

Laurie J. Michelson
231 West Lafayette Blvd. – Room 648
Detroit, MI 48226

January 6, 2014

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I have reviewed the questionnaire that I previously filed in connection with my nomination on July 25, 2013, to be a United States District Court Judge for the Eastern District of Michigan. Incorporating the additional information provided below, I certify that the information contained in these documents is, to the best of my knowledge, true and accurate.

Question 12(d):

I have presided over additional Naturalization Ceremonies.

Question 13(a):

I have presided over one more criminal bench trial that resulted in a judgment. I have also entered judgments, following sentencing, in two additional misdemeanor criminal cases.

Question 13(b):

I have attached a list of opinions and reports and recommendations that I have issued since my previously-submitted questionnaire.

Question 13(c):

#2: *Magna Donnelly Corp. v. 3M Co.*, No. 07-10688.

The case was dismissed after the parties finalized a settlement agreement.

#6: *Get Back Up, Inc. v. City of Detroit*, 878 F. Supp. 2d 794 (E.D. Mich. 2012).

In my previously-submitted questionnaire, I provided that “Get Back Up has filed amotion for reconsideration of the summary judgment decisions, which remainspending, and it has also filed an appeal to the Sixth Circuit.” The district judge has recently issued an opinion and order denying Get Back Up’s motion for reconsideration. Get Back Up has not yet filed an appeal but, back in July 2013, the parties had entered into a stipulation where the City of Detroit agreed not

to enforce its zoning ordinance against Get Back Up “[p]ending final judgment in this case upon exhaustion of Get Back Up’s appellateremedies.”

Question 13(e):

Certiorari has been requested or was denied in the following cases:

Poole v. Woods, No. 08-12955, 2011 WL 4502372 (E.D. Mich. Aug. 9, 2011) (Michelson, M.J.), *report and recommendation adopted*, 2011 WL 4502319 (E.D. Mich. Sept. 28, 2011) (Steeh, J.), *aff’d sub nom.*, *Poole v. Mackie*, No. 11-2336, slip order (6th Cir. Aug. 27, 2012) and slip order (6th Cir. May 28, 2013), *cert. requested*, No. 13-7389 (U.S. Nov. 18, 2013)

Satkiewicz v. Michigan, No. 11-14370, 2012 WL 3778983 (E.D. Mich. May 29, 2012), *report and recommendation adopted*, 2012 WL 3779177 (E.D. Mich. Aug. 31, 2012), *aff’d*, No. 12-2295, slip order (6th Cir. Aug. 26, 2013), *cert. denied*, --- S. Ct. ---, No. 13-6603, 2013 WL 5442902 (U.S. Dec. 2, 2013)

Question 13(f):

I have now authored approximately 274 reports and recommendations according to Lexis.

Question 13(g):

In my previously-submitted questionnaire, I stated, “Among those opinions available on Westlaw, 9 out of 235 (about 4%) have been selected for publication in official reporters (i.e., F.R.D. or F. Supp. 2d).” This should now read, “Among those opinions available on Westlaw, 9 out of 272 (about 3%) have been selected for publication in official reporters (i.e., F.R.D. or F. Supp. 2d).”

Question 14:

In each of the following additional cases, I also recused myself, sua sponte, because counsel was (or had been) affiliated with my former law firm:

Bushman, et al., v. Fidelity National Title Ins. Co., et al., 2:14-cv-10011 (E.D. Mich.)

Hughes v. William Beaumont Hospital, 2:13-cv-13806 (E.D. Mich.)

Valassis Communications, Inc. v. News Corp., et al., 2:13-cv-14654 (E.D. Mich.)

Signature Management Team, LLC v. Doe, 4:13-cv-14005 (E.D. Mich.)

Mersino Management Co. v. Leslie, 2:13-cv-15104 (E.D. Mich.)

I recused myself, sua sponte, from the following case because numerous judges from the United States Court of Appeals for the Sixth Circuit and United States District Court for the Eastern District of Michigan were named as defendants:

Hudson v. Tarnow, et al., 2:13-cv-12604 (E.D. Mich.)

I am also forwarding an updated net worth statement and financial disclosure report as requested in the questionnaire. I thank the Committee for its consideration of my nomination.

Very truly yours,

A handwritten signature in black ink, appearing to read "Laurie Michelson". The signature is fluid and cursive, with a large initial "L" and "M".

Laurie J. Michelson

cc: The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Below is a list, in reverse chronological order, of all reports and recommendations, opinions, and substantive orders that I have written that were available on Westlaw or Lexis as of January 3, 2014 and not included in my previous answer to Question 13.b.

Eby v. Target Corp., No. 13-10688, 2013 WL 6858828 (E.D. Mich. Dec. 30, 2013)

Stornello v. Heyns, No. 13-13674, 2013 WL 6842561 (E.D. Mich. Dec. 5, 2013), *report and recommendation adopted*, 2013 WL 6842561 (E.D. Mich. Dec. 27, 2013)

Townsel v. Raupp, No. 13-10163, 2013 WL 6842474 (E.D. Mich. Nov. 27, 2013), *report and recommendation adopted*, 2013 WL 6842474 (E.D. Mich. Dec. 27, 2013)

Macielak v. Comm'r of Soc. Sec., No. 13-10148, 2013 WL 6839292 (E.D. Mich. Nov. 26, 2013), *report and recommendation adopted*, 2013 WL 6839292 (E.D. Mich. Dec. 27, 2013)

Johnson v. Ellison, No. 12-10918, 2013 U.S. Dist. LEXIS 178358 (E.D. Mich. Nov. 26, 2013), *report and recommendation adopted sub nom., Johnson v. John Doe Nos. 1-4*, 2013 U.S. Dist. LEXIS 177701 (E.D. Mich. Dec. 18, 2013)

White v. Comm'r of Soc. Sec., No. 12-14997, 2013 WL 6474149 (E.D. Mich. Nov. 21, 2013), *report and recommendation adopted*, 2013 WL 6474149 (E.D. Mich. Dec. 10, 2013)

Brown v. Comm'r of Soc. Sec., No. 12-14506, 2013 WL 6537980 (E.D. Mich. Nov. 18, 2013), *report and recommendation adopted*, 2013 WL 6538136 (E.D. Mich. Dec. 13, 2013)

Barnes v. Comm'r of Soc. Sec., No. 12-15256, 2013 WL 6328835 (E.D. Mich. Nov. 18, 2013), *report and recommendation adopted*, 2013 WL 6328835 (E.D. Mich. Dec. 5, 2013)

Ethridge v. Countrywide Home Loan, No. 13-13314, 2013 WL 6241723 (E.D. Mich. Nov. 18, 2013), *report and recommendation adopted*, 2013 WL 6241723 (E.D. Mich. Dec. 3, 2013)

Price v. Comm'r of Soc. Sec., No. 12-15209, 2013 WL 6549657 (E.D. Mich. Nov. 7, 2013), *report and recommendation adopted*, 2013 WL 6549657 (E.D. Mich. Dec. 13, 2013)

Kropek v. Sullivan, No. 13-13573, 2013 WL 6195581 (E.D. Mich. Nov. 5, 2013), *report and recommendation adopted*, 2013 WL 6195581 (E.D. Mich. Nov. 26, 2013)

Walker v. Comm'r of Soc. Sec., No. 13-10498, 2013 WL 6271606 (E.D. Mich. Oct. 29, 2013), *report and recommendation adopted*, 2013 WL 6271606 (E.D. Mich. Dec. 4, 2013)

Dorsey v. TruGreen Ltd. P'ship, No. 13-10412, 2013 WL 6048999 (E.D. Mich. Oct. 16, 2013), *report and recommendation adopted*, 2013 WL 6048999 (E.D. Mich. Nov. 15, 2013)

Potestato v. Fed. Nat. Mortgage Ass'n, No. 13-11659, 2013 WL 5639351 (E.D. Mich. Oct. 15, 2013)

Rice v. Wayne Cnty. Treasurer, No. 13-12456, 2013 WL 5913685 (E.D. Mich. Oct. 10, 2013), *report and recommendation adopted*, 2013 WL 5913685 (E.D. Mich. Nov. 1, 2013)

Hill v. Comm'r of Soc. Sec., No. 12-14429, 2013 WL 5770516 (E.D. Mich. Oct. 2, 2013), *report and recommendation adopted*, 2013 WL 5770516 (E.D. Mich. Oct. 24, 2013)

Bisco v. City of Flint, No. 12-15490, 2013 WL 5775522 (E.D. Mich. Oct. 1, 2013), *report and recommendation adopted*, 2013 WL 5775522 (E.D. Mich. Oct. 25, 2013)

Wandrie v. Comm'r of Soc. Sec., No. 13-10570, 2013 WL 5770379 (E.D. Mich. Sept. 26, 2013), *report and recommendation adopted*, 2013 WL 5770379 (E.D. Mich. Oct. 24, 2013)

Hooker v. Goldstein & Associates, LLC, No. 12-12232, 2013 WL 6163638 (E.D. Mich. Sept. 25, 2013), *report and recommendation adopted*, 2013 WL 6163638 (E.D. Mich. Nov. 20, 2013)

Lewis v. Detroit Pub. Sch., No. 12-11851, 2013 WL 5785781 (E.D. Mich. Sept. 23, 2013), *report and recommendation adopted*, 2013 WL 5785776 (E.D. Mich. Oct. 28, 2013)

Donovan v. Comm'r of Soc. Sec., No. 12-14671, 2013 WL 6094741 (E.D. Mich. Sept. 9, 2013), *report and recommendation adopted*, 2013 WL 6094741 (E.D. Mich. Nov. 20, 2013)

T.S. v. Utica Cmty. Sch., No. 11-13092, 2013 WL 5954425 (E.D. Mich. Sept. 9, 2013), *report and recommendation adopted*, 2013 WL 5954425 (E.D. Mich. Nov. 7, 2013)

Gant v. Peterson, No. 12-14721, 2013 WL 5770639 (E.D. Mich. Sept. 5, 2013), *report and recommendation adopted*, 2013 WL 5770639 (E.D. Mich. Oct. 24, 2013)

Ward v. Luckey, No. 12-14875, 2013 WL 5595350 (E.D. Mich. Sept. 5, 2013), *report and recommendation adopted*, 2013 WL 5595350 (E.D. Mich. Oct. 11, 2013)

Richards v. McKee, No. 12-14148, 2013 WL 5819549 (E.D. Mich. Sept. 5, 2013), *report and recommendation adopted*, 2013 WL 5818562 (E.D. Mich. Oct. 29, 2013)

Ross v. Wells Fargo Bank, N.A., No. 13-11858, 2013 WL 5291671 (E.D. Mich. Aug. 28, 2013), *report and recommendation adopted*, 2013 WL 5291671 (E.D. Mich. Sept. 19, 2013)

Laury v. Comm'r of Soc. Sec., No. 12-13511, 2013 WL 5330151 (E.D. Mich. Aug. 20, 2013), *report and recommendation adopted*, 2013 WL 5330151 (E.D. Mich. Sept. 10, 2013)

Richards v. McKee, No. 12-14148, 2013 WL 5818563 (E.D. Mich. Aug. 19, 2013), *report and recommendation adopted*, 2013 WL 5818562 (E.D. Mich. Oct. 29, 2013)

Holmes v. Barthwell, No. 12-15508, 2013 U.S. Dist. LEXIS 130657 (E.D. Mich. Aug. 19, 2013), *report and recommendation adopted sub nom., Holmes v. Haywood*, 2013 U.S. Dist. LEXIS 130188 (E.D. Mich., Sept. 9, 2013)

Lewis v. Michigan Occupational Safety & Health Admin., No. 13-10889, 2013 WL 5998831 (E.D. Mich. Aug. 13, 2013), *report and recommendation adopted*, 2013 WL 5999243 (E.D. Mich. Nov. 12, 2013)

