

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robin Lee Rosenberg

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

United States District Judge for the Southern District of Florida

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.

Palm Beach County Courthouse
205 North Dixie Highway
West Palm Beach, Florida 33401

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

1962; West Palm Beach, Florida

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.

1985 - 1989, Duke University, School of Law; J.D., 1989
1985 - 1989, Duke University, Sanford Institute of Public Policy; M.A., 1989
1979 - 1983, Princeton University; B.A., 1983

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporation companies, firms, or other enterprises, partnerships, institution 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.

2007 - present
Fifteenth Judicial Circuit in and for Palm Beach County
205 North Dixie Highway
West Palm Beach, Florida 33401
Circuit Judge

2001 - 2006

Rosenberg & McAuliffe, PL
1601 Forum Place, Suite 301
West Palm Beach, Florida 33401
Partner

2002 - 2006

ARC Mediation
1601 Forum Place, Suite 301
West Palm Beach, Florida 33401
Co-founder, principal, mediator and arbitrator

1999 - 2001

Slim-Fast Foods Company
(West Palm Beach office no longer exists; company merged with Unilever in April 2000)
Vice President and General Counsel

1997 - 1999

Holland & Knight LLP
222 Lakeview Avenue, Suite 1000
West Palm Beach, Florida 33401
Partner

1995 - 1997

City of West Palm Beach
401 Clematis Street, Fifth Floor
West Palm Beach, Florida 33401
Assistant City Attorney

1994 - 1995

Foley & Lardner
777 South Flagler Drive
West Palm Beach, Florida 33401
Associate

1990 - 1994

United States Department of Justice
Civil Rights Division, Employment Litigation Section
950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20530
Trial Attorney

1993 - 1994

Civic Education Project (CEP)
University of West Bohemia (Zapadoceska Univerzita)

Univerziteti, Eight
306 Pilsen, Czech Republic
CEP Fellow, Visiting Professor of Public Policy
(on leave from the Department of Justice)

1992 - 1993
Duke University, Sanford Institute of Public Policy
Duke in Washington
D.C. Office
1201 New York Avenue, Northwest
Suite 1110
Washington, D.C. 20005
Visiting Lecturer in Public Policy Sciences

1989 - 1990
United States District Court for the Southern District of Florida
701 Clematis Street
West Palm Beach, Florida 33401
Law Clerk for Honorable James C. Paine

Fall 1988
Florida Democratic Party
214 South Borough Street
Tallahassee, Florida 32301
Volunteer Field Coordinator

Summer 1987
Mayer, Brown & Platt
190 South LaSalle Street #3900
Chicago, Illinois 60603
Law Clerk

Summer 1987
Goodwin, Proctor & Hoar, LLP
Exchange Place
Boston, Massachusetts 02109
Law Clerk

Summer 1986
New York City Human Resources Administration
180 Water Street
New York, New York 10038
Staff Assistant

January – August 1985
Princeton University, Office of Government Affairs

One Dupont Circle, Northwest
Washington, District of Columbia 20036
Legislative Assistant

1983 - 1984
United States Senate, Senator Bill Bradley
(This office is no longer in existence.)
Washington, District of Columbia
Legislative Correspondent

Other affiliations (uncompensated):

2001 - 2006
Anti-Defamation League, South Florida Division, Civil Rights Committee
621 NW 53rd Street
Suite 450
Boca Raton, Florida 33487
Board Member

2001 - 2006
Palm Beach Fellowship of Christians & Jews
139 North County Road
Suite 36
Palm Beach, Florida 33480
Board Member

2002 - 2006
Community Alliance of Palm Beach County
1870 Forest Hill Boulevard
West Palm Beach, Florida 33406
Board Member

1995 - 1997
Center for Children in Crisis
No physical address
West Palm Beach, Florida
Board Member

1995 - 1997
Executive Women of the Palm Beaches
2701 North Australian Avenue
Suite 205
West Palm Beach, Florida 33407
Board Member

1989

Uplift Assistance

No physical address

Riviera Beach, Florida

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 never 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.

South Florida Business Journal Seventh Annual Arthur E. Turner Excellence in Entrepreneurship Awards Finalist (2002)

United States Department of Justice Special Achievement Awards (1991, 1992, 1993)

Outstanding Law Student Award, National Association of Women Lawyers (1989)

National Collegiate Championship, Women's Tennis (1983)

Captain, Varsity Tennis Team, All Ivy League, Princeton University (1982)

U.S. Presidential Rank Review Board (1997)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conference 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 Arbitration Association (2001 - 2006)

Arbitrator

American Arbitration Association (2005)

National Research Exchange Panel

Federal Bar Association (2001 - 2006)

Florida Academy of Professional Mediators, Inc. (2001 - 2010)

Florida Association of Women Lawyers (2012)

Fourth DCA Representative, Florida Conference of Circuit Judges (2010)

Palm Beach County Bar Association (1995 - 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.

Florida, 1990
District of Columbia, 1998

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.

State of Florida, 1990
District of Columbia, 1998
United States Court of Appeals for the Eleventh Circuit, 2006
United States District Court for the Northern District of Florida, 2003
Supreme Court of the United States, 1997
United States District Court for the Southern District of Florida, 1990

There has been no lapse in membership.

11. **Memberships:**

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

American Inns of Court (2005 – 2005)

Anti-Defamation League, South Florida Division, Civil Rights Committee (2001 – 2006)

Board Member

Center for Children in Crisis (1995 – 1997)
Board Member

Community Alliance of Palm Beach County (2002 – 2006)
Board Member

Cystic Fibrosis Foundation (1995 – 2004)
Volunteer

Economic Council (2003 – 2004)

Executive Women of the Palm Beaches (1995 – 1997)
Board Member

Forum Club of the Palm Beaches (2003 – 2006)

Palm Beach Fellowship of Christians & Jews (2001 – 2006)
Board Member

Uplift Assistance (1989)
Board Member

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

To the best of my knowledge, none of the organizations listed 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.

“Mediation Comes of Age,” Palm Beach County Bar Association Bulletin, November 2004. Copy supplied.

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

None.

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

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or 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.

The list that follows represents my best efforts, through searches of my records, calendars, and Internet databases, to identify speeches and remarks that I have given. There may be, however, other speeches or remarks that I have been unable to recall or identify.

May 17, 2013: I presided over a mock trial at Palm Beach County Courthouse, West Palm Beach, Florida, West Palm Beach, Florida. The participants were middle school students from Palm Springs Middle School. I have no notes, transcript or recording, but press coverage is supplied. The address for the Palm Beach County Courthouse is 205 North Dixie Highway, West Palm Beach, Florida 33401.

March 1, 2013: Panelist, "Developing and Advancing Your Reputation as a Lawyer," Young Lawyers Section Session at the Palm Beach County Bar Association Bench-Bar Conference, West Palm Beach, Florida. I relied on the same notes supplied for the March 4, 2011 event.

November 15, 2012: Panelist, "Palm Beach County Bar Promotes Diversity," Palm Beach County Bar Association, West Palm Beach, Florida. I discussed the topic of the pathway to appointment or election to the judiciary and how women

balance the demands of balancing work and family. I have no notes, transcript or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

May 11, 2012: Panelist, "Walk a Mile in a Judge's Shoes," Palm Beach County Bar Association, Circuit Civil Practice Committee, West Palm Beach, Florida. I discussed the topic of my experiences as a judge in Palm Beach County Circuit Court. I have no notes, transcript or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

February 8, 2012: Guest Speaker, "The Florida Judicial System," Alliance of Delray Residential Associations, Inc., Boca Raton, Florida. I discussed the topic of how the court system is structured and operates in Florida. I have no notes, transcript or recording, but press coverage is supplied. The address for the Alliance of Delray Residential Associations, Inc. is 40 S.E. Fifth Street, Suite 610, Boca Raton, Florida 33432.

November 10, 2011: Panelist, Florida Association of Women Lawyers (FAWL) Mentoring Lunch at Carlton Fields (law firm), West Palm Beach, Florida. Notes supplied.

