

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Keli Marie Neary
Keli Marie Knapp

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

United States District Judge for the Middle District of Pennsylvania

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

Pennsylvania Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, Pennsylvania 17120

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

1981; Johnstown, Pennsylvania

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

2003 – 2006, Widener University Commonwealth Law School; J.D., 2006

1999 – 2003, University of Pittsburgh at Johnstown; B.A., 2003

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.

2012 – present
Pennsylvania Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, Pennsylvania 17120

Executive Deputy Attorney General (2019 – present)
Chief Deputy Attorney General (2018 – 2019)
Senior Deputy Attorney General (2016 – 2018)
Deputy Attorney General III (2012 – 2016)

2008 – 2020

Lower Paxton Township Parks and Recreation
Lower Paxton Township
425 Prince Street
Harrisburg, Pennsylvania 17109
Group Fitness Instructor at Friendship Community Center (part time)

2007 – 2012

Governor's Office of General Counsel
Pennsylvania State Police
Office of Chief Counsel
1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110
Assistant Counsel III (2011 – 2012)
Assistant Counsel II (2009 – 2011)
Assistant Counsel I (2007 – 2009)

2006 – 2007

41st Judicial District of Pennsylvania (Perry and Juniata Counties)
Perry County Courthouse
2 East Main Street
New Bloomfield, Pennsylvania 17068
Law Clerk, Judge C. Joseph Rehkamp

2004 – 2006

Governor's Office of General Counsel
Pennsylvania State Police
Office of Chief Counsel
1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110
Certified Legal Intern

1999 – 2004

Laurel View Village Assisted Living Facility
Laurel View Village
2000 Cambridge Drive
Davidsville, Pennsylvania 15928
Dietary Aide and Kitchen Supervisor (part time)

Other affiliations (uncompensated)

2024 – present
Pennsylvania Bar Association, Women in the Profession
100 South Street
Harrisburg, Pennsylvania 17101
Co-vice Chair

2021 – present
Federal Bar Association, Middle District of Pennsylvania Chapter
1220 North Fillmore Street, Suite 444
Arlington, Virginia 22201
Chapter President (2023 – present)
President-elect (2022 – 2023)
Secretary (2021 – 2022)

2015 – present
American Inns of Court, James S. Bowman Chapter
225 Reinekers Lane, Suite 770
Alexandria, Virginia 22314
President (2024 – present)
Vice President (2022 – 2024)
Secretary (2015 – 2022)

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 with 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.

The Legal Intelligencer, “Power Player” Honoree (2021)

Widener University Commonwealth Law School
Outstanding Service Award (2006)
Widener Law Journal (2005 – 2006)
Moot Court Honor Society (2005)
Moot Court Honor Society Writing Competition, “Best Brief” (2005)

University of Pittsburgh at Johnstown
Dean’s List (1999 – 2003)
Phi Sigma Alpha Honor Society (2002)
Chi Lambda Tau Leadership Honor Society (2003)

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.

Federal Bar Association, Middle District of Pennsylvania Chapter (2008 – present)
President (2023 – present)
President-elect (2022 – 2023)
Secretary (2021 – 2022)

James S. Bowman American Inn of Courts
President (2024)
Vice President (2022 – 2024)
Secretary (2015 – 2022)
Member (2013 – present)

Pennsylvania Bar Association (2003 – present)
Federal Practice Section (2018 – present)
Government Lawyers Committee (2003 – present)
Service and Outreach Subcommittee Co-Chair (2012 – present)
Women in the Profession (2014 – present)
Co-vice chair (2024 – present)
Fall Retreat Co-chair (2023)
Award Committee (2016 – 2018)
At Issue (Young Lawyers' Division Newsletter), Editor (2015 – 2018)

United States District Court for the Middle District of Pennsylvania, Lawyers' Advisory Committee (2014 – present)

10. **Bar and Court Admission:**

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

Pennsylvania, 2007

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 Third Circuit, 2021
United States District Court for the Eastern District of Pennsylvania, 2012
United States District Court for the Middle District of Pennsylvania, 2008

There have been no lapses in membership.