Sollars v. GMAC Mortgage, LLC, No. 13-12639, 2013 WL 5340890 (E.D. Mich. Aug. 12, 2013), *report and recommendation adopted*, 2013 WL 5340890 (E.D. Mich. Sept. 23, 2013)

Lee v. Hill, No. 12-10486, 2013 WL 5179059 (E.D. Mich. Aug. 9, 2013), *report and recommendation adopted*, 2013 WL 5179059 (E.D. Mich. Sept. 12, 2013)

King v. Williams, No. 12-15116, 2013 WL 4718335 (E.D. Mich. Aug. 7, 2013), *report and recommendation adopted*, 2013 WL 4718335 (E.D. Mich. Sept. 3, 2013)

Coleman v. Gullet, No. 12-10099, 2013 WL 4026839 (E.D. Mich. Aug. 6, 2013), *report and recommendation adopted*, 2013 WL 5172306 (E.D. Mich. Sept. 13, 2013)¹

Coleman v. Gullet, No. 12-10099, 2013 WL 5172761 (E.D. Mich. Aug. 6, 2013), *report and recommendation adopted*, 2013 WL 5172306 (E.D. Mich. Sept. 13, 2013)

Coleman v. Gullet, No. 12-10099, 2013 WL 5182786 (E.D. Mich. Aug. 6, 2013), *report and recommendation adopted*, 2013 WL 5172306 (E.D. Mich. Sept. 13, 2013)

Layton ex rel. B.O. v. Colvin, No. 12-12934, 2013 WL 5372798 (E.D. Mich. Aug. 2, 2013), *report and recommendation adopted*, 2013 WL 5372798 (E.D. Mich. Sept. 25, 2013)

Hatcher v. Comm'r of Soc. Sec., No. 12-13831, 2013 WL 5291622 (E.D. Mich. July 30, 2013), *report and recommendation adopted*, 2013 WL 5291622 (E.D. Mich. Sept. 19, 2013)

Masco Corp. of Indiana v. Delta Imports LLC, No. 11-14720, 2013 WL 5816525 (E.D. Mich. July 23, 2013), *report and recommendation adopted*, 2013 WL 5816525 (E.D. Mich. Oct. 29, 2013)

Smith v. Comm'r of Soc. Sec., No. 12-12160, 2013 WL 5243448 (E.D. Mich. July 18, 2013), *report and recommendation adopted*, 2013 WL 5243448 (E.D. Mich. Sept. 18, 2013)

Anthony v. Sabaugh, No. 13-12264, 2013 WL 4747344 (E.D. Mich. July 16, 2013), *report and recommendation adopted*, 2013 WL 4747344 (E.D. Mich. Sept. 4, 2013)

Tucker v. Comm'r of Soc. Sec., No. 12-13414, 2013 WL 5304090 (E.D. Mich. June 12, 2013), *report and recommendation adopted*, 2013 WL 5304090 (E.D. Mich. Sept. 19, 2013)

¹This is a citation to both an order and a report and recommendation. Although I included a citation in my prior answer to Question 13.b, the report and recommendation portion has since been adopted.

Lewis v. Detroit Pub. Sch., No. 12-11851, 2013 WL 5785777 (E.D. Mich. May 6, 2013), *report and recommendation adopted*, 2013 WL 5785776 (E.D. Mich. Oct. 28, 2013)²

Taylor v. Comm’r of Soc. Sec., No. 12-12855, 2013 WL 5348818 (E.D. Mich. Apr. 26, 2013), *report and recommendation adopted*, 2013 WL 5348818 (E.D. Mich. Sept. 24, 2013)

Christian v. Michigan Dep’t of Corr.-Health Servs., No. 12-12936, 2013 WL 5348832 (E.D. Mich. Feb. 12, 2013), *report and recommendation adopted*, 2013 WL 5348832 (E.D. Mich. Sept. 24, 2013)

Crump v. Morey, No. 12-13133, 2012 U.S. Dist. LEXIS 188923 (E.D. Mich. Oct. 31, 2012), *report and recommendation adopted*, 2013 U.S. Dist. LEXIS 116770 (E.D. Mich. Aug. 19, 2013)³

Satkiewicz v. Michigan, No. 11-14370, 2012 WL 3778983 (E.D. Mich. May 29, 2012), *report and recommendation adopted*, 2012 WL 3779177 (E.D. Mich. Aug. 31, 2012), *aff’d*, No. 12-2295, slip order (6th Cir. Aug. 26, 2013), *cert. denied*, --- S. Ct. ---, No. 13-6603, 2013 WL 5442902 (U.S. Dec. 2, 2013)⁴

McGhee v. Davis, No. 10-10737, 2012 WL 7659775 (E.D. Mich. Apr. 17, 2012), *report and recommendation adopted*, 2013 WL 856650 (E.D. Mich. Mar. 7, 2013), *cert. appealability denied*, No. 13-1393, slip order (6th Cir. Oct. 11, 2013).⁵

²It appears that the prior Westlaw citation was *Lewis v. Detroit Pub. Schs.*, No. 12-11851, 2013 WL 3983292 (E.D. Mich. May 6, 2013), which was the citation provided in my prior answer to Question 13.b.

³In my prior answer to Question 13.b, I included a citation to my report and recommendation from June 13, 2013 which was adopted by order of August 19, 2013. The August 19, 2013 order also adopted my report and recommendation from October 31, 2012, which I did not include in my prior answer to Question 13.b. It is therefore included in this supplement.

⁴A citation to my report and recommendation in this case was included in my prior answer to Question 13.b; it is included here to indicate subsequent history.

⁵A citation to my report and recommendation in this case was included in my prior answer to Question 13.b; it is included here to indicate subsequent history.

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Laurie Jill Michelson

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

United States District Judge for the Eastern District of Michigan

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

Office: United States District Court for the Eastern District of Michigan
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Room 648
Detroit, Michigan 48226

Residence: West Bloomfield, Michigan

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

1967; Detroit, Michigan

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.

1989 – 1992, Northwestern University School of Law; J.D., 1992

1985 – 1989, University of Michigan; A.B. (with honors), 1989

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.

2011 – present
United States District Court for the Eastern District of Michigan
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Room 648
Detroit, Michigan 48226
United States Magistrate Judge

1993 – 2011, Summer 1991
Butzel Long
150 West Jefferson Avenue
Suite 100
Detroit, Michigan 48226
Shareholder (2000 – 2011)
Associate Attorney (1993 – 2000)
Summer Associate (Summer 1991)

Spring 2006, Spring 2005, Fall 2004, Fall 2003
Oakland University
2200 North Squirrel Road
Rochester Hills, Michigan 48309
Adjunct Professor

1992 – 1993
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart United States Courthouse
100 East Fifth Street
Cincinnati, Ohio 45202
Law Clerk to the Honorable Cornelia G. Kennedy

Summer 1990
Maroko, Landau and Posner, P.C. (now Maroko & Landau)
31731 Northwestern Highway
Suite 155W
Farmington Hills, Michigan 48334
Law Clerk

Summer 1989
City of Bloomfield Hills
45 East Long Lake Road
Bloomfield Hills, Michigan 48303
Summer Camp Director

Other Affiliations (Uncompensated):

1999 – present
Eton Academy
1755 Melton Road
Birmingham, Michigan 48009
Advisory Board (2006 – present)
Board of Trustees (1999 – 2006)

2001 – 2012
Federal Bar Association, Eastern District of Michigan Chapter
P.O. Box 20759
Ferndale, Michigan 48220
Immediate Past President (2011 – 2012)
President (2010 – 2011)
President-Elect (2009 – 2010)
Secretary (2008 – 2009)
Treasurer (2007 – 2008)
Program Chair (2006 – 2007)
Board Member (2001 – 2006)

Late 1990s – 2000
Michigan Freedom of Information Act Committee
Address unknown
Board Member

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

I have not served in the military. I was not required to register for selective service.

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

Federal Bar Association – Eastern District of Michigan Chapter special recognition for outstanding leadership as the Chapter President (2011)

National Association of Criminal Defense Lawyers Amicus Curiae Committee, Certificate of Appreciation (for Butzel Long lawyers David F. DuMouchel, Laurie J. Michelson, and Mary Mullin) for work preparing an Amicus Brief to the Michigan Supreme Court for the funding of indigent criminal defense services (2011)

Chambers, USA – America’s Leading Lawyers for Business (2010)

Michigan Super Lawyers (2010)

Best Lawyers in America (2009)

Living by Butzel's Value Award (2008)

Northwestern University School of Law Review, Associate Articles Editor (1991 – 1992)

University of Michigan, Phi Beta Kappa (1989)

University of Michigan, Golden Key National Honor Society (1989)

University of Michigan, Mortar Board (1989)

University of Michigan, Angell Scholar (1985 – 1989)

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

Communications Law Forum Governing Committee (2005 – 2007)

Communications Law, Training and Development Committee

Immediate Past Chair (2008)

Chair (2006 – 2008)

Vice-Chair (2002 – 2006)

Detroit Bar Association (approximately 2006 – 2011)

Federal Bar Association – Eastern District of Michigan Chapter

Immediate Past President (2011 – 2012)

President (2010 – 2011)

President-Elect (2009 – 2010)

Secretary (2008 – 2009)

Treasurer (2007 – 2008)

Program Chair (2006 – 2007)

Board Member (2001 – 2006)

Co-Chair, Bench-Bar Conference (2010 – 2011)

Co-Chair, Annual Dinner Committee (2001 – 2006)

Cook-Friedman Civility Award, Selection Committee Member (2011, 2013)

Barbara J. Rom Award for Bankruptcy Excellence, Selection Committee Member (2012)

Federal Magistrate Judges Association (2011 – present)

Media Law Resource Center, Entertainment Law Subcommittee (2007 – 2011)

Michigan Freedom of Information Act Committee
Board Member (late 1990s – 2000)

State Bar of Michigan, Sections: Arts, Communications, Entertainment and Sports;
Intellectual Property (1992 – 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.

Michigan (1992)

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 Sixth Circuit (1993)
United States District Court for the Eastern District of Michigan (1993)
United States District Court for the Western District of Michigan (2003)

There have been no lapses in membership for the above listed courts.

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.

American Inn of Court/University of Detroit Chapter, Master of the Bench and
Bar (2011 – present)

Eton Academy (1999 – present)
Advisory Board (2006 – present)
Board of Trustees (1999 – 2006)

Franklin Hills Country Club (2000 – present)
Greens Committee (2006 – present)

Northwestern University School of Law
Detroit Alumni Club (April 2013 – present)
Alumni Recruiter (1995 – 2010)

Old Newsboys' Goodfellow Fund of Detroit (1993 – present)

Women's District Golf Association of Detroit (2005 – present)

Women in Communications (1990s)

- 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.

The Women's District Golf Association of Detroit's membership remains restricted to women. To 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.

President's Column, "*Media and the Law*": *Lessons Learned from the Bench-Bar Conference*, FBA NEWSL. (Federal Bar Association – Eastern District of Michigan Chapter), Summer 2011. Copy supplied.

President's Column, *Preventing "Civil Litigation" from Becoming an Oxymoron*, FBA NEWSL. (Federal Bar Association – Eastern District of Michigan Chapter), Spring 2011. Copy supplied.

President's Column, *Membership Does Indeed Have Its Rewards*, FBA NEWSL. (Federal Bar Association – Eastern District of Michigan Chapter), Winter 2011. Copy supplied.

President's Column, *Say Yes To [The Eastern District of] Michigan*, FBA NEWSL. (Federal Bar Association – Eastern District of Michigan Chapter), Fall 2010. Copy supplied.

With Louis Petrich, *Copyright Infringement: The Standards in Your Circuit*, Media Law Resource Center Committee Report, Dec. 2007. Copy supplied.

With James E. Stewart, *Pure Opinion: Is Ollman v. Evans Making a Comeback?* 21 COMM. LAW 9 (2004). Copy supplied.

With J. Michael Huget, *Ideas Are Not So Free Anymore: Advice for Misappropriation Claims*, MICH. LAW. WKLY., Summer 2003. Copy supplied.