October 18, 2011: Panelist, "Trial Professionalism," Palm Beach County Bar Association, Judicial Lunch Series, West Palm Beach, Florida. I discussed the topic of how attorneys can practice with professionalism in Palm Beach County. I have no notes, transcript or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

May 20, 2011: Panelist, "Emerging Issues in Discovery," Palm Beach County Bar Association and Federal Bar Association, Palm Beach County Chapter, West Palm Beach, Florida. I discussed the topic of current discovery issues emerging in the state court in Palm Beach County, including e-discovery issues. I have no notes, transcript or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

May 11, 2011: Guest Speaker, Company A, Boca Raton, Florida. I discussed the topic of how the court system is structured and operates in Florida. I have no notes, transcript or recording. The address for Company A is 10935 Boca Woods Lane, Boca Raton, Florida 33434.

April 19, 2011: Panelist, "Pet Peeves," Palm Beach County Bar Association, West Palm Beach, Florida. Notes supplied.

March 4, 2011: Panelist, "Developing and Advancing Your Reputation as a Lawyer," Palm Beach County Bar Association Bench-Bar Conference, West Palm Beach, Florida. Notes supplied.

February 22, 2011: Guest Speaker, “Preparing for Trial and Conducting Trial,” South Palm Beach County Bar Association Civic Practice Committee Lunch in Boca Raton, Florida. Notes supplied.

November 9, 2010: Panelist, “Avoiding Juror Misconduct in the Social Networking Age,” Palm Beach County Bar Association Judicial Lunch Series in West Palm Beach, Florida. I discussed the topic of the implications of electronic communication on juror conduct. I have no notes, transcript of recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

September 30, 2010: Panelist, Palm Beach County Bar Association, Employment Law Committee, West Palm Beach, Florida. The panel discussion was a judicial roundtable on recent developments in federal and state employment law. I have no notes, transcript of recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

March 20, 2009: Panelist, “Listen and Learn ... Judicial Round Table Discussion on Ethics,” Palm Beach County Bar Association, West Palm Beach, Florida. I discussed the topic of ethics and professionalism in the courtroom. I have no notes, transcript of recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

February 20, 2009: Panelist, “Lunch with the Judiciary: Open Panel Discussion – Settling Cases and Ethical Considerations,” Palm Beach County Bar Association, West Palm Beach, Florida. I discussed the topic of ethical considerations when settling cases. I have no notes, transcript or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

January 6, 2009: Administration of Oath of Office to newly elected State Attorney (and husband) Michael F. McAuliffe, Palm Beach County, Florida. I have no notes, transcript or recording. The address for the Palm Beach County Courthouse is 205 North Dixie Highway, West Palm Beach, Florida 33401.

November 19, 2008: Administration of Oath of Office to newly elected Palm Beach County School Board member Frank Barbieri, West Palm Beach, Florida. I have no notes, transcript or recording. The address for the Palm Beach County School District is 3300 Forest Hill Boulevard, West Palm Beach, Florida 33406.

June 27, 2008: Panelist, “Lunch with the Judiciary: Case Management in Contentious Cases,” Palm Beach County Bar Association, West Palm Beach, Florida. I discussed the topic of how to manage complex and contentious cases. I have no notes, transcript or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

April 18, 2008: Guest speaker at Palm Beach County Victims' Rights Coalition 28th Annual Awards Luncheon, West Palm Beach, Florida. I discussed the topic of the role of victims' rights in the judicial system. I have no notes, transcript or recording. The address for the Palm Beach County Victims' Rights Coalition is 6800 Forest Hill Boulevard, West Palm Beach, Florida 33413.

March 2008: Panelist, Employment Law Seminar, Palm Beach County Bar Association, West Palm Beach, Florida. I discussed the topic of emerging state and federal employment law related topics. I have no notes, transcript or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

February 21, 2008: I presided over a mock trial at Palm Beach County Courthouse, West Palm Beach, Florida, West Palm Beach, Florida. The participants were third graders from Timber Trace Elementary School. I have no notes, transcript or recording. The address for the Palm Beach County Courthouse is 205 North Dixie Highway, West Palm Beach, Florida 33401.

February 14, 2008: Panelist, "Good Courtroom Practice," Palm Beach County Bar Association, West Palm Beach, Florida. I discussed the topic of professional practices for attorneys appearing in court. I have no notes, transcript or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

January 11, 2008: Panelist, "Lunch and Learn with the Judiciary," Palm Beach County Bar Association, West Palm Beach, Florida. I discussed the topic of general attorney practice issues that arise for judges at hearings and trials in the Circuit Civil division of the Palm Beach County court. I have no notes, transcript or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

September 2, 2007: Administration of Oath of Office to newly elected Palm Beach County School Board member Bob Kanjian, West Palm Beach, Florida. I have no notes, transcript or recording. The address for the Palm Beach County Governmental Center is 301 North Olive Avenue, West Palm Beach, Florida 33401.

February 2, 2007: Investiture as Circuit Court Judge, Palm Beach County, 15th Judicial Circuit, West Palm Beach, Florida. I discussed the honor bestowed upon me to be sworn in as a circuit judge and acknowledged family, friends and colleagues. I have no notes, transcript or recording. The address for the Palm County Circuit Court is 205 North Dixie Highway, West Palm Beach, Florida 33401.

February 15, 2006: Panelist, "Emerging Technologies for ADR," Palm Beach County Bar Association, West Palm Beach, Florida. I discussed the topic of the use of technology in the field of alternative dispute resolution. I have no notes, transcript or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

March 24 – 26, 2004: Guest Speaker: Guest Instructor/Mediator for Enhanced Negotiation and Mediation Advocacy Seminar, Alternative Dispute Resolution Program, U.S. Department of Justice, Executive Office for United States Attorneys, National Advocacy Institute, Columbia, South Carolina. I discussed the topic of the role and importance of mediation in the judicial process. I have no notes, transcript or recording. The address for the Executive Office for United States Attorneys is United States Department of Justice, 950 Pennsylvania Avenue, Northwest, Room 2242, Washington, D.C. 20530.

September 21, 2003: Guest Speaker at PALMS Group Midyear Conference, West Palm Beach, Florida. I discussed the Fair Labor Standards Act. I have no notes, transcript or recording. The address for the PALMS Group is 2139 Palm Beach Lakes Boulevard, West Palm Beach, Florida 33409.

April 25, 2003: Panelist, "Tools of the Trade: An Overview of Employment Law for the Non-Practitioner," Palm Beach County Bar Association, Employment CLE Seminar, West Palm Beach, Florida. I discussed the topic of state and federal employment laws that impact the workplace. I have no notes, transcript or recording. The address for the Palm Beach County Bar Association is 1507 Belvedere Road, West Palm Beach, Florida 33406.

January 15, 2003: Guest Speaker for Lorman Education Services, West Palm Beach Florida. The speech was on alternative dispute resolution in Florida. I discussed the topic of the role and importance of mediation in the judicial process. I have no notes, transcript or recording. The address for Lorman Education Services is Department 5382, P.O. Box 2933, Milwaukee, Wisconsin 53201.

August 13-15, 2002: Guest Instructor/Mediator for Basic Alternative Dispute Resolution Seminar, U.S. Department of Justice, Executive Office for United States Attorneys, Office of Legal Counsel, National Advocacy Center, Columbia, South Carolina. I discussed the topic of the role and importance of mediation in the judicial process. I have no notes, transcript or recording. The address for the Executive Office for United States Attorneys is United States Department of Justice, 950 Pennsylvania Avenue, N.W., Room 2242, Washington, D.C. 20530.

May 1998: Panelist, NCAA Title IX Institute. I have no notes, transcript or recording. I discussed the topic of how to protect schools from lawsuits under Title VII. I have no notes, transcript or recording, but press coverage is supplied. I have been unable to locate an address for the NCAA Title IX Institute.

- 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.

Jason Davis, "*In the Long Run*," PALM BEACH ILLUSTRATED, May 2011, at 74. Copy supplied.

"*Ninth Annual Read Across Palm Beach County*," PALM BEACH COUNTY BAR BULLETIN, May 2010. Copy supplied.

Grier Pressly, "*Judicial Profile; Judge Robin Rosenberg*," PALM BEACH COUNTY BAR BULLETIN, November 2007. Copy supplied.

Alexandra Clough, Column, PALM BEACH POST, November 16, 2003. Copy supplied.

Matthew Haggman and Gary Young, "*Failing Grades*," DAILY BUSINESS REVIEW, April 3, 2003. Copy supplied.