11. **Memberships:**

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

Camp PARC

Senior Staff (2003 – present)

Girl Scouts in the Heart of Pennsylvania

Troop Leader (2020 – present)

Keystone Technical Institute, Paralegal Program

Advisory Committee (2013 – 2014)

Phi Alpha Delta Law Fraternity International

Alumni Member and Key Volunteer (2007 – 2020)

Sisters of Saint Joseph, Central Pennsylvania Development Committee (2012 – 2015)

Widener University Commonwealth School of Law, Alumni Association Board (2015 – present)

Additionally, in 2024 I served as musical co-director for the parent/teacher cooperative at my child's school.

- 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.

Girl Scouts in the Heart of Pennsylvania is part of the national organization of Girl Scouts, a public service organization that limits membership to girls; however, adult membership is not restricted by gender. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either

through formal membership requirements or the practical implementation of membership policies.

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

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

A Message from Our Chapter President, FBA Middle District of Pennsylvania Chapter Newsletter (Spring 2024). Copy supplied.

Editor, *At Issue*, PBA/Young Lawyers' Division Newsletter, *published quarterly* (2015 – 2018). Copies supplied.

Hinkle v. City of Philadelphia: Understanding Pennsylvania's "Capricious Disregard" Standard, 16 WIDENER L. J. 531 (2007). Copy supplied.

As counsel for the Pennsylvania State Police, I routinely wrote case summaries for the agency's internal newsletter, *The Communicator*. I am unable to obtain archival copies.

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

None.

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

None.

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

If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

June 5, 2024: Speaker, Masterclass Series: Oral Advocacy vs. Written Advocacy: Synergizing the Two to Maximize Your Legal Practice, National Association of Attorneys General (virtual appearance). Presentation supplied.

January 31, 2024: Speaker, The Law and the Pandemic, students in the Law and the Pandemic Seminar, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. Presentation supplied.

January 24 – 26, 2024: Panelist, Advanced Trial Techniques, attorneys in the New Hampshire Office of Attorney General, Concord, New Hampshire. This was a three-day seminar led by the National Association of Attorneys General. I served as a panelist and faculty moderator facilitating interactive workshops related to forming trial strategy, jury selection, introducing evidence, examining witnesses, and opening/closing arguments. I have no notes, transcript, or recording. The address for National Association of Attorneys General is 1850 M Street, Northwest, 12th Floor, Washington, DC 20036.

November 28 – 29, 2023: Panelist, Evidence, Exhibits, and Objections, attorneys in the Oklahoma Office of Attorney General, Oklahoma City, Oklahoma. This was a two-day seminar led by the National Association of Attorneys General. I served as a panelist and faculty moderator facilitating interactive workshops related to introducing evidence, examining witnesses, impeachment, and objections. I have no notes, transcript, or recording. The address for National Association of Attorneys General is 1850 M Street, Northwest, 12th Floor, Washington, DC 20036.

January 12, 2023: Speaker, The Law and the Pandemic, students in the Law and the Pandemic Seminar, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I used the same PowerPoint that was provided for the 2024 lecture.

November 4, 2022: Panelist, Who are our clients?, Pennsylvania Bar Association Women in the Profession Fall Retreat, Hershey, Pennsylvania. This panel discussion was about client representation from the perspectives of a prosecutor, public defender, legal services counsel, and a state government attorney. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

October 2022 (specific date unknown): Panelist, Becoming: Successful Government Lawyers Inside the Capital Beltway, Pennsylvania Bar Association, Young Lawyers' Division (virtual appearance). Panelists discussed various career paths, obstacles they overcame, and their advice to becoming successful government attorneys. I have no notes, transcript, or recording. The address for

the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

September 13, 2022: Panelist, the Court's Original Jurisdiction, Commonwealth Court Practicum, Harrisburg, Pennsylvania. Outline supplied.