Talk Show Exonerated: Jenny Jones Show Not Liable for Guest's Murder, Libel Defense Resource Center MediaLawLetter, Nov. 2002. Copy supplied.

With James E. Stewart, *Don't Blame the Messenger*, 81 MICH. B.J. 46 (2002). Copy supplied.

J. Michael Huget & Laurie J. Michelson, *The Famous Face Obstacles to Their Rights of Publicity*, ABA Advertising Law Subcommittee (Summer 2000). I have been unable to locate a copy.

With Leonard M. Neihoff, *Leaving the Watchdog Outside*, 78 MICH. B.J. 996 (Sept. 1999). Copy supplied.

With James E. Stewart, *Reining in the Neutral Reportage Privilege*, 17 COMM. LAW 13 (Summer 1999). Copy supplied.

The Famous Fight to Control Their Rights, ABA Advertising Law Subcommittee (Summer 1998). I have been unable to locate a copy.

With James E. Stewart, *Cyberspace Defamation*, 75 MICH. B.J. 510 (June 1996). Copy supplied.

With James E. Stewart, *Cyberspace Defamation*, INFO TECHNOLOGY L. UPDATE, Apr. 1995. Copy supplied.

With James E. Stewart and Omar N. Chaudhary, *Survey of Michigan Employment Libel Law*, in LIBEL DEFENSE RESOURCE CENTER SURVEY (Media Law Resource Center & Oxford Press, 1996 – 2011). The survey consists of a template outline that is updated each year with new cases decided on various media law issues. Thus, each yearly edition of the survey is similar and is available in the Media Law Resource Center Publications. Copy of 2010 edition supplied.

With James E. Stewart and Omar N. Chaudhary, *Survey of Michigan Law of Privacy and Other Related Media Torts*, in LIBEL DEFENSE RESOURCE CENTER SURVEY (Media Law Resource Center & Oxford Press, 1994 – 2011). The survey consists of a template outline that is updated each year with new cases decided on various media law issues. Thus, each yearly edition of the survey is similar and is available in the Media Law Resource Center Publications. Copy of 2010 edition supplied.

With James E. Stewart, Omar N. Chaudhary, and Douglas R. Pierce, *Survey of Sixth Circuit Law of Privacy*, in LIBEL DEFENSE RESOURCE CENTER SURVEY (Media Law Resource Center & Oxford Press, 1993 – 2011). The survey consists of a template outline that is updated each year with new cases decided on various media law issues. Thus, each yearly edition of the survey is similar and is available in the Media Law Resource Center Publications. Copy of 2010 edition supplied.

With James E. Stewart, Omar N. Chaudhary, and Douglas R. Pierce, *Survey of Sixth Circuit Libel Law*, in LIBEL DEFENSE RESOURCE CENTER SURVEY (Media Law Resource Center & Oxford Press, 1994 – 2011). The survey consists of a template outline that is updated each year with new cases decided on various media law issues. Thus, each yearly edition of the survey is similar and is available in the Media Law Resource Center Publications. Copy of 2010 edition supplied.

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

Every year our local Federal Bar Association prepares and submits to the National Federal Bar Association a “Chapter Activity Awards Application” that provides a “year in review.” I assisted in the preparation of the 2010 – 2011 report. At our Chapter’s Past President Luncheon, during which the slate of new officers is voted on, we also provide a summary of all of our Chapter’s major events for the prior year. Copies of these reports are supplied.

To the best of my recollection, I have not prepared or contributed in the preparation of any other reports, memoranda, or policy statements on behalf of any bar association, committee, conference, or organization.

- 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.

To the best of my recollection, I have not given any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, nor has anyone presented any such testimony, official statements, or communications on my behalf.

- 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.

Having searched my memory, records, and publicly available Internet sources, I have listed the speaking engagements that I have been able to recall, identify, or locate. While I have attempted to include each presentation, it is possible that there are a few others for which I have no record or recollection. In those instances where I used notes or an outline that I have retained, I have supplied a copy.

2011 – present: I have presided over numerous Naturalization Ceremonies at which I deliver opening remarks prior to administering the oath of citizenship. The ceremonies take place at the federal courthouse in Detroit, Michigan on Mondays and Thursdays and are presided over by the district judge or magistrate judge on duty that week. Additional ceremonies take place throughout the year at various venues in the Eastern District of Michigan (e.g., Comerica Park, Southfield Pavilion, Citizenship and Immigration Services Center). Sample remarks supplied.

June 18, 2013: Panelist with a number of other district court and magistrate judges from the Eastern District of Michigan in which we explained our education and career paths to a group of Detroit-area high school students as part of the Just the Beginning Foundation Summer Legal Institute in Detroit, Michigan. I have no notes, transcripts or recordings. The address of the Eastern District of Michigan Federal Bar Association is P.O. Box 20759, Ferndale, Michigan 48220.

January 17, 2013: Panelist, “The Role of Social Media in Federal Litigation,” Eastern District of Michigan Federal Bar Association and Cooley Law School Intellectual Property Committee, Auburn Hills, Michigan. I have no notes, transcripts, or recordings. The address of the Eastern District of Michigan Federal Bar Association is P.O. Box 20759, Ferndale, Michigan 48220.

November 14, 2012: Panelist, “Best Practices for Pretrial Proceedings in a Complex Case,” Complex Litigation Committee of the Eastern District of Michigan Federal Bar Association, Detroit, Michigan. I have no notes, transcripts or recordings. The address of the Eastern District of Michigan Federal Bar Association is P.O. Box 20759, Ferndale, Michigan 48220.

October 18, 2012: Welcome remarks at the second “Judicial Family Reunion” sponsored by the Law Clerk Committee of the Eastern District of Michigan Federal Bar Association, Detroit, Michigan. Notes supplied.

July 10, 2012: Panelist with a number of other district court and magistrate judges from the Eastern District of Michigan in which we explained our education and career paths to a group of Detroit-area high school students as part of the Just the Beginning Foundation Summer Legal Institute in Detroit, Michigan. I have no notes, transcripts or recordings. The address of the Eastern District of Michigan Federal Bar Association is P.O. Box 20759, Ferndale, Michigan 48220.

May 11, 2012: Panelist, “Meet the Magistrate Judges,” Labor Law Committee of the Eastern District of Michigan Federal Bar Association, Detroit, Michigan. The panel discussion covered topics that included the handling of discovery, effective brief-writing, and settlement. I have no notes, transcripts or recordings. The address of the Eastern District of Michigan Federal Bar Association is P.O. Box 20759, Ferndale, Michigan 48220.

April 30, 2012: Speaker, “Do’s and Don’ts” of practicing in federal court, Butzel Long Litigation Group, Detroit, Michigan. Notes supplied.

March 8, 2012: Panelist for a presentation on issues facing female lawyers, sponsored by the Diversity Committee of the Eastern District of Michigan Federal Bar Association. The panel discussion was part of “A Special Day at the Courthouse” in Detroit, Michigan for minority law students from Cooley Law School, University of Detroit Mercy School of Law, and Wayne State University School of Law. I have no notes, transcripts or recordings. The address of the Eastern District of Michigan Federal Bar Association is P.O. Box 20759, Ferndale, Michigan 48220.

February 13, 2012: Instructor for the Eastern District of Michigan Federal Bar Association Trial Practice Mentoring Program, Detroit, Michigan. This program is for newer lawyers to hone their trial skills by participating in a mock trial. I have no notes, transcripts or recordings. The address of the Eastern District of Michigan Federal Bar Association is P.O. Box 20759, Ferndale, Michigan 48220.

October 19, 2011: Introductory remarks at the Intellectual Property Law Seminar for federal judges and law clerks sponsored by the Law Clerk and Intellectual Property Committees of the Eastern District of Michigan Federal Bar Association, Detroit, Michigan. Notes supplied.

July 20, 2011: Speaker, "Meet the Bench Brown Bag Lunch Series," United States District Court for the Eastern District of Michigan, Detroit, Michigan. As a new magistrate judge, I met with federal law clerks in the federal courthouse in Detroit, Michigan to introduce myself and explain my career as a lawyer and path to becoming a judge. I have no notes, transcripts or recordings. The address of the United States District Court for the Eastern District of Michigan is 231 West Lafayette Boulevard, Detroit Michigan 48226.

June 9, 2011: Introductory remarks at the Eastern District of Michigan Federal Bar Association's 31st Annual Dinner in Detroit, Michigan. Notes supplied.

April 28, 2011: Opening remarks for the Eastern District of Michigan Federal Bar Association Bench/Bar Conference on *Media and the Law*, Dearborn, Michigan. Notes supplied.

April 21, 2011: Introductory remarks at the Eastern District of Michigan Federal Bar Association Leonard R. Gilman Award Luncheon, Detroit, Michigan. Notes supplied.

March 31, 2011: I gave a speech during my Magistrate Judge Investiture Ceremony at the federal courthouse in Detroit, Michigan. Copy supplied.

March 2, 2011: Introductory remarks at the Cooley Law School Motion Day sponsored by the Eastern District of Michigan Federal Bar Association, Auburn Hills, Michigan. Notes supplied.

February 23, 2011: Introductory remarks at the Eastern District of Michigan Federal Bar Association Wade H. McCree Jr. Award Luncheon, Detroit, Michigan. Notes supplied.

November 18, 2010: Introductory remarks at the Eastern District of Michigan Federal Bar Association and Historical Society Luncheon, Detroit, Michigan. Notes supplied.

September 15, 2010: Introductory remarks at the Eastern District of Michigan Federal Bar Association State of the Court Lunch in Detroit, Michigan, during which the chapter recognized lawyers who provided pro bono representation during the year and received the state of the court report from the Chief Judge. I have no notes, transcripts, or recordings. The address of the Eastern District of Michigan Federal Bar Association is P.O. Box 20759, Ferndale, Michigan 48220.

July 1, 2010: Opening remarks at the Eastern District of Michigan Federal Bar Association Annual FBA Summer Associate/Law Clerk Program, Detroit, Michigan. Notes supplied.

June 24, 2010: Speaker at the Eastern District of Michigan Federal Bar Association's 30th Annual Dinner, Detroit, Michigan. Notes supplied.

Summer 2010: Panelist, "Tips for Interviewing," Eastern District of Michigan Federal Bar Association, Detroit, Michigan. The panel discussed the "do's and don'ts" of interviewing for law firm, government, and judicial clerkship positions. Notes supplied.

March 16, 2010: Welcome remarks at the inaugural "Judicial Family Reunion," Law Clerk Committee of the Eastern District of Michigan Federal Bar Association, Detroit Michigan. Notes supplied.

April 2009: Speaker, "Dealing With The Judicial Tenure Commission," Warren, Michigan. PowerPoint supplied.

March 23, 2007: Speaker, "Navigating a White Collar Case: Lessons Learned from the TAP Trial," Lex Mundi Client Summit, Pebble Beach, California. PowerPoint supplied.

February 10, 2007: Opening remarks about the format of the program and to welcome the faculty and participants at the American Bar Association Forum on Communication Law, Training and Advocacy Committee's Media Advocacy Workshop in Key Largo, Florida. I have no notes, transcripts, or recordings. Forum on Communications Law, American Bar Association, 321 North Clark Street, Chicago, Illinois 60654.

2007: Presenter, "Media Law Basics," *The Detroit News*, Detroit, Michigan. PowerPoint supplied.

Winter 2005: Presenter, "Civility, Ethics and Professionalism: Real World Dilemmas," University of Michigan Law School, Ann Arbor, Michigan. PowerPoint supplied.

Fall 2005: Presenter, "Individual Defendants are Different: Lessons Learned from the TAP Trial," State Bar of Michigan, Institute of Continuing Legal Education, Troy, Michigan. PowerPoint supplied.

Fall 2005: Presentation to first and second year law students at Wayne State University School of Law in Detroit, Michigan regarding interviewing for summer associate positions. I have no notes, transcripts, or recordings. Wayne State University Law School, 471 West Palmer Street, Detroit, Michigan 48202.

