued the Housing Authority alleging two violations under Title VII of the Civil Rights Act of 1964: (1) that he was discriminated against because of his race, and (2) that he was improperly retaliated against for filing a claim with the EEOC. I was part of the two-member litigation team tasked with defending the Housing Authority in this case. I assisted in all aspects of the case, including collecting and reviewing documents, interviewing multiple witnesses, conducting legal research on the claims and defenses, filing motions, and briefing the Housing Authority's motion for summary judgment. That motion was granted as to all of Mr. Colbert's claims.

Presiding Judge:

The Honorable Christopher A. Nuechterlein
United States District Court for the Northern District of Indiana

Counsel for Plaintiff:

Roy D. Burbrink (deceased)

Co-Counsel for Defendant:

Michael P. Palmer
Barnes & Thornburg LLP
201 South Main Street, Suite 400
South Bend, IN 46601
(574) 237-1134

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 served on the 14-member Study Commission on the Future of the Indiana Bar Examination, which was created by the Indiana Supreme Court in 2018. The Court charged the Commission with examining a series of questions about the nature of Indiana's bar examination and potential for change. The Commission held 13 public meetings at the Statehouse in Indianapolis and studied the issues for nearly a year. The Commission recommended reforms that will improve and modernize the State's bar admission standards, including adopting the Uniform Bar Examination. The Indiana Supreme Court adopted the Commission's recommendations by order on November 24, 2020.

As a member of the Judicial Conference of Indiana's Strategic Planning Committee, I contributed to the White Paper, "2020 Forward," which is a 20-page blueprint urging reform to the justice system over the next decade. The plan concentrates on matters of security, technology, clerk functions, court structure, judicial selection, centralized funding, and access to justice. The Judicial Conference Board of Directors, which serves as a policy-making board for the judiciary, unanimously voted in favor of the plan.

As a magistrate judge in the Mishawaka Division of the St. Joseph Circuit Court during the onset of the COVID-19 pandemic, I was responsible for the court's efforts to protect the constitutional guarantee of open courts and the administration of justice without delay while complying with local and state public health orders. First, I prepared for the transition to remote hearings, which entailed drafting step-by-step remote hearing instructions for the clerks and litigants; drafting a detailed "Remote Evidentiary Hearing Scheduling Order," which has served as a model for other courts, both to expedite the presentation of evidence and to promote the fair and efficient administration of justice; initiating conversations and exchanging ideas with members of the bar, judiciary, and community stakeholders; and hosting a virtual "lunch and learn" meeting sponsored by the Young Lawyers Section of the St. Joseph County Bar Association to discuss my pandemic response efforts and receive feedback. I also established a process for self-represented litigants lacking access to a computer or smartphone to appear for remote hearings by using a court-issued laptop and socially distanced workstation at the Mishawaka courthouse. These efforts facilitated a seamless transition to remote hearings and prevented a backlog of cases in our court.

As a judicial officer, I instituted a process in which, at the time of filing, and again when notices of hearing are issued, detailed instructions concerning court procedures as well as information on free legal resources are issued to self-represented (pro se) litigants. I take great care to explain the rationale for my decisions in clear, accessible language, both verbally and in written orders. I also created a QR Code to provide greater accessibility for court-approved fillable forms. This idea was very well-received by Chief Justice Rush of the Indiana Supreme Court and members of the Strategic Planning Committee of the Judicial Conference of Indiana, and was later shared with all Indiana judges.

As Corporation Counsel for the City of South Bend, my responsibilities included working

with state and federal agencies to ensure the City's compliance with environmental laws to protect the health and safety of city residents. For example, I regularly collaborated with attorneys from the United States Environmental Protection Agency ("EPA") on various issues regarding Beck's Lake/LaSalle Park, a 40-acre city-owned park designated a Superfund Site by the EPA. Additionally, I participated in a City-sponsored community outreach meeting to have open dialogue with residents in the LaSalle Park Neighborhood about the remediation plan for the park. I also worked closely with the City's Public Works Department and Venues, Parks, and Arts Department on the plans for a renovated community center following the remediation.

Throughout my career, I have mentored law students, young lawyers, and volunteered in various ways in the community at-large. For example, I am a former member of the Indiana Conference of Legal Education Opportunity Advisory Committee and have volunteered with a diverse array of law student groups at the University of Notre Dame Law School, including groups specifically targeted to under-represented segments of the profession such as the First Generation Professionals affinity group, the Women Law Student Forum, the Black Law Student Association, the Hispanic Law Student Association, and the LGBTQ Law Forum. In addition, I serve on the Diversity Equity & Inclusion Committee for the Notre Dame Law School Association.

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

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

None.

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

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.

I would faithfully adhere to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other applicable ethical canons, rules, or authority.

For a reasonable period of time, I would recuse myself from cases involving my former employer, the City of South Bend, and cases involving organizations where I have served as a board member. I would also resign from compensated board positions. Additionally, I would recuse myself from any cases in which my spouse has a financial interest and from matters relating to cases I have handled on the state bench.

- 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 faithfully adhere to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other applicable ethical canons, rules, or authority.

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.

Through both professional and personal acts of community service, I have worked to increase access to legal education to historically under-represented groups, demonstrated my commitment to improving the lives of youth in my community, and worked throughout my career to increase access to judicial resources for the disadvantaged. My

professional experience has been predominantly devoted to public service, including my service as Corporation Counsel for the City of South Bend from 2013 to 2017.

Since becoming a judicial officer, I have been actively engaged in judicial committees devoted to serving the need for judicial access for all. I am the Chair of the Access to Justice subcommittee of the Strategic Planning Committee of the Judicial Conference of Indiana. I also served on the Indiana State Bar Association's Equity and Inclusion taskforce dedicated to improving pathways to the bar and judiciary. Finally, I also served on the Indiana Supreme Court's Commission on Equity and Access in the Court System.

I frequently host courtroom visits for various ages of visitors, and have enjoyed multiple volunteer activities that directly impact local residents. I have a longstanding volunteer relationship with the Boys & Girls Club of St. Joseph, including former service as a board member. I have also served on the board for the United Way of St. Joseph County, and currently serve on the board for the Community Foundation of St. Joseph County where I am a member of the African American Community Fund Committee and the 21st Century Scholar Success Program Working Group.

It is a privilege to serve my community through direct employment for the public good as well as through private acts of personal and professional service.

26. Selection Process:

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

On May 12, 2023, Senator Todd Young's general counsel contacted me about a vacancy on the United States District Court for the Northern District of Indiana. On May 17, 2023, I was interviewed by Senator Young's general counsel and chief of staff, and Senator Mike Braun's general counsel. On May 23, 2023, I submitted a candidate intake form to Senator Young's general counsel and Senator Braun's general counsel. On June 4, 2023, an attorney from the White House Counsel's Office advised me that I was being considered for a vacancy on the United States District for the Northern District of Indiana. On June 5, 2023, I interviewed with attorneys from the White House Counsel's Office. Since June 9, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 6, 2023, I was interviewed by Senator Braun and his general counsel. On November 15, 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.