Jane Musgrave and Marie Speed, "*20 on the Fasttrack*," FASTTRACK INSIDE SOUTH FLORIDA BUSINESS, Fall 2002. Copy supplied.

Mary Thurwachter, "*Moving Up*," PALM BEACH POST, May 20, 2002. Copy supplied.

Alexandra Clough, "*Law Firm Gets Start Power for W. Palm Office*," PALM BEACH POST, March 18, 1999. Copy supplied.

Anne L. Boles, "*Manson Video Oddly Coveted*," PALM BEACH POST, April 23, 1997. Copy supplied.

"*'Noogie Affair' Rubs Police Department Wrong Way a West Palm Beach Detective Gave a Sergeant a 'Noogie,' now the Sergeant is Suing*," Orlando Sentinel, January 27, 1997. Copy supplied.

"*Horseplay Stirs Legal Woes for Police Department*," MIAMI HERALD, January 27, 2007. Copy supplied.

Scott Hiassen, "*To Police, Old Noogie Still Hurts*," PALM BEACH POST, January 26, 1997. Copy supplied.

Robin L. Rosenberg Update, "*Alumni Notes*," Duke Policy News, December 1995. Copy supplied.

Robin L. Rosenberg Update, "Alumni Activities," Duke Law Magazine, Winter 1995. Copy supplied.

"*Judge to Set Damages in Bias Lawsuit*," RICHMOND TIMES DISPATCH, November 20, 1991. Copy supplied.

Doug Cooney, "*Aspiring Elected Official is Gaining Hands-On Experience At Grass Roots*," PALM BEACH DAILY NEWS, October 24, 1988. Available at: <http://tinyurl.com/myqergz>.

Claude A. Allen and D. Willas Miller, "*For the Children's Sake: Duke Law Students Represent the Abused and Neglected*," DUKE LAW MAGAZINE, Summer 1988. Copy supplied.

Dena Kleiman, "*A Homecoming for Jordan's Queen*," THE NEW YORK TIMES, November 6, 1981. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial office 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.

Since 2007, I have served as a Circuit Judge, Fifteenth Judicial Circuit in and for Palm Beach County. I was elected without opposition in a countywide, non-partisan election to this position in 2006 and my first term began in 2007. After I was re-elected without opposition in 2012, I began my second term in 2013. The Fifteenth Judicial Circuit is a general jurisdiction court and encompasses all of Palm Beach County, Florida. The Fifteenth Judicial Circuit is comprised of five Circuit Court Divisions and two County Court Divisions. I have served in three of the Circuit Court Divisions - the Civil Division from January 2007 to April 2013, the Foreclosure Division from April 2013 to September 2013 and the Criminal Division from September 2013 to the present. As a Circuit Judge in the Fifteenth Judicial Circuit, I preside over jury and non-jury trials, conduct evidentiary hearings and conduct hearings on dispositive and non-dispositive motions. In addition, I handle criminal duty, including issuing search warrants, arrest warrants and presiding over criminal duty court for first appearances.

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

I have presided over approximately 200 cases that have gone to verdict or judgment.

- i. Of these, approximately what percent were:

- | | |
|--------------------|-----|
| 1. Jury trials: % | 75% |
| 2. Bench trials: % | 25% |

1. Civil proceedings: % 95%
2. Criminal proceedings: % 5%

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

As a Circuit Judge in the Fifteenth Judicial Circuit, I have issued oral rulings and written orders on such issues as motions for summary judgment, motions to dismiss, discovery-related motions, motions to suppress, motions for bond reduction and motions in limine. Circuit court written orders generally are not published. The orders that I have issued are kept in the official court files which are maintained by the Clerk and Comptroller Office for Palm Beach County. The orders can be accessed by case number and the parties' names. I also sit by designation as an Associate Judge on the Fourth District Court of Appeal and have issued published opinions that are listed below.

Aicheson v. Florida Dep't of Highway Safety and Motor Vehicles, 117 So.3d 854 (Fla. 4th DCA 2013)

Rich v. Kaiser Gypsum Company, Inc. et al., 103 So.3d 903 (Fla. 4th DCA 2012)

Baker v. State of Florida, 102 So.3d 756 (Fla. 4th DCA 2012)

Hoesch and South Florida Siberian Husky Rescue, Inc. v. Broward County, Florida, 53 So.3d 1177 (Fla. 4th DCA 2011)

Rasabi et al. v. Salomon, 51 So.3d 1284 (Fla. 4th DCA 2011)

Cadejuste v. State of Florida, 993 So.2d 122 (Fla. 4th DCA 2008)

Goodall v. Whispering Woods Center, L.L.C., 990 So.2d 695 (Fla. 4th DCA 2008)

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

I have listed these cases in reverse chronological order.

1. *Rich v. Kaiser Gypsum Company, Inc. et al.*, 103 So.3d 903 (Fla. 4th DCA 2012).

While sitting by designation as an Associate Judge on the Florida Fourth District Court of Appeal in the July 2012 term, I authored a case of first

impression in Florida on the issue of whether the trial court erred by allowing defendants to use the former testimony of unavailable witnesses without establishing that the plaintiffs, or their predecessors in interest, were afforded an opportunity to examine the witnesses. The case involved a products liability claim brought by Rich, both in her individual capacity and as the personal representative of her husband's estate, against the defendants, Kaiser Gypsum Company, Inc., R.T. Vanderbilt Company, Inc. and Union Carbide Corporation for injuries the plaintiff's husband suffered as a result of contracting mesothelioma. At trial, each defendant focused its respective arguments on the plaintiff's exposure to its asbestos in particular. Each defendant presented testimony showing why its products could not have been purchased by the plaintiff or that it did not supply asbestos to the other defendants during the relevant time period. Both defendants sought to publish the former testimony of two unavailable witnesses to support this contention. Florida's hearsay exception rule on former testimony (Section 90.804(2), Florida Statutes) requires that the party against whom the evidence is offered, or his privy, was a party in the former trial. Federal Rule of Evidence 804(b)(1) was enacted shortly before Florida amended section 90.804 and was, therefore, significant to the court's analysis because the pertinent language on Rule 804(b)(1) mirrors section 90.804(2). I wrote the unanimous opinion holding that the former testimony exception to Florida's hearsay rule did not require strict privity between the present party and the former party and the federal courts' interpretation of the Federal Rules of Evidence may be relied upon as persuasive authority when interpreting the corresponding provisions of the Florida Evidence Code. As a result, we affirmed the verdict and judgment.

Plaintiff/Appellant Rich

Juan Bauta
The Ferraro Law Firm
600 Brickell Avenue
Miami, Florida 33131
800-275-3332

Defendant/Appellee Vanderbilt

Raoul G. Cantero
White & Case LLP
Southeast Financial Center
200 South Biscayne Boulevard
Suite 4900
Miami, Florida 33131
301-371-2700

Defendant/Appellee Union Carbide

Matthew J. Conigliaro

Carlton Fields, P.A.
360 Central Avenue #1500
St. Petersburg, Florida 33701
727-821-7000

Defendant/Appellee Kaiser Gypsum

Dinah Stein
Hicks, Porter, Ebenfeld & Stein, P.A.
799 Brickell Plaza
Suite 900
Miami, Florida 33131
305-374-8171

2. *Hoesch and South Florida Siberian Husky Rescue v. Broward County, Florida*, 53 So.3d 1177 (Fla. 4th DCA 2011).

While sitting by designation as an Associate Judge on the Florida Fourth District Court of Appeal in the May 2010 term, I authored the court's opinion in *Hoesch and South Florida Siberian Husky Rescue v. Broward County, Florida*, 53 So.3d 1177 (Fla. 4th DCA 2011), in which the appellate court found that two Broward County ordinances regulating dangerous dogs were unconstitutional on the grounds that they were in conflict with state law. The district court had denied plaintiffs' challenge to the ordinances. The appellate court found, however, that by requiring the destruction of a dog that has killed a single animal, Broward had vitiated the framework for dealing with dog attacks on other domestic animals that is set forth in Florida law. The appellate court unanimously concluded that the Broward County Ordinance sections regulating dangerous dogs were null and void insofar as they conflict with state law. The appellate court reversed the decision of the trial court and remanded for entry of final summary judgment in favor of the plaintiffs.