Winter 2004: Presenter, "TAP Case: Lessons Learned," University of Michigan Law School, Ann Arbor, Michigan. PowerPoint supplied.

November 10, 2004: Panelist, "Individual v. Corporate Criminal Liability: Lessons from the TAP Trial," Boston Chapter of the American Bar Association White Collar Crime Committee, Young Lawyers Subcommittee, Boston Massachusetts. I have no notes, transcript or recording, but the presentation would have been substantially similar to the ones in 2004 and Fall 2005 and on March 23, 2007, for which slides have been provided.

June 2003: Panelist, "The Year in Copyright Law," Advanced Copyright/Trademark Seminar, American Intellectual Property Law Association, San Diego, California. Slides supplied.

December 13, 1997: Presenter, "Whose Decision is it Anyway? Public Bodies Refuse to Make FOIA Decisions," Annual Meeting of the Michigan Freedom of Information Act Committee, Detroit, Michigan. Notes supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Jo Mathis, *Perfect Fit: Detroit Attorney Well Suited for Federal Magistrate Bench*, DETROIT LEGAL NEWS, Aug. 22, 2011. Copy supplied.

John Minnis, *U-M's Coleman Recipient of McCree Award*, DETROIT LEGAL NEWS, Feb. 28, 2011. Copy supplied.

Taryn Hartman, *Profile in Brief: Laurie Michelson – Femme Federal*, DETROIT LEGAL NEWS, July 14, 2010. Copy supplied.

Joseph Deinlein, *Marine City Leader Will Not Release Suspension Data*, TIMES HERALD (Port Huron, Mich.), Jan. 19, 2005. Copy supplied.

Deborah Davis Locker, *Closed Sessions Rile Ex-Hartland Trustee; Vague Motions Made Later are Questioned to No Avail, He Says*, THE DETROIT NEWS, Oct. 4, 2002. Copy supplied.

Steve Pardo, *Anonymous Council Vote Disputed; Open Meetings Act Violated in Howell, Attorney Charges*, THE DETROIT NEWS, Aug. 22, 2002. Copy supplied.

Karen Bouffard, *Ex-Howell Mayor Named to City Council; Appointment Made with No Discussion by Secret 5-1 Vote*, THE DETROIT NEWS, Aug. 14, 2002. Copy supplied.

Brian Harmon, *Schools Deny Sitting on Data*, THE DETROIT NEWS, Nov. 22, 2000. Copy supplied.

No Title, THE ASSOCIATED PRESS STATE & LOCAL WIRE, July 19, 2000. Copy supplied.

Marsha Low, *Southfield Sued Over Secret Meetings*, DETROIT FREE PRESS, July 7, 1998. Copy supplied.

Southfield City Councilwoman Files Complaint Against The City of Southfield and the City Council, PR NEWSWIRE ASS'N, INC., July 2, 1998. 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 was appointed by the United States District Judges for the Eastern District of Michigan as a United States magistrate judge in February 2011 and continue to serve in that position.

Every case that is filed in the Eastern District of Michigan is randomly assigned to an Article III district judge, as well as a magistrate judge. The case, or portions of the case, are referred by a district judge to a magistrate judge to handle pursuant to 28 U.S.C. § 636. On the civil side, with the consent of the parties, magistrate judges may adjudicate cases in the same manner as a district judge, including presiding over jury or non-jury trials. Additionally, social security disability appeals, prisoner civil rights cases, and pro se matters are typically referred for all pre-trial proceedings. The district judges also refer dispositive and discovery motions in most other civil cases involving federal statutes and diversity of citizenship (e.g., employment discrimination, intellectual property, civil rights, ERISA, consumer protection, student loans).

On the criminal side, magistrate judges handle misdemeanor and petty offense cases (including pleas and sentencing), review arrest and search warrants for probable cause, and issue criminal complaints. The magistrate judges have “criminal duty” one week per month, when we also handle initial appearances, arraignments, preliminary examinations, removals, supervised release and probation violations, and detention hearings for all defendants arrested in this District on federal criminal charges. The magistrate judges also conduct pretrial conferences, settlement conferences and voir dire, and preside at Naturalization Ceremonies.

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

In my two years as a magistrate judge, I have presided over one criminal trial that went to verdict. I have also entered judgments, following sentencing, in five misdemeanor criminal cases. I have prepared reports and recommendations in well over 100 summary judgment and default judgment cases.

i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100%
civil proceedings:	0%
criminal proceedings:	100%

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

See attached list.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Digital Generation, Inc. v. Boring*, No. 12-15271, 2013 WL 4483497 (E.D. Mich. Mar. 28, 2013), *report and recommendation adopted*, 2013 WL 4483497 (E.D. Mich. Aug. 20, 2013).

Digital Generation and its ex-employee, Boring, arbitrated Boring's alleged breach of a non-compete, non-solicitation agreement. The arbitrator ruled in favor of Digital Generation and awarded the company over \$3.5 million. Digital Generation then filed a petition to affirm the arbitral award in the Eastern District of Michigan. Boring, believing that had the arbitrator not manifestly disregarded Texas law governing damages her award would have been as low as \$16,000, filed a motion to vacate the award. The district judge referred that motion to me. Mindful of the high threshold to establish a manifest disregard of the law, I reasoned that while Boring's reading of Texas law had support, the arbitrator did not ignore clearly established precedent in interpreting the Texas precedents differently. Boring filed objections, but the district judge overruled them and adopted my report and recommendation.

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Counsel for Boring:

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2. *Magna Donnelly Corp. v. 3M Co.*, No. 07-10688, 2012 WL 2952382 (E.D. Mich. June 15, 2012) (Michelson, M.J.) (claim construction), *report and recommendation clarified*, 2012 WL 3029582 (E.D. Mich. July 3, 2012) (Michelson, M.J.), *and report and recommendation adopted*, 2012 WL 2946129 (E.D. Mich. July 19, 2012) (Roberts, J.)

Magna Donnelly Corp. v. 3M Co., No. 07-10688, 2012 WL 882799 (E.D. Mich. Feb. 24, 2012) (Michelson, M.J.) (resolving motion for contempt), *report and recommendation adopted*, 2012 WL 858628 (E.D. Mich. Mar. 14, 2012) (Roberts, J.)

Magna Donnelly Corp. v. 3M Co., No. 07-10688 (E.D. Mich. Feb. 1, 2012). Copy supplied.

Magna Donnelly manufactures rearview mirrors for automobiles and holds a patent for a rearview mirror mounting system. Magna sued 3M for patent infringement based on 3M's manufacture and sale of adhesives used to mount rearview mirrors to windshields. I handled a number of significant pre-trial matters in this case. First, I issued an opinion and order resolving 3M's motion to compel Magna to further detail its infringement contentions. Later in the case, 3M filed an expedited motion for contempt and sanctions against Magna asserting that Magna had violated the terms of a scheduling order requiring the parties to provide their respective interpretations of disputed patent claim terms. I recommended that Magna not be held in contempt, and the district judge adopted my report and recommendation. Most significantly, I authored a report and recommendation, following extensive briefing and lengthy oral argument, providing my interpretations of three disputed patent claim terms. My interpretations were adopted by the district judge. The case is still ongoing, but, recently, I held a settlement conference and the parties are now working toward finalizing settlement terms.

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3. *Third Degree Films v. Does 1-36*, No. 11-15200, 2012 WL 2522151 (E.D. Mich. May 29, 2012).

This was one of hundreds of cases filed in federal courts across the nation where an adult-film company alleged that defendants used the “BitTorrent” communication protocol to download an adult-film without paying for it. The federal courts are split as to whether the adult-film companies can join multiple individuals in a single copyright-infringement lawsuit on the basis that the individuals all participated in the same BitTorrent “swarm” to share the exact same digital copy of the film. After reviewing the case law at length, I found that joinder was proper under Federal Rule of Civil Procedure 20(a). Immediately after this ruling, plaintiff voluntarily dismissed the case. The judges in the Eastern District of Michigan remain split on the issue and no Circuit Court of Appeals has addressed it.

Counsel for Third Degree Films:

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Counsel for one of the John Does:

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4. *United States v. Gonikman*, No. 05-80187 (E.D. Mich. Aug. 1, 2011). Copy supplied.

In March 2006, Gonikman was indicted on a number of federal crimes related to his alleged participation in a conspiracy to force Eastern European women to work as exotic dancers in the United States from September 2001 to February 2005. Gonikman's wife, son, ex-wife, daughter-in-law and business partner had pled guilty for their participation in the scheme prior to Gonikman's indictment. In January 2005, after many years of back and forth travel, Gonikman did not return to the United States and began residing solely in Ukraine. In January 2011, he was extradited to the United States. Gonikman moved to dismiss the indictment against him on the ground that the nearly five-year delay between his March 2006 indictment and January 2011 arrest constituted a violation of his Sixth Amendment right to a speedy trial. I conducted a two-day evidentiary hearing and subsequently entered a report and recommendation to deny the motion. I found that the Government's evidence supported that Gonikman knew or should have known he had been charged criminally in the United States, that he intentionally remained in Ukraine to avoid arrest, and that the Government pursued him with reasonable diligence. Gonikman entered into a plea agreement before the district judge ruled on his objections to the report and recommendation.

Counsel for Gonikman:

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Counsel for the United States:

Mark Chutkow
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5. *Devon Industrial Group, LLC v. Demrex Industrial Services, Inc.*, No. 11-10313 (E.D. Mich. Dec. 6, 2012). Copy supplied.

Devon Industrial Group, LLC v. Demrex Industrial Services, Inc., No. 11-10313 (E.D. Mich. Nov. 22, 2011) (Michelson, M.J.), *report and recommendation adopted as modified*, No. 11-10313 (E.D. Mich. Dec. 21, 2011) (Cox, J.). Copies supplied.

Devon Industrial and Ford Motor Company believed that Demrex Industrial had not performed its contractual duties to prepare a Ford automotive plant for resale. Demrex filed breach-of-contract counterclaims. Over \$10 million was at issue in the case. For about a year-and-a-half, I was responsible for resolving several discovery disputes and two motions by Devon and Ford for judgment in their favor as a sanction for Demrex's failure to comply with its discovery obligations. I ultimately recommended that Demrex's counterclaims against Devon and Ford, potentially worth millions, be dismissed as a sanction for Demrex's repeated failure to fully participate in discovery. Before the district judge ruled on the report and recommendation, the parties began significant settlement discussions. The district judge stayed the case so these discussions could continue, which eventually resulted in a settlement agreement.

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Counsel for Demrex:

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6. *Get Back Up, Inc. v. City of Detroit*, 878 F. Supp. 2d 794 (E.D. Mich. 2012).

Get Back Up is a substance abuse rehabilitation facility located near a historic residential neighborhood in Detroit, Michigan. After failing to obtain the permit in state administrative and state court proceedings, Get Back Up filed a suit in the Eastern District of Michigan to enjoin the City of Detroit from enforcing certain provisions of its zoning ordinance. By stipulation of the parties and order of the district judge, I was granted full authority to decide Get Back Up's motion for preliminary injunction. The City opposed the preliminary injunction solely on the grounds that Get Back Up's suit was precluded by the prior state court decisions. After reviewing Michigan law on claim preclusion as it applies to administrative proceedings appealed to the state courts, I determined that claim preclusion did not apply in this case. Pursuant to the stipulation of the parties, I then awarded a preliminary injunction to Get Back Up that precluded the City from seeking to shut down the facility pending a final resolution of the case on the merits. Subsequently, the parties filed cross motions for summary judgment and the district judge ruled in favor of the City of Detroit. Get Back Up has filed a motion for reconsideration of the summary judgment decisions, which remains pending, and it has also filed an appeal to the Sixth Circuit.

Counsel for Get Back Up:

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Counsel for the City of Detroit:

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7. *United States v. Jenkins*, No. 1801097 (Michelson, M.J.), *appeal denied*, No. 2:12-mc-50376 (E.D. Mich. June 17, 2013) (Battani J.). Copy supplied.