January 11, 2022: Speaker, The Law and the Pandemic, students in the Law and the Pandemic Seminar, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I used the same PowerPoint that was provided for the 2024 lecture.

October 5, 2021: Moderator, First Amendment and Social Media, Federal Bar Association, Middle District of Pennsylvania Chapter (virtual appearance). I served as the moderator for this program, which focused on the legal and ethical intersections between the First Amendment and social media. I have no notes, transcript, or recording. The address for the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

May 19, 2021: Speaker, The 2020 Election, Pennsylvania Bar Association (virtual appearance). Presentation supplied.

February 23, 2021: Speaker, What Every Lawyer Should Know About the OAG, Dauphin County Bar Association (virtual appearance). Presentation supplied.

September 10, 2020: Panelist, Greater Philadelphia Area Law Schools Government Careers Symposium: Civil Law Panel, students various law schools in the Philadelphia area (virtual). This program highlighted the experiences of government attorneys, focusing on the practice of civil law. I have no notes, transcript, or recording. The address for Greater Philadelphia Area Law Schools is Drexel University Thomas R. Kline School of Law, 3320 Market Street, Philadelphia, Pennsylvania 19104 .

September 10, 2020: Panelist, Qualified Immunity and Accountability: Civil Rights and Law Enforcement, Dauphin County Bar Association (virtual). This panel discussed recent case updates relating to qualified immunity and its application to law enforcement. I have no I have no notes, transcript, or recording. The address for the Dauphin County Bar Association is 213 North Front Street Harrisburg, Pennsylvania 17101.

May 16, 2019: Speaker, Introducing...Evidence!, Intensive Trial Advocacy Program, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. Presentation supplied.

October 25, 2016: Panelist, Employment Law: It's More Than Just Reading Peoples' Emails, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. This panel discussed emerging topics in employment and labor law

and providing day-to-day legal guidance to in-house clients. I have no notes, transcript, or recording. The address for Widener Commonwealth School of Law is 3800 Vartan Way, Harrisburg, Pennsylvania 17110.

- 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.

Power Players 2021: Keli M. Neary, *The Legal Intelligencer*, June 21, 2021. Copy supplied.

Les Powell, *A lesson in law // William Penn students hold mock trial in real court*, Patriot News (Harrisburg, Pennsylvania), April 23, 2005. 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.

I have not held judicial office.

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

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

jury trials: _____%
bench trials: _____% [total 100%]

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

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys

who played a significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

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

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

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

None.

- 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;

From 2006 to 2007, I served as a law clerk to The Honorable C. Joseph Rehkamp of the 41st Judicial District Court of Common Pleas of Pennsylvania.

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

I have not practiced law alone.

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

2004 – 2006; 2007–2012

Governor's Office of General Counsel, assigned to the Pennsylvania State Police

Departmental Headquarters

1800 Elmerton Avenue

Harrisburg, Pennsylvania 17110

Certified Legal Intern (2004 – 2006)

Assistant Counsel I (2007 – 2009)

Assistant Counsel II (2009 – 2011)

Assistant Counsel III (2011 – 2012)

2012 – present
Pennsylvania Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, Pennsylvania 17120
Deputy Attorney General III (2012 – 2016)
Senior Deputy Attorney General (2016 – 2018)
Chief Deputy Attorney General (2018 -2019)
Executive Deputy Attorney General (2019 – 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 not served as a mediator or arbitrator.

b. Describe:

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

From 2007 to 2012, I served as in-house counsel for a single, specialized Commonwealth agency and was primarily focused on administrative/regulatory/personnel litigation before hearing officers, courts of common pleas, and the Commonwealth Court.

From 2012 to 2019, I was a civil litigator in the Office of Attorney General, representing and defending as clients a broad array of different government agencies, officials, and employees in matters in state and federal courts and defending constitutional challenges to Pennsylvania statutes and regulations. In January 2018, I also took on the responsibilities of supervising, training, and mentoring a team of 28 litigators within the Civil Litigation Section of the OAG.