Plaintiffs/Appellants Hoesch and South Florida Siberian Husky Rescue

Jason M. Wander
Law Office of Jason M. Wander
200 South Biscayne Boulevard
Suite 2690
Miami, Florida 33131
305-375-6053

Defendant/Appellee Broward County, Florida

Benjamin Sazillo
Assistant County Attorney
Office of Broward County Attorney
115 South Andres Avenue

Suite 423
Ft. Lauderdale, Florida 33301
954-357-7600

3. *Baker v. State of Florida*, 102 So.3d 759 (Fla. 4th DCA 2012).

While sitting by designation as an Associate Judge on the Florida Fourth District Court of Appeal in the January 2013 term, I authored the court's opinion in *Baker v. State of Florida*, 102 So.3d 759 (Fla. 4th DCA 2012), in which the court considered whether the trial court erred by admitting evidence that the defendant was previously arrested for failing to appear in court and for possession of marijuana. The charges arose from an incident that occurred when an officer decided to conduct a traffic stop on the defendant because his car's tag was expired and because the defendant's driver's license had been suspended. The officer pulled up behind the defendant and activated his lights. The defendant did not stop, drove all the way home, jumped out of his car and ran over to the officer's vehicle. The defendant was arrested and his vehicle was searched. The officer found marijuana inside the car. On cross-examination, the defendant testified that he had no intention of fleeing and eluding the officer but has had bad experiences with the police and it felt like profiling to him. The court held that the defendant, by testifying regarding prior bad experiences with the police, opened the door to cross-examination about whether he had previously been arrested, but not to cross-examination regarding what he had previously been arrested for. The court found that the defendant's testimony regarding his bad experiences with the police based on what he perceived to be "profiling," while perhaps truthful, did not present a complete picture of the extent of his interaction with law enforcement. The testimony potentially portrayed the defendant as a victim of police wrongdoing in the past and could have provided the jury with a reason that the defendant fled. The court reversed and remanded for a new trial.

Plaintiff/Appellee State of Florida

Katherine Y. McIntire
Assistant Attorney General
Office of Florida Attorney General
1515 North Flagler Drive
West Palm Beach, Florida 33401
561-837-5000

Defendant/Appellant Everton Baker

Tatjana Ostapoff
Assistant Public Defender
Office of Public Defender, 15th Judicial Circuit, Palm Beach County, Florida
421 Third Street

West Palm Beach, Florida 33401
561-355-7500

4. *Piendle v. R.J. Reynolds Tobacco Company, et al.*, Case No. 502008CA038777 (Fla. 15th Cir. Ct.). Orders supplied.

As a Circuit Judge, I presided over the first *Engle* progeny case to be tried in Palm Beach County following the Florida Supreme Court's decision in *Engle v. Liggett Group, Inc.*, 945 So.2d 1246 (Fla. 2006), which held that various tobacco companies had concealed or omitted material information regarding the health effects of cigarettes or their addictive nature, with the intention that smokers and the public would rely on this information to their detriment. In presiding over the jury trial in July to August 2010 relating to the death of Mr. Piendle from lung cancer allegedly as a result of smoking, I rendered orders on motions for summary judgment and motions relating to punitive damage claims. The rulings included interpretations of the res judicata effect of the *Engle* case jury findings, upon decertification of the class, in subsequent lawsuits by individual class members seeking damages from the defendants. At the time of making these rulings, there were no Florida appellate cases addressing these issues. In the compensatory damages phase, the jury found that the percentage of any fault that was a legal cause of Mr. Piendle's death was: Piendle (45%), R.J. Reynolds Tobacco Company (27.5%), Philip Morris USA – Inc. (27.5%); the total amount of damages sustained by the plaintiff Ms. Piendle for the loss of Mr. Piendle's companionship and protection, and her mental pain and suffering as a result of Mr. Piendle's death was \$4 million; and found by clear and convincing evidence that punitive damages were warranted against R.J. Reynolds Tobacco Company and Philip Morris USA – Inc. In the punitive damages phase of the trial, the jury returned a verdict of punitive damages against R.J. Reynolds Tobacco Company in the amount of \$180,000 and against Philip Morris USA – Inc. in the amount of \$90,000.

Plaintiff Piendle

John Scarola
Searcy Denny Scarola Barnhart & Shipley, PA
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409
561-686-6300

Defendant RJ Reynolds Tobacco Company, et al.

Stephen Krigbaum
Carlton Fields
525 Okeechobee Boulevard
Suite 1200

Cityplace Tower
West Palm Beach, Florida 33401
561-659-7070

John Wiederhold
Wiederhold, Moses, Kummerien & Waronicki, PA
560 Village Boulevard
Suite 240
West Palm Beach, Florida 33409
561-615-6775

5. *Al-Saleh v. Sargeant, III, et al.*, Case No. 502008CA010187A (Fla. 15th Cir. Ct.). Orders supplied.

As a Circuit Judge, I presided over the jury trial in July 2011 in this case. Plaintiff Al-Saleh sued the defendants regarding his alleged entitlement to proceeds from contracts with the U.S. Defense Energy Support Center to supply fuel to American troops in Iraq by shipment across Jordan. I issued an order denying defendants motion to dismiss for forum non conveniens. The order was affirmed in *Sargeant, III et al. v. Al-Saleh*, 13 So.3d 65 (Fla. 4th DCA 2009). I also issued an order denying defendants' motion for summary judgment. The order addressed acts and statements allegedly attributed to King Abdullah of the Kingdom of Jordan, finding that they did not implicate the act of state doctrine and further that the doctrine of international comity was inapplicable. After an 11-day trial, the jury returned a verdict for Al-Saleh and awarded him \$28.8 million in damages. The Fourth District Court of Appeal affirmed the judgment but reversed the denial of pre-judgment interest, *Sargeant, III v. Al-Saleh*, 120 So.3d 86 (Fla. 4th Dist. Ct. App. 2013), and later reversed a non-final order regarding a motion to compel that the debtors turn over certain stock certificates, *Sargeant, III v. Al-Saleh*, 2014 WL 836755 (Fla. 4th Dist. Ct. App. 2014). The case is currently in post-judgment collection proceedings.

Plaintiff Mohammad Anwar Farid Al-Saleh

Barry R. Ostrager
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, New York 10017
212-455-2655

Defendants Harry Sargeant, III, Mustafa Abu-Naba'A, and International Oil Trading Company, LLC

Roger S. Kobert
Weiss Serota Helfman Pastoriza Cole & Boniske

2525 Ponce de Leon Boulevard
Suite 700
Coral Gables, Florida 33134
305-854-0800

6. *Milanese, as Personal Representative of the Estate of C. Milanese v. City of Boca Raton*, Case No.502007CA018509 (Fla. 15th Cir. Ct.). Order supplied.

As a Circuit Judge I wrote an Order Granting defendant's Motion to Dismiss with Prejudice. The issue raised in the motion was whether the police, upon legally releasing an impaired person from custody at a police station or jail, thereafter owe a duty of care to that person when the police have not created any risk which that person may face upon release. The third amended complaint alleged that after a night of heavy drinking, Milanese got in his truck and began driving erratically. His cousin, who was following him in her car, called 911. The police officer pulled Milanese over and took him into custody because he appeared impaired and arranged for the plaintiff's truck to be towed. The officer transported Milanese to the police station where he was issued five traffic citations. The police officer called a cab for Milanese and, when the cab arrived at the police station, the officer escorted Milanese to the front door of the station and released him. Milanese was still impaired and because the cab driver did not see Milanese, the cab driver left. Following his release from the police station, Milanese was struck and killed by a train after lying next to nearby railroad tracks. I held that the police did not owe a duty of care under those circumstances. The order was affirmed by the Fourth District Court of Appeal on rehearing en banc, *Peter Milanese, as Personal Representative of the Estate of C. Milanese v. City of Boca Raton, Florida*, 84 So.3d 339 (Fla. 4th DCA 2012), on the grounds that the police did not create or permit dangers to Milanese to exist, were no longer holding Milanese in custody, were no longer detaining Milanese, and did not otherwise subject Milanese to danger.

Plaintiff

Charles Wender
1900 West Palmetto Park Road
Boca Raton, Florida 33432
561-368-7004

Defendant City of Boca Raton, Florida

Matthew H. Mandel
Weiss Serota Helfman Pastoriza Cole & Boniske, PL
200 East Broward Boulevard
Suite 1900

Ft. Lauderdale, Florida 33301
945-763-4242

7. *Proudfoot Consulting Company v. Prosser, Highland Consulting Company and Highland Consulting GMBH*, Case No. 502006CA009881 (Fla. 15th Cir. Ct.). Order supplied.