Many years ago, defendant Jenkins was convicted on federal drug charges. Over the last several years, Jenkins has protested in various federal buildings in Detroit what he believes was improper behavior by the United States Attorney in a case against another suspect. In September 2011, Jenkins was arrested after visiting the building where the United States Attorney's Office is located in Detroit, Michigan because he failed to leave the premises when a Court Security Officer ("CSO") asked him to do so. He was charged with the misdemeanor offense of failing to conform with signs and directions of a federal security officer in violation of 41 C.F.R. § 102-74.385. I conducted a two-day bench trial and heard testimony from Jenkins, federal agents, CSOs, and court personnel. Defendant argued there was insufficient evidence that he knew (1) he was on federal property, (2) CSOs are authorized federal police authorities, and (3) what conduct was prohibited. I disagreed and found that the government established beyond a reasonable doubt that Jenkins violated 41 C.F.R. § 102-74.385. I ordered Jenkins to pay a \$25 fine. No custodial sentence was imposed. On June 17, 2013, Jenkins' appeal was denied.

Counsel for the United States:

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Counsel for Jenkins:

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8. *In the Matter of the Extradition of S. Struga*, No. 2:11-mc-51540 (E.D. Mich. Dec. 19, 2011) (Michelson, M.J.), *aff'd*, No. 2:11-mc-51540 (E.D. Mich. Jan. 24, 2012) (Rosen, J.). Copies supplied.

On December 4, 2001, Struga was convicted *in absentia* in an Albanian court of intentional homicide arising out of a 1989 bar fight in Albania. Authorities in Albania issued a warrant for Struga's arrest on February 1, 2002. Ten years later, he was arrested in the Eastern District of Michigan. The Government of Albania, through the United States Attorney's Office, sought to extradite Struga. As the duty magistrate judge at the time of Struga's bond request, I conducted the proceedings on his motion for bond pending the extradition hearing. The standard for bond pending an extradition hearing is very high. Indeed, "there is a presumption against bail in extradition cases and only 'special circumstances' justify release on bail." *Wright v. Henkel*, 190 U.S. 40, 63 (1903). I found that Struga had not shown the requisite special circumstances and ordered Struga detained. This ruling was affirmed by the district judge. Subsequently, the extradition proceeding was assigned in due course to another judge. I understand that the proceeding is ongoing.

Counsel for the United States:

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Counsel for Struga:

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9. *Zanecki v. Health Alliance Plan of Detroit*, No. 12-13234, 2013 WL 2626717 (E.D. Mich. May 20, 2013), *report and recommendation adopted*, 2013 WL 2626717 (E.D. Mich. June 11, 2013).

Zanecki died days after a stent was placed in one of his cerebral arteries. Zanecki's estate has filed at least three suits arising out of his death. In the suit before me, the estate asserted, among other things, that the health maintenance organization that provided Zanecki Medicare benefits, Health Alliance Plan of

Detroit (“HAP”), was negligent in approving the stent procedure. The estate also sued the United States pursuant to the Federal Tort Claims Act (“FTCA”): it argued that as a Part C Medicare Advantage Organization, HAP was an agent or instrumentality of the United States within the meaning of the FTCA. It appears that no court has addressed this issue. Upon reviewing the Medicare Act and accompanying regulations, I rejected the estate’s claim that HAP was an instrumentality or agent under the FTCA because it made Medicare benefit decisions in its role as a Medicare Advantage Organization. The district judge adopted my report and recommendation.

Counsel for Zanecki:

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Counsel for Health Alliance Plan of Detroit:

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Murphy:

Pro Se

10. *Barrette Outdoor Living, Inc. v. Mich. Resin Representative, LLC*, No. 11-13335, 2013 WL 3983230 (E.D. Mich. Apr. 26, 2013) (Michelson, M.J.), *report and recommendation adopted*, 2013 WL 3983230 (E.D. Mich. Aug. 1, 2013) (Cook, J.)

Barrette Outdoor alleges that while Lemanski was employed as a resin purchaser

for the company, he directed Michigan Resin Representatives (“MRR”), a company allegedly run by Lemanski’s half-sister and her roommate, to purchase millions of pounds of resin. Then, allegedly at Lemanski’s direction, Barrette purchased that resin from MRR for over \$400,000 more than what MRR had paid. Barrette believes that some combination of Lemanski, his half-sister, and/or her roommate pocketed this money. As discovery progressed, Barrette believed it could show that Lemanski had deleted evidence of this alleged scheme from his work computer and personal laptop and discarded a cell phone he used in furtherance of the scheme. Accordingly, Barrette moved for spoliation sanctions against Lemanski. I held a multi-day evidentiary hearing, which included the submission of both documentary evidence and witness testimony. I then issued a report and recommendation finding that Lemanski had acted in bad faith when he erased files from his personal laptop and failed to preserve his cell phone. Accordingly, I recommended sanctioning Lemanski monetarily and with a mandatory adverse inference to be given at trial. The district judge adopted my report and recommendation.

Counsel for Barrette Outdoor:

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Counsel for John Lemanski, Jr.:

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- 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. *Smith v. Detroit Entm’t, LLC*, 919 F. Supp. 2d 883 (E.D. Mich. Oct. 31, 2012) (Michelson, M.J.), *report and recommendation adopted*, 919 F. Supp. 2d 883 (E.D. Mich. Jan. 9, 2013) (Murphy, J.).

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2. *Patrick Collins, Inc. v. John Does 1-33*, No. 12-13309, 2013 U.S. Dist. LEXIS 50674 (E.D. Mich. Feb. 27, 2013).

Counsel for Patrick Collins, Inc.:

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Counsel for John Doe 28:

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Elizabeth A. Downey, P.C.
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Counsel for John Doe 8 and John Doe 27:

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Berkley, MI 48072
(248) 591-9291

3. *Erard v. Johnson*, 905 F. Supp. 2d 782 (E.D. Mich. Sept. 20, 2012) (Michelson, M.J.), *report and recommendation adopted*, 905 F. Supp. 2d 782 (E.D. Mich. Oct. 29, 2012) (Murphy, J.).

Erard:

Pro Se

Counsel for Michigan Secretary of State:

Ann M. Sherman
Michigan Department of Attorney General
P.O. Box 30212
Lansing, MI 48909
(517) 241-8887

4. *Malaj v. Adduci*, No. 12-11495 (E.D. Mich. Aug. 6, 2012) (Michelson, J.), *report and recommendation denied as moot*, No. 12-11495 (E.D. Mich. Apr. 12, 2013) (Goldsmith, J.). Copies supplied.

Counsel for Malaj:

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Marshal Hyman Assoc.
3250 West Big Beaver Road
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Troy, MI 48084
(248) 643-0642

Counsel for Adducci:

Derri T. Thomas
U.S. Attorney's Office
Eastern District of Michigan
211 West Fort Street
Suite 2001
Detroit, MI 48226
(313) 226-9153

5. *Clardy v. Mullens*, No. 12-11153, 2012 WL 5188012 (E.D. Mich. Aug. 29, 2012) (Michelson, M.J.), *report and recommendation adopted*, 2012 WL 5187852 (E.D. Mich. Oct. 19, 2012) (Friedman, J.).

Clardy:

Pro Se

Counsel for Defendants Mullens, Merry, and Smith:

Joshua D. Marcum
State of Michigan, Department of Attorney General
Corrections Division
525 West Ottawa Street
Fourth Floor
P.O. Box 30217
Lansing, MI 48909
(517) 335-7021

6. *M.G. v. Comm’r of Soc. Sec.*, 861 F. Supp. 2d 846 (E.D. Mich. Sept. 2, 2011),
report and recommendation adopted, 861 F. Supp. 2d 846 (E.D. Mich. Mar. 21,
2012).

Counsel for M.G.:

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White Lake, MI 48386
(248) 698-1900

Counsel for the Commissioner of Social Security:

Russell Cohen
Assistant Regional Counsel
Office of the Regional Chief Counsel
Social Security Administration
200 West Adams Street
30th Floor
Chicago, Illinois 60606
(877) 800-7578 ext. 19114

7. *Oakland County v. Fed. Nat. Mortg. Ass’n*, 276 F.R.D. 491 (E.D. Mich. 2011).

Counsel for Federal Housing Finance Agency:

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Counsel for County of Oakland:

William H. Horton
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Troy, MI 48084-5280
(248) 457-7000

Counsel for Federal National Mortgage Association:

Adam J. Wiener
Foley & Lardner LLP
500 Woodward Avenue
Suite 2700
Detroit, MI 48226
(313) 234-7100

8. *Poole v. Woods*, No. 08-12955, 2011 WL 4502372 (E.D. Mich. Aug. 9, 2011) (Michelson, M.J.), *report and recommendation adopted*, 2011 WL 4502319 (E.D. Mich. Sept. 28, 2011) (Steeh, J.), *aff'd sub nom.*, *Poole v. Mackie*, No. 11-2336, slip order (6th Cir. Aug. 27, 2012) and slip order (6th Cir. May 28, 2013). Copies supplied.

Poole:

Pro Se

Counsel for the Warden:

Andrew L. Shirvell
Michigan Department of Attorney General
Corrections Division
P. O. Box 30217
Lansing, MI 48909
(517) 373-4875

9. *Lamb v. Comm'r of Soc. Sec.*, No. 10-14645, 2011 U.S. Dist. LEXIS 153641 (E.D. Mich. Dec. 1, 2011), *report and recommendation adopted*, 2012 U.S. Dist. LEXIS 25222 (E.D. Mich. Feb. 28, 2012).

Counsel for Lamb:

Norton J. Cohen
Miller Cohen

600 West Lafayette Boulevard
Fourth Floor
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(313) 964-4454

Counsel for the Commissioner of Social Security:

Jason Scoggins
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Office of the Regional Chief Counsel
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Chicago, Illinois 60606
(877) 800-7578 ext. 19160

10. *Infection Prevention Technologies, LLC v. UVAS, LLC*, No. 10-12371, 2011 WL 4360007 (E.D. Mich. July 25, 2011) (Michelson, M.J.), *report and recommendation adopted as modified*, 2011 WL 4360091 (E.D. Mich. Sept. 19, 2011) (Roberts, J.).

Counsel for Infection Prevention Technologies, LLC:

Marc Lorelli
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1000 Town Center
22nd Floor
Southfield, MI 48075
(248) 358-4400

Counsel for Lumalier Corporation:

Eric E. Hudson
Butler, Snow, O'Mara, Stevens & Cannada PLLC
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Suite 500
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(901) 680-7200

Counsel for UVAS, LLC:

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Detroit, MI 48226
(313) 965-8524

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

To the best of my knowledge, there are no cases that I have been involved with as a judge 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.

To the best of my knowledge, none of my final orders (of which there have been at least 100) have been reversed by the district judge or the Sixth Circuit Court of Appeals. According to Lexis, I have authored approximately 235 reports and recommendations. Of those, the following 11 were either adopted in part or rejected.

Sanders v. Detroit Police Dep't, No. 07-14206, 2013 U.S. Dist. LEXIS 58010 (E.D. Mich. Mar. 18, 2013), *report and recommendation adopted in part and rejected in part*, 2013 U.S. Dist. LEXIS 56858 (E.D. Mich. Apr. 22, 2013).

Despite multiple warnings from the court, the pro se plaintiff in this case continued to file more than 20 improper “motions for judgment.” Accordingly, I recommended that, in addition to denying the motion for judgment, the district judge “consider” dismissing the plaintiff’s complaint with prejudice as a sanction for his continued disregard of the court’s rulings. The district judge noted that the plaintiff has “shown no respect for the court proceedings,” but did not believe that dismissal was yet warranted. She warned the plaintiff, however, that further defiance “may result in dismissal of this case.”

Fluker v. Comm’r of Soc. Sec., No. 12-10612, 2013 WL 1122876 (E.D. Mich. Feb. 11, 2013) (Michelson, M.J.), *report and recommendation adopted in part*, 2013 WL 1122447 (E.D. Mich. Mar. 18, 2013) (Tarnow, J.).