From 2019 to present, my practice expanded from civil litigation and supervision within the OAG's Civil Litigation Section to include oversight of cases and supervising, training, and mentoring attorneys and personnel across all sections of the OAG's Civil Law Division. The subject matters of my caseload expanded to also include cases involving torts, tax appeals, appellate litigation, financial enforcement, contract and regulatory review, and administration of the Right-to-Know Law. Also, as the Executive Deputy Attorney General for the Civil Law Division, I have been responsible for informing, advising, and counseling the Attorney General, First Deputy, and Chief of Staff on all key Civil Law Division matters as well as advising on national matters and other cross-disciplinary matters that overlap with the OAG's Criminal and Public Protection Divisions.

During this time, I have continued to represent the OAG and other Commonwealth agencies and officials in significant litigation and injunction matters before state and federal courts.

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

From 2007 to 2012, my client was the Pennsylvania State Police. During this time, I specialized in enforcement of the Gaming Act, personnel litigation, contract interpretation, firearms-related due process hearings, and discovery related to Section 1983 matters.

Since 2012, my clients have included various Commonwealth agencies, boards, officials, and employees. During this time, I have been specializing in defending claims relating to employment discrimination, retaliation, law enforcement, election law, and constitutional defense of statutes.

- 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.

Except for my work as a law clerk for one year, from the beginning of my career until 2018, 80 percent of my practice was litigation where I frequently appeared in state and federal courts and administrative forums. The remaining 20 percent of my practice involved in-house counsel tasks, including providing general advice to agency clients.

Beginning in 2018, I took on a working-supervisory role where 50 percent of my practice was litigation and 50 percent of my practice involved supervisory responsibilities. I appeared in state and federal courts frequently.

In 2019, I began my current role as the Executive Deputy Attorney General of the Civil Law Division, where 5 percent of my practice remains litigation, and 95 percent of my practice involves supervisory, administrative, and operational responsibilities. I appear in court occasionally for oral argument on high-profile cases.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 45%
- 2. state courts of record: 40%
- 3. other courts: 5%
- 4. administrative agencies: 10%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 95%

2. criminal proceedings: 5%

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

I have tried 13 cases to verdict (four jury and three bench trials in the Middle District of Pennsylvania, and two jury and four bench trials in Pennsylvania state courts). I was chief or co-chief counsel in seven trials and associate counsel in six trials. I have argued approximately 20 cases before the Pennsylvania Commonwealth Court, sitting en banc. As a supervisor, I have participated in the briefing of hundreds of trial and appellate matters in state and federal courts and argued numerous motions and injunctions.

- i. What percentage of these trials were:

1. jury:	46%
2. non-jury:	54%

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

I have not argued before the Supreme Court of the United States but I had a substantial supporting role in the *Borrell* case and a supervisory role with the other matters listed below.

Borrell v. Bloomsburg University, et al., Nos. 16-3959, 15-2823, 16-3837, Brief in Opposition to Certiorari, 2017 WL 461067 (Jan. 31, 2017).

Paris v. Lara et al., No. 24-93, Brief in Support of Certiorari (July 25, 2024). Copy supplied.

Donald J. Trump for President v. Boockvar, No. 20-0845, Brief in Opposition to Motion for Expedited Consideration, 2020 WL 8176036 (Jan. 11, 2021).

Texas v. Pennsylvania et al., No. 220155, Opposition to Motion for Leave to File Bill of Complaint (Dec. 11, 2020). Copy supplied.

Scarnati v. Boockvar et al., No. 20-574, Brief in Opposition to Certiorari (Nov. 30, 2020). Copy supplied.

Republican Party of Pa. v. Boockvar et al., No. 20-542, Brief in Opposition to Certiorari (Nov. 30, 2020). Copy supplied.

Friends of Danny DeVito et al. v. Wolf et al., No. 19–1265, Brief in Opposition to Certiorari (Oct. 5, 2020). Copy supplied.