As a Circuit Judge, I presided over litigation involving a contract dispute arising from alleged trade secret violations and non-compete violations. The case was pending before me for at least four years while I served in the Civil Division. I declared the case complex under a newly adopted state court rule of procedure for designating complicated matters as complex. I was one of the first judges in Palm Beach County to utilize this new rule of procedure. The case in question presented several difficult legal issues, including jurisdictional questions as to the reach of Florida's long-arm jurisdiction and statute with respect to foreign citizens who had transacted business in Florida (including transactions that were primarily electronic in nature), the management of substantial trade secrets information that was the subject of extensive discovery efforts, several interlocutory appeals involving multiple issues including assertions of the Fifth Amendment by one party, and monetary claims exceeding several million dollars. The case concluded with a settlement prior to trial.

Plaintiff Proudfoot Consulting Company

Scott Hawkins
Jones, Foster, Johnston & Stubbs
505 South Flagler Drive
West Palm Beach, Florida 33401
561-659-3000

Defendants Prosser, Highland Consulting Company, and Highland Consulting GMBH

Louis Silber
Silber and Davis
1806 Old Okeechobee Road
West Palm Beach, Florida 33409
561-615-6266

John M. Burman
Law Firm of Burman, Critton, Luttier & Coleman
303 Banyan Boulevard
Suite 400
West Palm Beach, Florida 33401
561-842-2820

8. *Miller et al. v. Bethesda Memorial Hospital, Inc. et al.*, Case No. 502005CA6735 (Fla. 15th Cir. Ct.). Orders supplied.

As a Circuit Judge, I presided over a medical malpractice trial that lasted approximately two months. The plaintiff, an achondroplastic dwarf, was three years old when the alleged malpractice occurred. The allegations in the complaint were that the defendants, a pediatrician (specializing in ear, nose and throat problems), anesthesiologist, and hospital, were negligent during a surgical procedure on the plaintiff for operative removal of tympanostomy tubes. During the surgery and immediately thereafter, it was alleged that the plaintiff's airway was compromised, resulting in severe oxygen deprivation for an extended period of time. The plaintiff alleged that he suffered serious and permanent injuries to the brain and respiratory system. During the course of the litigation, I granted summary judgment brought on behalf of the defendants Bethesda Memorial Hospital, Inc., Bethesda Health City, Inc. and Bethesda Healthcare System based on the lack of existence of an apparent agency relationship and a joint venture between these defendants and the other defendants in the lawsuit. I also denied a motion for summary judgment brought by defendant Kelson Physician Partners, Inc. based on the existence of genuine issues of material fact as to that defendant's relationship with the other defendants. The case went to trial in 2009 and resulted in a hung jury after which I declared a mistrial. The case subsequently settled.

Plaintiff

Darryl L. Lewis
Searcy Denney Scarola Barnhart & Shipley, P.A.
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409
561-686-6300

Defendant Bethesda Outpatient Surgery Center, LLC

Anthony P. Corsini
Bob, Ciotoli, Bocchino, Newman & Corsini, P.A.
1240 U.S. Highway One
Suite 200
North Palm Beach, Florida 33408
561-684-6600

Defendant Anesthesia Associates, P.A. & Dr. Maisel

Keith J. Puya
Stephen Lynn Klein Cava Hoffman & Puya, P.A.
515 North Flagler Drive

Suite 1600
West Palm Beach, Florida 33401
561-655-1500

Defendant Dr. Spektor & Otolaryngology Consultants, P.A.

Thomas E. Dukes, III
McEwan, Martinez & Dukes, P.A.
108 East Central Boulevard
Post Office Box 753
Orlando, Florida 32802
407-423-8571

9. *Coleman (Parent Holdings), Inc. v. Morgan Stanley & Co., Inc.* Case No. 2003CA005045 (Fla. 15th Cir. Ct.). Order supplied.

As a Circuit Judge, I issued an order finding that the plaintiff did not raise a colorable entitlement to relief and denied the plaintiff's verified motion to vacate the judgment and grant a new trial on damages. This case arose from an alleged conspiracy between defendant Morgan Stanley and the now-defunct Sunbeam Corporation. Coleman (Parent) Holdings, Inc. purchased Sunbeam, allegedly in reliance on misrepresentations of Sunbeam's investment banker, Morgan Stanley. Sunbeam went bankrupt within two years and Coleman sued Morgan Stanley for fraudulent conspiracy to misrepresent Sunbeam's financial health at the time of sale. A jury had returned a verdict (before another Circuit Judge) in the plaintiff's favor for \$604,334,000 in compensatory damages and \$850 million in punitive damages. On appeal, the Florida Fourth District Court of Appeal reversed both the compensatory and punitive damage awards and remanded the case with directions to enter final judgment for Morgan Stanley. In its motion, the plaintiff asked the court to vacate the final judgment of dismissal in favor of Morgan Stanley, enter a default as to all elements of the plaintiff's claims, and order a new trial on damages. The motion asserted that it was properly brought under Florida Rule of Civil Procedure 1.540 because the defendant perpetrated a fraud upon the court and a fraud upon the plaintiff. I issued a 28-page order in which I concluded that the plaintiff was unable to show that the fraud alleged affected the outcome of the case. The order was affirmed by the Fourth District Court of Appeal in *Coleman (Parent) Holdings, Inc. v. Morgan Stanley & Co., Inc.* 20 So.3d 952 (Fla. 4th DCA 2009), rehearing denied, review denied, 37 So.3d 846.

Plaintiff Coleman (Parent Holdings), Inc.

John Scarola
Searcy Denney Scarola Barnhart & Shipley, P.A.
2139 Palm Beach Lakes Boulevard

West Palm Beach, Florida 33409
561-686-6300

Defendant Morgan Stanley & Co., Inc.

Bruce Rogow
Bruce S. Rogow, P.A.
500 East Broward Boulevard
Suite 1930
Ft. Lauderdale, Florida 33394
954-767-8909

10. *Mendez et al. v. Florida Department of Agriculture and Consumer Services, et al.*, Case No. 2002CA013717 (Fla. 15th Cir. Ct.). Orders supplied.

As a Circuit Judge, I presided over a three-week bench trial on liability in October 2007 in this case, in which the primary issue was whether the defendants' physical destruction of the plaintiffs' exposed citrus trees constituted a "taking" under Article X, § 6(a) of the Florida Constitution requiring full and just compensation. This case was the first of five class action lawsuits filed in the state of Florida challenging the Florida Department of Agriculture and Consumer Services' authority to cut down residential citrus trees. The Department destroyed 66,468 residential citrus trees owned by members of the class in Palm Beach County from 2000 until the end of the eradication program in early 2006. The destroyed residential citrus trees were located on the property of 40,937 owners in Palm Beach County. I issued an order on the liability claims and defenses in December 2007, finding that the defendants' destruction of the plaintiffs' citrus trees constituted a "taking" under Article X, section 6(a) of the Florida Constitution requiring full and just compensation. After determining that there was a taking, I presided over a two-week jury trial on damages, which resulted in a verdict of over \$19 million. I subsequently entered final judgment and issued a writ of execution against the appellant Department of Agriculture and Consumer Services in an inverse condemnation action. The Fourth District Court of Appeal concluded that the plaintiffs had to collect through a different procedure. *Florida Dep't of Agriculture and Consumer Services v. Mendez et al.*, 98 So.3d 604 (Fla. 4th DCA 2012). The appellate court then affirmed my rulings as to liability, finding that the destruction of the trees constituted a taking, that the exposed trees did not constitute a public nuisance and that the presumption contained in section 11.066(2), Florida Statutes, as well as the burden of proof to overcome that presumption, did not apply. *Florida Dep't of Agriculture and Consumer Services v. Mendez, et al.*, 126 So.3d 367 (Fla. 4th DCA 2013). However, the court reversed the exclusion of some of the scientific evidence regarding citrus canker, as well as other citrus pests and their effects at the damages phase and remanded for a new trial on damages. Because I am

currently assigned to the Criminal Division, the new jury trial has been assigned to a judge in the Civil Division.