In this social security disability appeal, I recommended that the decision of the Social Security Commissioner be remanded for further proceedings, including an administrative hearing at which the claimant could more fully develop her testimony regarding how her physical and psychological limitations impacted her ability to work. Although the district judge accepted and adopted the report and recommendation to remand, he instead remanded for an award of benefits.

Zanecki v. Health Alliance Plan of Detroit—Institutional Review Bd., No. 12-13233, 2013 WL 992665 (E.D. Mich. Jan. 17, 2013), *report and recommendation*

adopted in part, rejected in part sub nom., Zanecki v. Institutional Review Bd.: Henry Ford Health Sys. IRB No. 1, 2013 WL 992635 (E.D. Mich. Mar. 13, 2013).

I found that the applicable statute of limitations barred the plaintiff's claims. But because only one of the two defendants moved to dismiss the case on statute-of-limitations grounds, which is an affirmative defense, I did not recommend dismissal of the other defendant. The district judge agreed that the plaintiff's claims were time barred, but concluded that this justified dismissal of both defendants.

Dyer v. Hardwick, No. 10-10130, 2012 WL 4762119 (E.D. Mich. Aug. 3, 2012) (Michelson, M.J.), report and recommendation adopted in part, rejected in part, 2012 WL 3695671 (E.D. Mich. Aug. 23, 2012) (Goldsmith, J.).

In this prisoner civil rights case, I issued a report and recommendation to dismiss constitutional claims brought against numerous defendants. As to one claim against one defendant, I acknowledged that the defendant "likely" was entitled to judicial immunity, but "in an act of prudence," I recommended that the defendant provide further evidence that she was the type of prison hearing officer entitled to such immunity. She objected and supplied the district judge with "the evidence that was previously missing." Accordingly, the district judge found the defendant entitled to judicial immunity.

Meehleder v. Comm'r of Soc. Sec., No. 11-12946, 2012 WL 3150808 (E.D. Mich. Apr. 10, 2012) (Michelson, M.J.), report and recommendation adopted in part, rejected in part, 2012 WL 3154968 (E.D. Mich. Aug. 2, 2012) (Steeh, J.).

I recommended that the decision of the Social Security Commissioner be remanded with directions to the Commissioner to award the plaintiff disability insurance benefits. Although the district judge accepted and adopted the report and recommendation to remand, he remanded the matter for further proceedings before the Administrative Law Judge instead of for an award of benefits.

Reeves v. Salisbury, No. 11-11830, 2012 WL 3206399 (E.D. Mich. Jan. 30, 2012) (Michelson, M.J.), report and recommendation adopted in part, rejected in part, 2012 WL 3151594 (E.D. Mich. Aug. 2, 2012) (Battani, J.).

In this prisoner civil rights case, I recommended granting the defendants' summary judgment motion as to the plaintiff's Eighth Amendment claim but denying the defendants' motion as to the plaintiff's other claims. The district judge adopted my recommendation as to the Eighth Amendment claim, but rejected my recommendation by dismissing all claims against one defendant and the due process claims against another defendant.

Speedshape, Inc. v. Meechan, No. 11-14670, 2011 WL 7821214 (E.D. Mich. Dec. 19, 2011) (Michelson, M.J.), report and recommendation adopted in part,

rejected in part, 2012 WL 1672979 (E.D. Mich. May 14, 2012) (Tarnow, J.).

In this action challenging venue, I issued a report and recommendation that first found venue was proper in the Eastern District of Michigan. After analyzing the relevant factors regarding transfer of venue, I recommended that defendant's motion to transfer the case to California be denied. The district judge rejected that portion of the report and found the transfer to be warranted.

Ashley v. Crane et al., No. 11-10603 (E.D. Mich. Sept. 21, 2011) (Dkt. No. 20, report and recommendation) (Michelson, M.J.) (copy supplied), *report and recommendation rejected and remanded*, No. 11-10603 (E.D. Mich. Nov. 21, 2011) (Dkt. No. 25, slip op.) (Rosen, J.) (copy supplied), 2011 WL 7090721 (E.D. Mich. Dec. 7, 2011) (report and recommendation after remand) (Michelson, M.J.), *report and recommendation adopted*, 2012 WL 204298 (E.D. Mich. Jan. 24, 2012) (Rosen, J.).

In this prisoner civil rights case, I believed that the plaintiff had not adequately pled a First Amendment retaliation claim because, under Sixth Circuit authority, a mere transfer to another prison does not, by itself, constitute an "adverse action." I recommended, however, that the defendants' motion to dismiss be denied because I understood the district judge's prior opinion in this case as concluding that the complaint adequately pled a retaliation claim. The district judge rejected the report and recommendation primarily because I did not address the defendants' alternate qualified immunity argument. Upon remand, I addressed that defense, and the district judge adopted that report and recommendation.

Infection Prevention Technologies, LLC v. UVAS, LLC, No. 10-12371, 2011 WL 4360007 (E.D. Mich. July 25, 2011) (Michelson, M.J.), *report and recommendation adopted as modified*, 2011 WL 4360091 (E.D. Mich. Sept. 19, 2011) (Roberts, J.).

The district judge adopted the report and recommendation with "slight modification." Because the district court adopted my primary recommendation as to the sufficiency of the damages pleading, it declined to also adopt my alternative recommendation. The district court also adopted my pleading-deficiency finding as to certain claims, but reversed my ruling that the plaintiff had to ask for leave before filing an amended complaint.

McClain v. Comm'r of Soc. Sec., No. 2:10-11141, 2011 WL 4599618 (E.D. Mich. June 8, 2011) (Michelson, M.J.) *report and recommendation adopted in part, rejected in part*, 2011 WL 4599611 (E.D. Mich. Sept. 30, 2011) (Rosen, J.).

The district judge disagreed with my remand recommendation based upon my finding that the Administrative Law Judge failed to sufficiently explore the possibility that the claimant's noncompliance with recommended courses of mental-health treatment might be attributable to her underlying mental condition.

While noting that “the question is a close one,” the district court concluded that the Administrative Law Judge had sufficiently considered and rejected this possibility.

Lee v. Levino, No. 10-11501, 2011 WL 2457497 (E.D. Mich. May 12, 2011), *report and recommendation adopted in part*, 2011 WL 2412938 (E.D. Mich. June 14, 2011)

I recommended that the plaintiff’s defamation claim be dismissed for two reasons: failure to adequately plead that his claims met the jurisdictional amount-in-controversy requirement and failure to state a claim upon which relief may be granted. The district judge agreed that the case should be dismissed for failure to state a claim but did not adopt my finding regarding the amount in controversy.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a United States magistrate judge, all of my decisions are filed on the United States District Court for the Eastern District of Michigan’s Electronic Case Filing System (ECF). A large number of my decisions are on nondispositive matters, such as discovery motions, motions to extend deadlines, motions to amend pleadings, motions for protective order and other similar motions. It is virtually impossible to estimate the number of such decisions. While those decisions often are not published in reporters or in Westlaw or Lexis, they are accessible on the ECF system.

Among those opinions available on Westlaw, 9 out of 235 (about 4%) have been selected for publication in official reporters (i.e., F.R.D. or F. Supp. 2d).

- 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.

Fuller v. Schoolcraft Coll., 909 F. Supp. 2d 862 (E.D. Mich. Oct. 22, 2012), *report and recommendation adopted*, 909 F. Supp. 2d 862 (E.D. Mich. Nov. 13, 2012).

Erard v. Johnson, 905 F. Supp. 2d 782 (E.D. Mich. Sept. 20, 2012), *report and recommendation adopted*, 905 F. Supp. 2d 782 (E.D. Mich. Oct. 29, 2012).

Satkiewicz v. Michigan, No. 11-14370, 2012 WL 3778983 (E.D. Mich. May 29, 2012), *report and recommendation adopted*, 2012 WL 3779177 (E.D. Mich. Aug. 31, 2012).

McGhee v. Davis, No. 10-10737, 2012 WL 7659775 (E.D. Mich. Apr. 17, 2012), *report and recommendation adopted*, 2013 WL 856650 (E.D. Mich. Mar. 7, 2013).

Muhammad v. Michigan Dept. of Human Servs., No. 11-12370, 2012 WL 314002 (E.D. Mich. Jan. 6, 2012), *report and recommendation adopted*, 2012 WL 314079 (E.D. Mich. Jan. 31, 2012).

Poole v. Woods, No. 08-12955, 2011 WL 4502372 (E.D. Mich. Aug. 9, 2011), *report and recommendation adopted*, 2011 WL 4502319 (E.D. Mich. Sept. 28, 2011), *aff'd sub nom.*, *Poole v. Mackie*, No. 11-2336, slip order (6th Cir. Aug. 27, 2012) and slip order (6th Cir. May 28, 2013). Copies previously supplied in response to Q13d.

United States v. Gonikman, No. 05-80187 (E.D. Mich. Aug. 1, 2011). Copy supplied in response to Q13c.

- 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 a federal court of appeals.

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

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

The United States District Court for the Eastern District of Michigan has an automated conflict screening software program to identify conflicts of interest for each judge, which is referred to as the "Automatic Daily Summary Conflict

Checking Report.” I have recused myself from cases involving any companies or individuals with which I have a financial or personal relationship that could be considered a conflict of interest under the Code of Conduct for United States Judges and/or 28 U.S.C § 455. I regularly review and update the recusal list. I do not believe that I have been requested to recuse myself from a case by counsel or any party.

The following list includes those cases where the Eastern District of Michigan CM/ECF system indicates that I recused myself. In each category of cases, I have included a brief explanation of the reason for my recusal.

In each of the following cases, I recused myself, sua sponte, because counsel was (or had been) affiliated with my former law firm:

Geologic Computer Systems, Inc. v. MacLean et al., 2:10-cv-13569 (E.D. Mich.)

Briggs v. University of Detroit-Mercy, et al., 2:13-cv-12583 (E.D. Mich.)

Malouf v. Detroit Medical Center, et al., 2:10-cv-14763 (E.D. Mich.)

Caruso v. Gale Force Sports & Entertainment LLC, 2:11-cv-12114 (E.D. Mich.)

Jungle Java, Inc. v. Playgrounds LLC, et al., 2:11-cv-12159 (E.D. Mich.)

The Private Bank v. Fidelity National Title Ins. Co., 2:11-cv-14183 (E.D. Mich.)

Reyes v. The University of Michigan, et al., 2:11-cv-15267 (E.D. Mich.)

Ryan v. MGM Grand Detroit II, LLC, 2:11-cv-15320 (E.D. Mich.)

MLS Group of Companies, Inc. v. Kempa, 2:11-cv-15417 (E.D. Mich.)

Town & Country Salida, Inc. v. Dealer Computer Services, Inc., 2:11-cv-15430 (E.D. Mich.)

Charter Warranty Services, Inc. v. Blue Bird Body Co., 2:12-cv-10107

Cottage Inn Carryout & Delivery, Inc. v. J.S.F. Hospitality, LLC et al., 2:12-cv-10782 (E.D. Mich.)

Mancuso-Haitz v. MGM Grand Detroit, LLC, 2:12-cv-12462 (E.D. Mich.)

University of Michigan v. St. Jude Medical, Inc., 2:12-cv-12908 (E.D. Mich.)

Mar Clotho Corporate Recovery LLC, Liquidation Trustee of the Double G Ranch LLC Liquidation Trust, 2:12-cv-13241 (E.D. Mich.)

Contech Castings, LLC v. GKN Driveline Newton, LLC, 2:12-cv-13336 (E.D. Mich.)

Ramada Worldwide Inc. v. Clinton Commercial Development, LLC, 2:12-mc-50531 (E.D. Mich.)

MKM Doe Gear, LLC v. Kaine et al, 2:13-cv-10196 (E.D. Mich.)

Forrest v. Insight Teleservices, Inc., 2:13-cv-10455 (E.D. Mich.)