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

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

1. *Landmark Firearms, LLC, US Rifle, LLC, Polymer80, INC., and Firearms Policy Coalition v. Evanchick, Commissioner of the Pa. State Police*, 694 MD 2019 (Pa. Cmmw. Ct.) (Brobson, J.).

On December 19, 2020, the Attorney General issued a formal legal opinion to the State Police Commissioner, deeming partially-manufactured frames and receivers (PMFRs) to be firearms under Pennsylvania’s Uniform Firearms Act and requiring background checks for their purchase or transfer. Petitioners (various firearms interest groups, dealers, and licensees) sued to enjoin the state police’s implementation of the Attorney General’s legal opinion, alleging violations of the state and federal constitution (non-delegation, due process, and vagueness), and the state regulatory review act. I represented Col. Evanchick, Commissioner of the Pennsylvania State Police. I served as lead counsel in this matter, participated in all court proceedings, drafted substantial portions of the pleadings, introduced evidence, examined witnesses, and presented argument to the court at hearings. After an evidentiary trial and oral argument, the court enjoined Col. Evanchick from implementing the legal opinion. In 2023, federal firearm regulations were amended to include PMFRs as firearms. This case remains open pending the outcome of challenges to the revised federal regulations.

Dates of representation: 2020 – present

Opposing counsel:
Adam Kraut
Firearms Policy Coalition
1215 K Street, 17th Floor
Sacramento, CA 95814
(916) 476-2342

Joshua Prince
Civil Rights Defense Firm, P.C.
646 Lenape Road
Bechtelsville, PA 19505
(888) 202-9297

Co-counsel:
Nicole J. Boland
Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 787-1180

2. *Trump for President, Inc., et al. v. Boockvar, Secretary of the Commonwealth of Pennsylvania, et al.*, 502 F.Supp.3d 899 (M.D. Pa. 2020) (Brann, C.J.), *aff'd*, 830 F. App'x 377 (3d Cir. 2021) (Bibas, J.)

President Trump's reelection campaign sued the Secretary of the Commonwealth of Pennsylvania and several county boards of elections. Plaintiffs sought to invalidate millions of votes cast by Pennsylvanians in the 2020 presidential election during the COVID-19 pandemic based on allegations that the Secretary's authorization of a notice-and-cure procedure for otherwise procedurally defective mail-in ballots violated the Equal Protection Clause, and that poll watchers were impermissibly excluded from canvass. I represented the Secretary of the Commonwealth of Pennsylvania as co-counsel in the federal district court and supervised the Office of the Attorney General's legal team throughout the litigation. Defendants' motion(s) to dismiss were all granted.

Dates of representation: 2020 – 2021

Opposing counsel:
Rudolph William Giuliani
Rudolph Giuliani, PLLC
445 Park Avenue, Floor 18
New York, NY10022
(212) 931-7301

Linda A. Kerns
Law Offices of Linda A. Kerns, LLC
1420 Locust Street, Suite 200
Philadelphia, PA 19102
(215) 731-1400

Ronald L. Hicks, Jr.
Porter Wright Morris & Arthur, LLP
Six PPG Place, Third Floor
Pittsburgh, PA 15222

(412) 235-4500

Marc A. Scaringi
Scaringi & Scaringi PC
2000 Linglestown Road, Suite 106
Harrisburg, PA 17110
(717) 657-7770

Co-counsel:
J. Bartley DeLone
Karen M. Romano
Office of Attorney General
15th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 787-1180

Timothy Gates
Kathleen Kotula
Department of State
Office of Chief Counsel
306 North Office Building
Harrisburg, PA 17120
(717) 783-0736

Daniel T. Brier
Donna A. Walsh
Myers, Brier & Kelly, LLP
425 Spruce Street, Suite 200
Scranton, PA 18503
(570) 342-6011

Daniel T. Donovan
Kirkland & Ellis LLP
1301 Pennsylvania Avenue, Northwest
Washington, DC 20004
(202) 389-5174

3. *Benner et al. v. Governor Wolf, et al.*, 461 F.Supp.3d 154 (M.D. Pa.) (Jones, J.; Brann, C.J.).