Plaintiff David and Lillian Mendez et al. (class action)

Robert Gilbert
Grossman Roth, P.A.
2525 Ponce de Leon
Suite 1150
Coral Gables, Florida 33134
888-296-1681

Defendant Florida Department of Agriculture and Consumer Services, et al.

Wesley R. Parsons
Clarke Silvergate
799 Brickell Plaza
Suite 900
Miami, Florida 33131
305-347-3123

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decision that were published; (2) a copy of those decision that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Baker v. State of Florida*, 102 So.3d 756 (Fla. 4th DCA 2012).

Appellant Everton Baker

Tatjana Ostapoff
Assistant Public Defender
Office of Public Defender, 15th Judicial Circuit, Palm Beach County, Florida
421 Third Street
West Palm Beach, Florida 33401
561-355-7500

Appellee State of Florida

Katherine Y. McIntire
Assistant Attorney General
Office of Florida Attorney General
1515 North Flagler Drive
West Palm Beach, Florida 33401
561-837-5000

2. *Rich v. Kaiser Gypsum Company, Inc. et al.*, 103 So.3d 903 (Fla. 4th DCA 2012).

Appellant Abbey Rich

Juan Bauta
The Ferraro Law Firm
600 Brickell Avenue
Miami, Florida 33131
800-275-3332

Appellee Kaiser Gypsum Company, Inc. et al.

Raoul G. Cantero
White & Case LLP
Southeast Financial Center
200 South Biscayne Boulevard
Suite 4900
Miami, Florida 33131
3015-371-2700

Matthew J. Conigliaro
Carlton Fields, P.A.
360 Central Avenue #1500
St. Petersburg, Florida 33701
727-821-7000

3. *Rasabi et al. v. Salomon*, 51 So.3d 1284 (Fla. 4th DCA 2011).

Appellant Shlomo Rasabi

Matthew R. Simrig
Law Offices of Matthew R. Simrig
990 West Sample Road
Suite 300
Coral Springs, Florida 33065
954-825-0466

Appellee David Salomon

Allen H. Libow
Libow & Shaneen LLP
3351 North West Boca Raton Boulevard
Boca Raton, Florida 33427
561-367-7300

4. *Hoesch and South Florida Siberian Husky Rescue, Inc. v. Broward County, Florida*, 53 So.3d 1177 (Fla. 4th DCA 2011).

Appellant Brian Hoesch and South Florida Siberian Husky Rescue

Jason M. Wander
Law Office of Jason M. Wander
200 South Biscayne Boulevard
Suite 2690
Miami, Florida 33131
305-375-6053

Appellee Broward County, Florida

Benjamin Sazillo
Assistant County Attorney
Office of Broward County Attorney
115 South Andres Avenue
Suite 423
Ft. Lauderdale, Florida 33301
954-357-7600

5. *Piendle v. R.J. Reynolds Tobacco Company, et al.*, Case No. 502008CA038777 (Fla. 15th Cir. Ct.). (Orders previously supplied in response to 13c).

Plaintiff Margaret Piendle

John Scarola
Searcy Denny Scarola Barnhart & Shipley, PA
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409
561-686-6300

Defendant RJ Reynolds Tobacco Company et al.

Stephen Krigbaum
Carlton Fields
525 Okeechobee Boulevard
Suite 1200
Cityplace Tower
West Palm Beach, Florida 33401
561-659-7070

John Wiederhold
Wiederhold, Moses, Kummerien & Waronicki, PA

560 Village Boulevard
Suite 240
West Palm Beach, Florida 33409
561-615-6775

6. *Cadejuste v. State of Florida*, 993 So.2d 122 (Fla. 4th DCA 2008).

Appellant Marco Cadejuste

Margaret Good-Earnest
Assistant Public Defender
Office of Public Defender, 15th Judicial Circuit, Palm Beach County, Florida
421 Third Street
West Palm Beach, Florida 33401
561-355-7500

Appellee State of Florida

Daniel P. Hyndman
Assistant Attorney General
Office of Florida Attorney General
1515 North Flagler Drive
West Palm Beach, Florida 33401
561-837-5000

7. *Goodall v. Whispering Woods Center, L.L.C.*, 990 So.2d 695 (Fla. 4th DCA 2008).

Appellant Michael Goodall

Michael P. Hamaway
Mombach, Boyle & Hardin, P.A.
Broward Financial Centre
Suite 1950
Ft. Lauderdale, Florida 33301
954-467-2200

Appellee Richard H. Bergman

Richard H. Bergman
Bergman & Jacobs, P.A.
2001 Hollywood Boulevard
Suite 200
Hollywood, Florida 33020
954-923-3533

8. *Al-Saleh v. Sargeant, III, et al.*, Case No. 502008CA010187 (Fla. 15th Cir. Ct.); *aff'd* 13 So.3d 65 (Fla. 4th DCA 2009); *rev'd in part* Sargeant, III v. Al-Saleh, 120 So.3d 86 (Fla. 4th Dist. Ct. App. 2013); *Sargeant, III v. Al-Saleh*, 120 So.3d 86 (Fla. 4th Dist. Ct. App. 2013). (Orders previously supplied in response to 13c).

Plaintiff Mohammad Anwar Farid Al-Saleh

Barry R. Ostrager
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, New York 10017
212-455-2655

Defendants Harry Sargeant, III, Mustafa Abu-Naba'A, and International Oil Trading Company, LLC

Roger S. Kobert
Weiss Serota Helfman Pastoriza Cole & Boniske
2525 Ponce de Leon Boulevard
Suite 700
Coral Gables, Florida 33134
305-854-0800

9. *Proudfoot Consulting Company v. Prosser, Highland Consulting Company and Highland Consulting GMBH*, Case No. 502006CA009881 (Fla. 15th Cir. Ct.). (Orders previously supplied in response to 13c).

Plaintiff Proudfoot Consulting Company

Scott Hawkins
Jones, Foster, Johnston & Stubbs
505 South Flagler Drive
West Palm Beach, Florida 33401
561-659-3000

Defendants Anthony Prosser, Highland Consulting Company and Highland Consulting GMBH

Louis Silber
Silber and Davis
1806 Old Okeechobee Road
West Palm Beach, Florida 33409
561-615-6266

John M. Burman
Law Firm of Burman, Critton, Luttier & Coleman
303 Banyan Boulevard
Suite 400
West Palm Beach, Florida 33401
561-842-2820

10. *Coleman (Parent Holdings), Inc. v. Morgan Stanley & Co., Inc.* Case No. 2003CA005045 (Fla. 15th Cir. Ct.). (Order previously supplied in response to 13c).

Plaintiff Coleman (Parent Holdings), Inc.

John Scarola
Searcy Denny Scarola Barnhart & Shipley, PA
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409-6601
561-686-6300

Defendant Moran Stanley & Co., Inc.

Bruce Rogow
Law Office of Bruce S. Rogow
500 East Broward Boulevard
Suite 1930
Ft. Lauderdale, Florida 33394
954-767-8909

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

None.

- 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.

The following cases represent a summary of and citations for all of my decisions that were reversed by a reviewing court.

Sargeant, III, Abu-Naba'a and International Oil Trading Company, LLC v. Al-Saleh, 2014 WL 836755 (Fla. 4th Dist. Ct. App. 2014). The Fourth District Court of Appeal reversed a non-final order granting the defendants/debtors motion to compel the debtors to turn over stock certificates evincing their ownership interest in several foreign entities. Decision previously supplied in response to 13c.

O'Malley v. Ranger Construction Industries, Inc., 2014 WL 51682 (Fla. 4th Dist. Ct. App. 2014). The Fourth District Court of Appeal reversed the order granting summary judgment on inapplicable inference stacking rules. Decision supplied.

Allen Holmes, Inc. v Jim Molter, Inc., 127 So.3d 695 (Fla. 4th Dist. Ct. App. 2013). The Fourth District Court of Appeal disagreed with the finding that neither party was the “prevailing party” for purposes of recovering attorney’s fees and costs. Decision supplied.

Sargeant, III, Abu-Naba’a and International Oil Trading Company, LLC v. Al-Saleh, 120 So.3d 86 (Fla. 4th Dist. Ct. App. 2013). The defendants appealed the judgment entered based on the exclusion of expert testimony concerning whether there is condition precedent, under Jordanian law, that notice had to be given to a certain Jordanian ministry, prior to plaintiff instituting suit. The appellate court affirmed on this issue and the judgment but reversed the denial of pre-judgment interest. Decision previously supplied in response to 13c.