Gong v. Board of Regents of the University of Michigan, et al, 2:13-cv-10469 (E.D. Mich.)

Wright v. MGM Detroit Grand Casino, et al, 4:11-cv-15105 (E.D. Mich.)

Powertrain Integration, LLC v. Whitebox Advisors, LLC et al, 4:12-cv-10206 (E.D. Mich.)

AF Holdings LLC v. Ciccone, 4:12-cv-14442 (E.D. Mich.)

Wallace v. County of Wayne, et al, 2:12-cv-12656 (E.D. Mich.)

Rathsburg Associates, Inc. v. Vanteon Corp., 2:12-cv-11061 (E.D. Mich.)

Willie McCormick and Associates, Inc. v. Lakeshore Engineering Services, Inc., et al., 2:12-cv-15460 (E.D. Mich.)

In each of the following cases, I recused myself, sua sponte, because I had represented one of the parties in the case, or worked on the case, when I was in private practice:

Venture Global Engineering, LLC, et al. v. Satyam Computer, 2:10-cv-15142 (E.D. Mich.)

McKeon Products, Inc. v. Jaco Enterprises, Inc., 2:11-cv-11977 (E.D. Mich.)

Petras v. Autoliv, Inc., 2:12-cv-13610 (E.D. Mich.)

In each of the following cases, I recused myself, sua sponte, because I had a financial investment with one of the parties:

Gojcaj, et al. v. Morgan Chase Bank, 2:11-cv-11237 (E.D. Mich.)

Cervi v. JP Morgan Chase Bank, 2:11-cv-11499 (E.D. Mich.)

Comerica Bank v. JP Morgan Chase Bank NA, et al., 2:11-cv-14252 (E.D. Mich.)

Timmis v. Boston Scientific Corp., et al., 2:12-cv-10232 (E.D. Mich.)

In each of the following cases, I recused myself, sua sponte, because counsel for one of the parties or the party was a personal friend, family friend, or colleague:

Hudson v. Tarnow, et al., 2:13-cv-12604 (E.D. Mich.)

RBS Citizens, N.A. v. Purther, et al., 2:13-cv-12266 (E.D. Mich.)

Allstate Ins. Co., et al v. Greater Lakes Ambulatory Surgical Center, LLC et al, 2:12-cv-13500 (E.D. Mich.)

Rock v. Taubman, et al., 2:12-cv-15244 (E.D. Mich.)

15. Public Office, Political Activities and Affiliations:

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

I have not held any public office other than my present judicial office. I have never had an unsuccessful candidacy for elective office or unsuccessful nomination for appointed office.

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

I have not held any office in or rendered any services to any political party or election committee. I have not held any position or played any role in a political campaign.

16. Legal Career: Answer each part separately.

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

From 1992 to 1993, I served as a law clerk to the Honorable Cornelia G.

Kennedy, Circuit Judge of the United States Court of Appeals for the Sixth Circuit.

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

I never practiced 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.

1993 – 2011
Butzel Long
150 West Jefferson Avenue
Suite 100
Detroit, Michigan 48226
Associate Attorney (1993 – 2000)
Shareholder (2000 –2011)

- 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 did not serve as a mediator or arbitrator in alternative dispute resolution proceedings while in private practice.

b. Describe:

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

From 1993 to 2011, I specialized in media law and intellectual property litigation and counseling. I regularly represented and counseled local and national media entities in pre-publication review, defamation and related cases, and cases under the Michigan Freedom of Information Act and Open Meetings Act. The issues in these cases included access to public forums and reporters' privilege. I also litigated trademark and copyright infringement and false advertising cases, as well as general business matters.

Beginning in 2002 and continuing through 2011 when I joined the bench, my primary practice shifted to white-collar criminal defense. I defended individuals and entities in local and national health-care fraud, securities fraud, false claims act and anti-kickback statute matters, and assisted with internal investigations. Our white-collar practice group also handled grievance matters. Thus, from 2007 through February 2011, I defended

state judges and lawyers against charges brought by the Judicial Tenure Commission and Attorney Grievance Commission.

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

During the first ten years of my practice, I focused on media law, intellectual property, and general business litigation. My typical clients were media and entertainment entities, including newspapers, television stations, radio stations, movie studios, advertising agencies, pharmaceutical companies, and employees of the same. While I continued to handle media and intellectual property cases throughout my time in private practice, I transitioned to a focus on white collar criminal defense and grievance matters in 2002. My typical clients were pharmaceutical companies, health care entities, employees, and doctors accused of or being investigated for health care fraud; corporations and executives charged with or being investigated for securities and other types of fraud; and business entities conducting internal investigations. I also represented individual judges and attorneys in grievance matters.

- 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.

While in private practice the entirety of my practice was in litigation, and I appeared in court frequently.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 60%
- 2. state courts of record: 35%
- 3. other courts: 0%
- 4. administrative agencies: 5%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 40%
- 2. criminal proceedings: 60%

- 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 estimate that I tried approximately ten cases to verdict, all of which were as associate counsel.

- i. What percentage of these trials were:
 - 1. jury: 80%
 - 2. non-jury: 20%

- 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 assisted in the drafting of the certiorari response in *Natron Corp. v. STMicroelectronics, Inc.*, 2003 WL 21698120 (Feb. 5, 2003).

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. *U.S. v. MacKenzie et al.*, No. 1:01-cr-10350 (D. Mass. 2004) (Woodlock, J.).

The United States Attorney's Office in Boston, Massachusetts charged TAP Pharmaceutical, Inc., with conspiring to provide urologists with thousands of free samples of TAP's prostate cancer drug for which doctors billed Medicare and patients. After the company paid a then-record \$885 million fine to settle with the government, 11 TAP employees and one urologist were indicted for conspiring to violate the anti-kickback statute – in essence, the defendants were accused of giving doctors items of value to induce them to buy TAP's product. My law partner and I represented one of the district manager defendants from approximately 2001 through 2004. He, along with all of the defendants that went to verdict, was acquitted following a three-month trial before the Honorable Douglas P. Woodlock, United States District Judge for the District of Massachusetts. I handled the majority of the document review, witness interviews, brief writing, and trial preparation. I argued one of the pre-trial motions, cross-examined several witnesses, argued the motion for acquittal at the close of the proofs, and assisted with jury instructions.

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2. *In re United American Healthcare Corp. Securities Litigation*, 2007 U.S. Dist. LEXIS 6362 (E.D. Mich. Jan. 30, 2007) (Zatkoff, J.), *aff'd*, *Zaluski v. United Am. Healthcare Corp.*, 527 F.3d 564 (6th Cir. 2008).

From 2006 to 2008, my law partner and I represented Defendant Howard, Senior Vice president of UAHC and CEO of OmniCare, a managed care organization in Tennessee that delivers healthcare services to individuals enrolled in Tennessee's Medicaid program. OmniCare contracts with the State to provide these services, and this contract accounted for a substantial portion of UAHC's revenue. UAHC retained Ford, a state senator from Tennessee, as a consultant to explore expansion of its business to other southern states. Concerned about the propriety of this relationship, the Department of Commerce placed OmniCare and UAHC under administrative supervision which caused UAHC's stock price to drop. Plaintiffs claimed that the defendants violated the federal securities laws by failing to disclose UAHC's alleged breach of the contract and its possible

consequences. The Honorable Lawrence P. Zatkoff, United States District Judge for the Eastern District of Michigan, found that the plaintiffs failed to adequately allege that defendants had a duty to disclose the alleged breach and failed to plead with particularity specific facts giving rise to a strong inference that defendants acted with scienter. He thus granted the defendants' motions to dismiss. The Sixth Circuit affirmed. I drafted the briefs in the district court, and I briefed and argued the case in the Sixth Circuit.

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3. *People v. Lohmeier*, Nos. 06-3318 & 06-3445 (54B District Court, Lansing, MI) (Jordan, J.).

The Michigan Attorney General's Office, in what it described as "the largest criminal Medicaid fraud case ever initiated in Michigan," brought a criminal Medicaid False Claims Act case and a related criminal enterprise count against our client, the President of Specialized Pharmacy Services, Inc. ("Specialized Pharmacy"), an OmniCare-owned company that sells and distributes pharmaceutical products to nursing homes and hospice facilities. The essence of the charges was that the President of Specialized Pharmacy was responsible for Specialized Pharmacy's alleged practices of billing for unnecessary medications, double-billing hospice, and billing for deceased individuals. In 2007, my law

partner and I tried a multi-week preliminary examination in front of the Honorable David Jordan of the 54B District Court in Lansing, Michigan. I cross-examined the majority of the 57 witnesses. I also argued the pre-examination motion to dismiss on the grounds of vicarious liability and preemption. The district court dismissed one set of counts but granted the Government's bind-over motion on two other sets of counts. Once a defendant is bound-over by a district court judge, the case is then transferred to the circuit court. I argued the motion to dismiss in Ingham County Circuit Court (Case No. 09-82-FH) before the Honorable Paula J.M. Manderfield (retired) in 2009. After the motion was denied, our client entered into a plea agreement.

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4. *SEC v. Battenberg, et al.*, No. 2:06-cv-14891 (E.D. Mich 2006) (Cohn, J.).

In 2006, following a multi-year investigation by the Department of Justice and Securities and Exchange Commission (the "Commission")—in which we were able to prevent a criminal indictment—the Commission filed financial fraud charges in the Eastern District of Michigan against Delphi Corporation. In its complaint, the Commission charged Delphi, as well as 13 individuals, with engaging in a pattern of fraudulent conduct between 2000 and 2004. The complaint alleged that between 2000 and 2004, Delphi and the defendants engaged in multiple schemes that resulted in Delphi materially misstating its financial condition and operating results in filings with the Commission, offering documents, press releases, and other documents and statements. I was co-counsel with my law partner in representing the former Director of Financial Accounting and Reporting. We represented her from the time of the DOJ/SEC investigation in 2004. After conducting extensive, nationwide discovery and mid-way through a trial before the Honorable Avern Cohn, United States District Judge for the Eastern District of Michigan, our client entered into a settlement agreement with

the Commission in November 2010. I handled most of the pre-trial discovery and brief writing and questioned some of the trial witnesses.

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5. *SEC v. Jorissen, et al*, No. 2:06-cv-10845 (E.D. Mich. 2006) (Feikens, J.).

On February 27, 2006, the Securities and Exchange Commission (the “Commission”) filed an injunctive action in the United States District Court for the Eastern District of Michigan against the Chief Executive Officer, Chief Financial Officer and former Controller of Sun Communities, Inc. (“Sun”). The case was assigned to Senior District Judge John Feikens. My law partner and I represented the Controller from 2006 through 2008. She was alleged to have falsified Sun’s records by improperly releasing funds from Sun’s general reserve and recording expenses in improper periods. Although the Commission had threatened a 10(b)-5 action, following its investigation and Wells submissions, the Commission’s complaint only alleged that our client violated Section 13(b)(5) of the Exchange Act and Rule 13b2-1 thereunder. The Commission sought a permanent injunction and civil penalty against our client. Following substantial discovery and our motion for summary judgment, the Commission voluntarily dismissed all claims against our client. I handled the discovery and wrote the summary judgment brief.

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6. *Murray Hill Publ'ns. v. Twentieth Century Fox Film, Corp.*, 361 F.3d 312 (6th Cir. Mich. 2004).

Murray Hill had the rights to a script called, "Could This Be Christmas," which generally involved a parent's effort to obtain a popular holiday toy for her son at Christmas. Murray Hill claimed that Fox's theatrical motion picture, "Jingle All The Way," starring Arnold Schwarzenegger and Sinbad as fathers fighting to find the "must-have" holiday toy on Christmas Eve, infringed its "Could This Be Christmas" script. Accordingly, in December 1997, Murray Hill brought a copyright infringement lawsuit in the Eastern District of Michigan against Fox. Along with a former Butzel Long partner, I represented Fox. Following several years of discovery and a multi-week trial before the Honorable Marianne O. Battani, United States District Judge for the Eastern District of Michigan, the jury returned a verdict in favor of Murray Hill. In March 2004, however, the United States Court of Appeals for the Sixth Circuit reversed the jury verdict and remanded for entry of judgment as a matter of law in favor of Fox. In one of the leading literary copyright infringement cases in this Circuit, the Appellate Court found that the two works were not substantially similar as a matter of law. I did a substantial amount of the discovery, trial and appellate brief writing, and examined several witnesses at the trial.