I served as lead counsel for the defendants in a challenge to Pennsylvania's COVID-19 mitigation efforts, which included universal masking, business closures, and stay-at-home orders. Plaintiffs (individuals, businesses, a politician, and his election committee) alleged the orders Pennsylvania issued in response to the COVID-19 pandemic violated their constitutional rights and asserted claims of unjust taking without just compensation. Plaintiffs' request for a temporary restraining order was denied and defendants' motion to

dismiss was granted. My work on the matter included opposing plaintiffs' motion for temporary restraining order on the record through briefing and oral argument.

Dates of representation: 2020

Opposing counsel:

Marc A. Scaringi
Brian Caffrey
Scaringi Law
2000 Linglestown Road, Suite 106
Harrisburg, PA 17110
(717) 657-7770

Co-counsel:

Karen M. Romano
Nicole J. Boland
Office of Attorney General
Civil Law Division
15th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 787-1180

4. *Commonwealth of Pennsylvania et al. v. UPMC, et al./UPMC v. Shapiro*, No. 334 MD 2014 (Pa. Commw. Ct.) (Pellegrini, J. and Simpson, J.); No. 39 MAP 2019 (Pa.); No. 1:19-cv-0298 (M.D. Pa.) (Jones, J.); No. 19-2051 (3d Cir).

In 2014, the Commonwealth of Pennsylvania intervened to prevent UPMC (a non-profit hospital and medical provider network) and Highmark (the primary in-network insurance provider for UPMC patients) from ending their business relationship to prevent widespread loss of medical services and higher costs for hundreds of thousands of citizens. The Commonwealth negotiated a consent decree under which UPMC agreed to keep in-network rates for Highmark patients in the Pittsburgh and Erie areas. In 2018, UPMC announced it would not extend the consent decree upon its expiration in 2019. In response, the Commonwealth sought to compel the parties to extend the consent decree by filing a petition to modify in the Commonwealth Court. UPMC countered by filing a civil action in federal court seeking to enjoin the Commonwealth Court case. I represented the Commonwealth of Pennsylvania and Pennsylvania Attorney General as co-lead counsel in both the federal and Commonwealth Court matters. I participated in all court proceedings as counsel of record, drafted pleadings, introduced evidence, examined witnesses, and presented argument to the courts. After an evidentiary trial, the Commonwealth Court denied the Commonwealth of Pennsylvania's emergency motion to extend the consent decree. Thereafter, the parties reached a settlement, and the matter was voluntarily discontinued.

In federal court, UPMC's injunction was denied and the Commonwealth of Pennsylvania's motion to dismiss was granted. An appeal with the Third Circuit was

voluntarily dismissed when the parties reached a settlement. As part of the settlement, UPMC agreed to a 10-year contract offering full in-network access to Highmark members for certain UPMC providers and hospitals.

Date of representation: 2019

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5. *Brouillette et al. v. Governor Wolf et al.*, 213 A.3d 341 (Pa. Commw. Ct. 2019)
(Wojcik, J.).

In this original jurisdiction matter, petitioners alleged that various executive and legislative respondents violated the Pennsylvania Constitution by passing unbalanced budgets and authorizing loans to cover deficits that extended beyond the relevant fiscal years. I served as lead counsel for Governor Wolf and Secretary of the Budget Albright. Petitioners also sought an injunction directing the governor to use his line-item veto power to strike the offending portions of the budget bill. All respondents filed preliminary objections on various grounds including lack of standing, improper party, demurrer, and mootness. I drafted all pleadings and developed and executed all legal strategy. I argued the case before the Commonwealth Court, sitting en banc. The court sustained a majority of the respondents' preliminary objections and dismissed the case.

Dates of representation: 2017 – 2020

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6. *Federal Trade Commission et al. v. Penn State Hershey Medical Center et al.*, 185 F. Supp. 3d 552 (M.D. Pa. 2016) (Jones, J.), *rev'd and remanded*, 838 F.3d 327 (3d Cir. 2016) (Fisher, J.).