Florida Dep’t of Agriculture and Consumer Services v. Mendez et al., 126 So.3d 367 (Fla. 4th DCA 2013). The Fourth District Court of Appeal reversed the final judgment as to compensation, concluding that the scientific evidence regarding citrus canker, which had been excluded, was relevant to the evaluation of the various appraisers’ determinations of value of the homeowners’ destroyed trees. Decision previously supplied in response to 13c.

Sterling Financial & Management, Inc. v. Gitenus et al., 117 So.3d 790 (Fla. 4th DCA 2013). The Fourth District Court of Appeal reversed the denial of a directed verdict in favor of the appellant, concluding that the evidence demonstrated that the appellant did not participate in the details of the work to the extent necessary to make it liable to an employer of an independent contractor for the negligence of the contractor. Decision supplied.

Atlantis Estate Acquisitions, Inc. v. Depierro et al., 125 So.3d 889 (Fla. 4th DCA 2013). The Fourth District Court of Appeal reversed the final judgment awarding the appellee tenant a return of the remaining rent on a lease because the court found that the rent was not “advance rent” within the meaning of the statute. Decision supplied.

Bradshaw et al. v. Boynton-JCP Associates, LTD. Et al., 125 So.3d 289 (Fla. 4th DCA 2013). The Fourth District Court of Appeal reversed a final judgment awarding attorneys’ fees pursuant to an offer of judgment because ambiguities in the offer prevented its enforceability. Decision supplied.

Home Construction Management, LLC et al. v. Comet, Inc., 125 So.3d 221 (Fla. 4th DCA 2013). The Fourth District Court of Appeal reversed the treble damage award against the individual defendant. Decision supplied.

City of Boynton Beach v. Janots et al., 101 So3d 864 (Fla. 4th DCA 2012). The Fourth District Court of Appeal reversed the denial of the appellant's motion to use proceeds from a taking to satisfy an outstanding code enforcement lien and found that the appellant City did not need to file a separate action to enforce its code enforcement liens. Decision supplied.

Florida Dep't of Agriculture and Consumer Services v. Mendez et al., 98 So.3d 604 (Fla. 4th DCA 2012). The Fourth District Court of Appeal reversed the writs of execution against the Department of Agriculture and Consumer Services because the appellate court found that the statute permitting the issuance of a writ of execution against the State for judgment in eminent domain actions did not permit the issuance of a writ of execution against the appellant Department of Agriculture and Consumer Services in inverse condemnation actions. Decision previously supplied in response to 13c.

Poland et al. v. Zaccheo, 82 So.3d 133 (Fla. 4th DCA 2012). The Fourth District Court of Appeal reversed the jury verdict, concluding that the full cross-examination of the appellee's medical expert regarding the proximate cause of the appellee's injuries and resulting surgeries should have been permitted. Decision supplied.

Wilson v. Palm Beach County, 62 So.3d 1247 (Fla. 4th DCA 2011). The Fourth District Court of Appeal reversed the order granting summary judgment in favor of the appellee, concluding that there were genuine issues of material fact as to whether the special permit conditions and setbacks limit farming operations. Decision supplied.

Mercedes-Benz USA, LLC v. Popham, 65 So.3d 47 (Fla. 4th DCA 2011). The Fourth District Court of Appeal reversed the award of attorney's fees to the appellee under Florida's "Lemon Law" during arbitration of the refund option because damages under section 681.112, Florida Statutes (2010) do not include attorney's fees incurred in pursuing the refund option through arbitration. Decision supplied.

Drucker et al. v. Duvall, 61 So.3d 468 (Fla. 4th DCA 2011). The Fourth District Court of Appeal reversed an order denying appellants' motion to transfer the case for improper venue, finding that none of the appellee's causes of action accrued in Palm Beach County. Decision supplied.

Rastaedt v. Mercedes-Benz USA, LLC, 63 So3d 41 (Fla. 4th DCA 2011). The Fourth District Court of Appeal reversed the order granting appellee's motion for judgment on the pleadings because the appellate court found that the appellant had stated a cause of action for breach of express warranty under the Magnuson Moss Warranty Act. Decision supplied.

Citizens Property Insurance Corp. v. European Woodcraft & Mica Design, Inc. et al., 49 So.3d 774 (Fla. 4th DCA 2010). The Fourth District Court of Appeal reversed a final judgment finding that the appellant was not bound by the appellee insurance agent's actions because the reviewing court found that appellee insured was put on notice of inquiry as to the limitation on the agent's actual authority. Decision supplied.

Asinmaz v. Semrau, 42 So.3d 955 (Fla. 4th DCA 2010). The Fourth District Court of Appeal reversed the award of attorneys' fees, which had been based on the finding that the plaintiff and his attorney had no evidence to support that the appellee acted with express malice when she made a police report accusing the plaintiff of stealing her jewels. The appellate court found, instead, that evidence in possession of the plaintiff presented a justiciable issue. Decision supplied.

The King's Academy, Inc. et al. v. Joe Doe et al., 29 So.3d 439 (Fla. 4th DCA 2010). The Fourth District Court of Appeal reversed a non-final order denying a motion to compel arbitration, concluding that the trial court should have held an evidentiary hearing on the appellee's unconscionability challenge because there existed a substantial disputed issue concerning the making of the arbitration provision. Decision supplied.

W&W Lumber of Palm Beach, Inc. v. Town & Country Builders, Inc., 35 So.3d 79 (Fla. 4th Dist. Ct. App. 2010). The Fourth District Court of Appeal reversed a damage award based on the appellate court's decision to grant the appellee's motion to amend its affirmative defenses to include setoff. Decision supplied.

Carsillo v. City of Lake Worth, 995 So.2d 1118 (Fla. 4th DCA 2008). The Fourth District Court of Appeal reversed a grant of summary judgment in favor of the appellee, concluding that because the Florida Civil Rights Act is patterned after the federal Civil Rights Act, which considers pregnancy discrimination to be sex discrimination, the Florida Act bars such discrimination. Decision supplied.

Lankheim v. Florida Atlantic University, Board of Trustees, 922 So.2d 828 (Fla. 4th DCA 2008). The Fourth District Court of Appeal reversed a grant of summary judgment in favor of the appellee, concluding that the appellant, as a student already enrolled at a state college on a state university campus, had a legitimate claim of entitlement to continued enrollment at the school such that she could demand the procedural protections of due process. Decision supplied.

Almendares v. State of Florida et al., 979 So.2d 448 (Fla. 4th DCA 2008). The Fourth District Court of Appeal reversed an order denying the appellant's motion for reconsideration of his indigent status because the reviewing court found that the issue was not addressed in the appellant's original petition for writ of mandamus. Decision supplied.

Weiss Capital Management, Inc. v. Crowder, 964 So.2d 865 (Fla. 4th Dist. Ct. App. 2007). The Fourth District Court of Appeal reversed an order staying the civil action and compelling arbitration because the appellate court found that there was no express agreement between Weiss Capital Management that required Weiss to arbitrate its dispute with Crowder. Decision supplied.

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

I have issued over 100 unpublished opinions on motions to dismiss, motions for summary judgment, motions for temporary injunction, motions to suppress, motions to compel and motions for protective order and motions to transfer for forum non conveniens; I also have issued unpublished circuit appellate opinions. The orders that I have issued are kept in the official court files which are maintained by the Clerk and Comptroller Office for Palm Beach County. The orders can be accessed by case number and the parties' names. The circuit appellate opinions that I have issued are maintained on the 15th Judicial Circuit website and can be searched by date and by topic.

- 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 opinion.

Hoesch and South Florida Siberian Husky Rescue v. Broward County, Florida, 53 So.3d 1177 (Fla. 4th DCA 2011)

Proudfoot Consulting Company v. Prosser, Highland Consulting Company and Highland Consulting GMBH, Case No. 502006CA009881 (Fla. 15th Cir. Ct.). Opinion previously supplied in response to 13c.

Mendez et al. v. Florida Department of Agriculture and Consumer Services, et al., Case No. 2002CA013717 (Fla. 15th Cir. Ct.). *Florida Department of Agriculture and Consumer Services, et al. v. Mendez*, 126 So.3d 367 (Fla. 4th DCA 2013), *rev'd on other grounds*. Opinion previously supplied in response to 13c.