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7. Ferndale Laboratories, Inc. v. Block Drug Co. & Schwarz Pharma, 123 F. App'x. 641, 2005 U.S. App. LEXIS 784 (6th Cir. 2005).

Our client, Ferndale Labs, had entered into a supply agreement with Block Drug to supply Block with its requirements for a product that Block would then market and resell throughout the United States. Neither party could assign the supply agreement without the consent of the other. However, Block subsequently assigned the supply agreement to Schwarz without our client's consent. Accordingly, in 1999, Ferndale filed an action against both Block and Schwarz. After obtaining summary judgment on liability and litigating a bench trial that examined liability again as well as damages, on September 5, 2002, the Honorable Denise Page Hood, United States District Judge for the Eastern District of Michigan, awarded Ferndale damages in the amount of \$8 million against Block and \$2 million against Schwarz. In January 2005, the United States Court of Appeals for the Sixth Circuit affirmed the liability findings but vacated the \$2 million judgment against Schwarz, and reduced the award against Block. I did a

significant portion of the briefing, trial preparation work, and was associate counsel during the trial. I also assisted in the drafting of the appeal briefs.

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8. *Tanzini v. Irvin Automotive Products, Inc. et al.*, (Wayne County Circuit Court, 1998) (Kirwin, J.).

Irvin Automotive is a supplier of auto parts to Ford. An Irvin employee responsible for buying sun visors from Ford wrote a memo to his supervisor claiming that the plaintiff, a Ford employee, was sexually harassing him. The Ford employee sued the Irvin employee for defamation. My former law partner and I represented Irvin Automotive and Vic Macy from approximately 1998 through 2000. Following a trial before visiting Wayne County Circuit Court Judge John R. Kirwin, the jury awarded plaintiff \$50,000 in emotional distress damages only and no economic damages. There were no appeals. I did a significant amount of the discovery, brief writing, and witness examinations at the trial.

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9. *American Council of Certified Podiatric Physicians and Surgeons v. American Board of Podiatric Surgery*, 185 F.3d 606 (6th Cir. 1999), *after remand*, 323 F.3d 366 (6th Cir. 2003).

We represented the American Board of Podiatric Surgery (“ABPS”) – the leading certifier of podiatric surgeons. After sending several mass mailings to health care entities and insurance companies touting its position as the only certifying board recognized by the American Podiatric Medical Association (“APMA”), a competing certifier, the American Council of Certified Podiatric Physicians and Surgeons, filed a lawsuit in July 1993 in the United States District Court for the Eastern District of Michigan, alleging violations of the Lanham Act and Sherman Act. Plaintiff alleged that the mass mailings constituted false advertising and that the ABPS and APMA conspired to drive plaintiff out of the market. The Honorable Bernard A. Friedman, United States District Judge for the Eastern District of Michigan, dismissed the antitrust claims on summary judgment but the false advertising claims were tried before a jury, which found for the plaintiff. However Judge Friedman granted the ABPS motion for judgment as a matter of law and entered judgment for ABPS. The Sixth Circuit affirmed judgment for the ABPS on the Lanham Act claims, but reversed Judge Friedman’s grant of summary judgment on the monopolization (section 2 of the Sherman Act) and tortious interference claims. Following additional briefing on remand, Judge Friedman again granted summary judgment and the Sixth Circuit affirmed. For approximately nine years I worked on this case with then Butzel Long Shareholders Philip J. Kessler and Gordon J. Walker. I handled a substantial portion of the discovery, trial work, and brief writing, including the appeal briefs.

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10. *Gooden v. E.F. Young Manufacturing Co.*, No. 2:94-cv-74614 (E.D. Mich. 1994) (Duggan, J.).

One of my former law partners represented a fashion model who filed a misappropriation case against an advertiser who used her photo in a magazine advertisement without her permission. Following a trial in October 1995 before the Honorable Patrick J. Duggan, United States District Judge for the Eastern District of Michigan, the jury found that the advertiser's use constituted an invasion of privacy and awarded plaintiff \$7,500. I assisted with the trial preparation and trial.

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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.)

While in private practice, most of the media law cases that I worked on did not go to trial. Indeed, we prevailed in the vast majority of those cases on summary judgment and helped to shape and develop Michigan's defamation and invasion of privacy law. I drafted many of the summary judgment briefs and argued many of the motions in various state and federal courts. For example, I had significant responsibility in the case of *Nartron Corp. v. STMicroelectronics, Inc.*, 305 F.3d 397 (6th Cir. 2002), *cert denied*, 538 U.S. 907 (2003). This trademark infringement case involved the use of the mark "SMARTPOWER" in connection with semiconductor chips. I led a team that prepared an appendix in excess of 100 pages to demonstrate that the term "smart power" had become generic in the semi-conductor industry. I took the lead in drafting the summary judgment briefs, appeal briefs and opposition to the certiorari petition. The Sixth Circuit opinion affirming the District Court's grant of summary judgment is one of the leading cases on genericness in this Circuit. I also argued three media-related cases in the Michigan Court of Appeals.

I also represented a number of entities (pharmaceutical companies, automotive suppliers, contractors, and an Indian gaming venture) that received subpoenas from and/or were being investigated by the Department of Justice and United States Attorneys' Offices across the country; we were able to prevent or significantly reduce any resulting charges. From 2008 to 2009, I spent significant amounts of time assisting in the defense of several

Michigan state judges who were being investigated by the Judicial Tenure Commission (“JTC”). This involved drafting pleadings and conducting negotiations with the Executive Director and investigating agents of the JTC.

I spent the entirety of my private practice career at one law firm and was active in firm governance and on committees. More specifically, I was a Practice Group Leader for the Media/Intellectual Property Group (2007-2011) and co-chaired the Recruiting Committee (2002-2008). I participated on the Strategic Planning Committee (2007-2009) and Women’s Initiative Committee (2007-2011). In these positions I helped to recruit, mentor, supervise, and retain a diverse group of lawyers, shape the future of the firm, and organize community events. For example, the Women’s Initiative Committee worked with Habitat for Humanity to renovate a home for a single mother in Flint, Michigan.

I was also active in bar associations. After many years as a committee chair, executive board member, and officer, I became the president of the Eastern District of Michigan Chapter of the Federal Bar Association in 2010. Our Chapter is recognized nationally as one of the largest and most active in the country. We have over 30 committees that cover most substantive areas in federal law (e.g., criminal, IP, labor, bankruptcy, immigration), specialty committees (e.g., law clerk, pro bono, diversity), as well as committees devoted to new lawyers and law students. The Chapter sponsors education programs, social events, and community projects. During my year as president, I was one of the primary organizers of a Bench/Bar Conference focused on Media and the Law at which we featured a panel on navigating a high profile case that included the lawyers for Bernard Madoff, Martha Stewart, Oprah Winfrey, and Scooter Libbey.

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

I was an Adjunct Professor at Oakland University in Rochester Hills, Michigan. I co-taught a Media Law course offered through the Journalism Department entitled Law of the Press. The course included sections on defamation, invasion of privacy, the Freedom of Information Act, Michigan’s Open Meetings Act, and access to courts. I taught the course during Fall 2003, Fall 2004, Winter 2005, and Winter 2006. A representative course syllabus is supplied.

- 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.

If confirmed, I anticipate receiving from my prior law firm, Butzel Long, the remainder due on the redemption of my Butzel Long stock. The payments are being made in five

annual installments. I have two payments remaining that total approximately \$12,000. The payments are typically made in mid to late-April.

- 21. Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no present plans, commitments, or agreements to pursue outside employment if confirmed.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

- 24. Potential Conflicts of Interest:**

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

I would continue to recuse myself from all Butzel Long matters and cases involving Butzel Long attorneys until I have fully redeemed my stock. I would also recuse myself from all cases involving Simons Michelson Zieve Advertising, which is owned and operated by my parents and siblings. In addition, I own stock in a few companies and would recuse myself from all cases in which those companies are parties.

- 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 will continue to closely follow 28 U.S.C. 455, Canon 3 of the Code of Conduct for United States Judges and its advisory opinions. In addition, I will also continue to utilize and rely on our Court's automated conflict system which provides immediate email notification of potential conflicts of interest.

25. Pro Bono Work: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

When I was in private practice, I worked on several pro bono matters. For example, I assisted a colleague in a prisoner civil rights action involving allegations of excessive force during his arrest. The case survived summary judgment and was settled. I also worked on a number of pro bono cases related to my work in copyright and First Amendment issues. For example, I represented a free-lance photographer trying to start his own minority business in a copyright infringement lawsuit after a major clothing manufacturer used his photographs in the company's advertisements without permission. I handled the discovery, briefing, court arguments, and efforts to collect on the default judgment we obtained. I also represented a city council member who believed she was being excluded from certain meetings in violation of Michigan's Open Meetings Act. After motion practice and several hearings, the case settled. I represented a woman sued for defamation by her ex-husband's girlfriend after a contentious divorce. Following discovery, the case settled.

As a board member of Eton Academy, the only accredited school in Michigan devoted solely to children with learning disabilities, I handled several pro bono projects for the school, such as reviewing contracts and general labor matters.

Our local Federal Bar Association Chapter is also active in programs that seek to assist the underrepresented and underprivileged. For example, during the summer of 2010, the Council on Legal Education Opportunity ("CLEO") hosted an academic program at Cooley Law for underrepresented college sophomores and juniors interested in pursuing law as a career. The Chapter sponsored a program by sending panelists and several other members, including myself, to discuss various aspects of federal practice. I also helped to organize programs in the summer of 2011 for the Just The Beginning Foundation's ("JTBF") Summer Legal Institute in Detroit. The main objectives of this program are to inspire and encourage underrepresented high school students to consider law as a career. Additionally, I participated in panel discussions, interview programs, and mentor programs for our Court's Wolverine Bar summer intern program.

In terms of other community involvement, I am an active member of the Old Newsboys' Goodfellows Fund of Detroit. This is a charitable organization that provides approximately 35,000 holiday gift packages to needy school-age children in the Detroit area. I sold special editions of *The Detroit News* on sales day for almost 20 years, coordinated several other law-firm sales of these newspapers, and worked with family members on Goodfellows' packages. Additionally, each year during the Christmas holiday, my chambers participates in the Focus Hope Adopt-a-Family for the Holidays program in which provide Detroit families in need with clothing, gifts, and food.

26. Selection Process:

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

In December 2012, United States Senators Carl Levin and Debbie Stabenow formed a Judicial Advisory Committee to consider candidates for four vacancies on the United States District Court for the Eastern District of Michigan. On January 25, 2013, I submitted my application to the Committee. I was interviewed by the Committee on March 21, 2013 in Detroit, Michigan. On April 8, 2013, I received a letter from Senators Levin and Stabenow advising that, in accordance with the recommendation of their Judicial Advisory Committee, they would be forwarding my name along with twelve others to President Obama for his consideration to fill one of the above-referenced vacancies. Since April 8, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice regarding the vetting process. On May 16, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, DC. On July 25, 2013, the President submitted my nomination to the Senate.

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

No.

AFFIDAVIT

I, Laurie Jill Michelson, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

7/25/13
(DATE)

Laurie Michel
(NAME)

Lashawn B. Saulsberry
(NOTARY)

State of Michigan
County of Wayne
On this 25th day of July before me personally appeared Laurie Michelson to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

(Signed) Lashawn B. Saulsberry
Notary Public

LASHAWN R. SAULSBERRY
Notary Public, State of Michigan
County of Wayne
My Commission Expires Aug. 23, 2018
Acting in the County of Wayne