The FTC and Commonwealth of Pennsylvania sued to block a merger of the Penn State Hershey Medical Center with the Pinnacle Health System because combining the two health care providers would substantially reduce competition for general acute care inpatient hospital services sold to commercial health plans in four south-central Pennsylvania counties, leading to reduced quality and higher prices for employers and residents. I served as associate counsel for the Commonwealth. As the only attorney for the government with substantial Middle District experience, I guided co-counsel through local rules, customs, and practices. I served as counsel of record for several depositions and appeared in court for the evidentiary hearing, providing assistance and guidance throughout the proceeding. I also participated in strategy discussions at the trial and appellate stages of the case.

After an evidentiary trial on the government's motion for temporary restraining order and preliminary injunction, the district court denied the motion. An expedited appeal was filed with the Third Circuit, which reversed the district court and remanded the case for issuance of the restraining order and injunction, pending the outcome of the administrative adjudication before the FTC. A short time later, the parties publicly announced they had abandoned the merger.

Dates of representation: 2016

Co-counsel:
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Geraldyn J. Trujillo

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7. *Bowen v. Robertson et al.*, No. 1:12-CV-0036 (MDPA) (Kane, J.), *aff'd*, 2017 WL 2104775 (3d Cir) (Ambrose, Krause, Nygaard, C.J.).

Plaintiff claimed excessive force was used against him during his arrest. I served as lead counsel for the defendants. I participated in all court proceedings, drafted substantial portions of the pleadings, introduced evidence, examined witnesses, and presented argument. After a three-day trial, the jury returned a verdict in favor of all defendants. The Third Circuit affirmed the verdict.

Dates of Representation: 2012 – 2017

Opposing counsel:
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Co-counsel:

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8. *Borrell v. Bloomsburg University et al.*, 63 F. Supp. 3d 418 (M.D. Pa. 2014), *rev'd*, 870 F.3d 154 (3d Cir. 2017), *cert. denied*, 138 S. Ct. 2028 (2018).

Plaintiff, a registered nurse employed by Geisinger Medical Center and a student enrolled in the nurse anesthesia program through Bloomsburg University, was expelled from clinical training at the hospital when she refused to take a drug test. Plaintiff brought this lawsuit claiming expulsion violated her due process and equal protection rights. Summary judgment was granted in plaintiff's favor. I served as lead trial counsel for all Commonwealth defendants through post-trial motions, taking and defending numerous depositions, responding to discovery, drafting substantial portions of the Commonwealth of Pennsylvania's pleadings, introducing evidence, examining witnesses, and presenting argument to the court and jury. After a two-week trial on damages, the jury awarded \$415,000 in compensatory damages and \$1,100,000 in punitive damages against all defendants. After extensive post-trial motions practice, all parties appealed. The Third Circuit reversed and remanded to the trial court with instructions to grant judgment to defendants on the basis of qualified immunity. Plaintiff's petition for writ of certiorari was denied by the Supreme Court of the United States.

Dates of representation: 2012 – 2016

Opposing counsel:

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Co-counsel:

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9. *Adamo et al. v. Dillon et al.*, No. 1:10-CV-2382 (MDPA) (Rambo, J.), *aff'd*, 2013 WL 4873462 (3d Cir.) (Smith, C.J.).

A horse trainer and a horse owner sued officials of the Pennsylvania Horse Racing Commission, claiming they were ejected from racing without due process. I served as co-counsel for the Commonwealth defendants, joining the case only a few weeks before a bench trial. I assisted with witness preparations, managed trial exhibits, and presented argument to the court. I served as lead counsel for post-trial briefing. The district court found defendants were entitled to qualified immunity and judgement was entered in their favor. The Third Circuit affirmed the judgment.

Dates of Representation: 2012 – 2013

Opposing Counsel:
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Co-counsel:
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Sean A. Kirkpatrick (appeal)
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10. *Diana v. Oliphant et al.*, No. 3:CV-05-2338 (MDPA) (Caputo, J.), *rev'd*, 2011 WL 3288395 (3d Cir.) (Barry, C.J.).

Plaintiff, a state trooper, claimed his supervisors secretly recorded a work-related telephone conversation with him without his knowledge or consent. He claimed this violated the First, Fourth and Fourteenth Amendments, as well as state and federal

wiretap laws. I served as co-defense counsel for the defendants for both trial and appeal. I assisted with witness preparation, argument preparation, and managed the trial exhibits. After a five-day trial, the jury returned a verdict in favor of the plaintiff. On appeal, I substantially contributed to the briefing but did not argue the case. The Third Circuit vacated the trial verdict and remanded the case with instructions to the district court to find in defendants' favor on all claims.

Dates of Representation: 2008 – 2011

Opposing counsel:
Don Bailey (deceased)

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

In addition to leading some of the most significant civil litigation of the Commonwealth of Pennsylvania, I have dedicated substantial efforts to mentoring and teaching attorneys and staff throughout the Pennsylvania Office of Attorney General. As a Senior Deputy, I frequently partnered with less experienced attorneys to demonstrate effective ways to litigate complex cases. As a supervising Chief Deputy, I oversaw the training and development of 30 attorneys across four regional offices. I led internal programs on electronic discovery, time management, ethical litigation practices, and strategies for motions practice. I provided one-on-one feedback related to written materials, trials, and oral arguments. As the Executive Deputy, I continue to provide mentoring to chief deputies across a variety of subject matters, advising on case strategy, team morale management, and other aspects of supervisory mentoring.

Outside of my work on behalf of the Commonwealth, I endeavor to give back to the legal profession. Starting with our youngest aspiring lawyers, I volunteered at elementary schools to share Law Day programs. I served as a juror for various high school mock trial programs. I provided job shadowing opportunities for both high school and college students. For law students, I regularly assist with mooted mock trial teams and attend student/alumni mentoring events.

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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

If confirmed, pursuant to 28 U.S.C. § 455(b)(3), I would recuse myself from cases in which the Pennsylvania Office of Attorney General or any Pennsylvania agency appears as a party and in which I participated as counsel, an adviser, or a

material witness concerning the proceeding or “expressed an opinion concerning the merits of the particular case.” I would also strictly follow the Code of Conduct for United States Judges, the policies of the district court, and all other applicable rules regarding conflicts of interest.

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

If confirmed, I would evaluate and resolve any potential conflicts of interest by applying the rules and standards in 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all other laws, rules, guidelines, and cases governing such circumstances. As appropriate, I also intend to seek guidance from other judges and ethics officials designated by the court or judicial organizations.

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.

All of my post-clerkship career has been in government service. My ability to do pro bono legal work on behalf of individual clients has therefore been restricted. Nonetheless, I have tried to serve the community in other ways. Currently, I serve as the co-chair for the sub-committee on Public Service and Outreach, which is part of the Pennsylvania Bar Association, Government Lawyers Committee. I volunteer regularly at Widener University Commonwealth Law School working with mock trial teams and the career services office. I am a mentor for the James S. Bowman Inn of Court.

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 October 27, 2023, Senators Bob Casey, Jr. and John Fetterman announced a judicial vacancy in the Middle District of Pennsylvania. I formally applied for the position on November 27, 2023, by submitting an application through the portal established by the senators. I interviewed with the senators’ judicial selection committee on January 3, 2024. On June 11, 2024, I sent a letter to the chair of the judicial selection committee indicating my ongoing interest to serve on the bench.

The chair forwarded my letter of interest to Senators Casey and Fetterman along with his endorsement. On June 26, 2024, I interviewed with Senator Fetterman's Chief Counsel. On June 27, I interviewed with Senator Casey and his executive staff. On July 1, 2024, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On July 31, 2024, the President submitted my nomination to the Senate.

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

No.