- 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, any dissenting opinions you joined.

I have not sat by designation on any federal courts 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 prior 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. 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.

As a general matter, I recuse myself in cases where an objective, disinterested, and fully informed lay observer would entertain a significant doubt about my impartiality. On motions for disqualification, I follow the requirements of Florida Rule of Judicial Administration 2.330 on Disqualification of Trial Judges and Florida Statute 38.10. Pursuant to Rule 2.330, the trial judge shall determine only the legal sufficiency of the motion for disqualification and shall not pass on the truth of the facts alleged. If the motion is legally sufficient, the judge shall immediately enter an order granting disqualification and proceed no further in the action. If any motion is legally insufficient, an order denying the motion shall immediately be entered. No other reason shall be stated, and an order of denial shall not take issue with the motion. Fla. R. Jud. Admin. 2.330(f). In accordance with court rules, my orders of recusal do not provide a reason for recusal.

I have recused myself *sua sponte* from the following cases, which I have listed in alphabetical order:

All Care Medical Services, Inc. and Dr. Shaheed Kalloo v. Jodi Neely, Case No. 2006CA11154 (Fla. 15th Cir. Ct.).

American Express Bank, FSB v. Lewis Kasman and Eileen Kasman, Case No. 2007CA00055 (Fla. 15th Cir. Ct.).

Amhad Dastjerdi v. Roberta Fox, Case No. 2010CA016157 (Fla. 15th Cir. Ct.).

Anna Marie Hernandez v. Laurie P. Rapaport and Jonathan Rapaport, Case No. 2008CA 1369 (Fla. 15th Cir. Ct.).

Angel v. State Farm Mutual Automobile Insurance Company, Gary Lesser and Cory Boisvert, Case No. 2009CA2168 (Fla. 15th Cir. Ct.).

Arthur P. Bellis v. Mark A. Guzzetta, Docket Nos. 1999CA11818 and 2001CA6978 (Fla. 15th Cir. Ct.).

Broadus L. Hill v. State of Florida, Case No. 2009CA12944 (Fla. 15th Cir. Ct.).

Charles Navarro v. Mark Elhilow and Susan Clark Elhilow, Case No. 2011CA4466 (Fla. 15th Cir. Ct.).

Christopher McMahon v. State of Florida, Case No. 2009CA22722 (Fla. 15th Cir. Ct.).

City of Delray Beach v. Palm Beach County Police Benevolent Association, Inc., Case No. 2010CA24837 (Fla. 15th Cir. Ct.).

City of West Palm Beach v. Calida Johnson, Case No. 2009CA04673 (Fla. 15th Cir. Ct.).

City of West Palm Beach v. Roger Tucker, Cory Hutchins, Ronald "Little Ron" Bowers, Courtney "Bump or CJ" Jones, Bryan Omer Gerald, Tanoris Judd, Joshua "Spro" Judd, Tavaris Jemario Junter, Jamal Paulk, Joey Canady, Freddie Canady, Lavar McClendon, Case No. 2007CA013462 (Fla. 15th Cir. Ct.).

City of West Palm Beach v. Palm Beach County PBA, Case No. 2009CA38628 (Fla. 15th Cir. Ct.).

David W. Mahan v. State of Florida, Case No. 2009CA26292 (Fla. 15th Cir. Ct.).

Edit Tolnai, M.D. and Edit Tolnai, M.D., P.A., Case No. 2010CA000408 (Fla. 15th Cir. Ct.).

Fane Lozman v. City of Riviera Beach, Case No. 2008CA27882 (Fla. 15th Cir. Ct.).

Florida Ventures, Inc. v. Harald Dude, Mobile Management, et al., Docket Nos. 1997CA9126, 1997CA8006 (Fla. 15th Cir. Ct.).

HPSC, Inc. v. Perrin L. Blank, D.D.S., P.A. and Perrin L. Blank, Case No. 2009CA4207 (Fla. 15th Cir. Ct.).

In Re: Forfeiture of Funds Totaling Approximately \$496,916.45 in US Currency Seized from a Specific Merrill Lynch Account in the Name of Sherri Pinsley and Michelle Pinsley, Case No. 2011CA10780 (Fla. 15th Cir. Ct.).

Iva Dozier v. Robert Rubin and Mercury Insurance Company of Florida, Case No. 2011CA5436 (Fla. 15th Cir. Ct.).

Jacques R. Rubin v. KPMG LLP and Proskauer Rose, Case No. 2007CA20908 (Fla. 15th Cir. Ct.).

John F. McGregor, et al. v. Merco Group of the Palm Beaches, Inc., et al., Case No. 2006CA11826 (Fla. 15th Cir. Ct.).

John Kevin Lawler v. Deidre E. Newton, Case No. 2008CA34914 (Fla. 15th Cir. Ct.).

John Tutlock, Joann Tutlock, Charles Tutlock, Darrell Covell and Melissa Covell v. Merco Group of the Palm Beaches, Inc. and Gunster, Yoakley & Stewart, P.A., Case No. 2008CA108 (Fla. 15th Cir. Ct.).

John Valentino, Scott Gartner and Ethan Levinson v. Fantasma Productions, Inc. of Florida, Case No. 2008CA10043 (Fla. 15th Cir. Ct.).

Julien Garcon v. West Palm Beach Police Department, Case No. 2010CA1545 (Fla. 15th Cir. Ct.).

Kast Construction Company, LLC, and Bay Erectors & Rigging, Inc., Case No. 2006CA4164 (Fla. 15th Cir. Ct.).

Mark Elliot Roberts v. Eddie Stephen, et al., Case No. 2010CA4262 (Fla. 15th Cir. Ct.).

Mark P. Arzoumanian and Amelia Gallo, Arzoumanian v. Cole, Scott & Kissane, Case No. 2009CA40939 (Fla. 15th Cir. Ct.).

M & L Realty Holdings, LLC v. Medical Office Concepts, Inc., Case No. 2008CA00657 (Fla. 15th Cir. Ct.).

Michael Corn v. State of Florida, Case No. 2009CA29605 (Fla. 15th Cir. Ct.).

Michael F. McAuliffe v. Pasquale Gervasio and Rosney Gervasio, Case No. 2011CA9813 (Fla. 15th Cir. Ct.).

Michael J. Mahoney, Nora M. Mahoney and Dee's "T" Shirt, Inc. v. Boathouse Real Property, Inc. and City of Riviera Beach, Case No. 2008CA36935 (Fla. 15th Cir. Ct.).

Michael S. Nelson v. Warden D. Harris, Case No. 2010CA18553 (Fla. 15th Cir. Ct.).

Nantucket Enterprises, Inc. Robert Abruzzo and Eric Gordon v. Palm Beach Florida Hotel and Office Building Limited Partnership, Case No. 2010CA27919 (Fla. 15th Cir. Ct.).

Palm Beach Florida Hotel and Office Building Limited Partnership and Ashford TRS Lessee II, LLC, Case No. 2008CA39646 (Fla. 15th Cir. Ct.).

Palm Beach Newspapers, Inc. v. Palm Beach Real Estate, Inc., Case No. 2008CA37675 (Fla. 15th Cir. Ct.).

Pine Trail Square, LLC v. Zuccarelli's Italian Kitchen, Inc. and Ralph Zuccarelli, Case No. 2010 CA 30487 (Fla. 15th Cir. Ct.).

Randal A. Ferguson v. Kelly Bertisch, Case No. 2011CA9428 (Fla. 15th Cir. Ct.).

RBC Bank (USA) v. Tropioc Real Estate Holdings LLC; David A. Behringer; Mark D. Behringer, Unknown Tenant 1; Unknown Tenant 2, Case No. 2011CA2699 (Fla. 15th Cir. Ct.).

Renee Cerulli v. Angelo Forte, DMD, Yves Semean, DDS and Florida Dental & Denture Center, Case No. 2007CA11228 (Fla. 15th Cir. Ct.).

Ricardo Mejia, M.D. et al. v. Carlos Gonzalez JR., M.D. and Proskauer Rose, LLP, Case No. 2007CA17782 (Fla. 15th Cir. Ct.).

Ronald Nathaniel Miller v. Social Security Office of West Palm Beach, Florida, et al., Case No. 2008CA 10063 (Fla. 15th Cir. Ct.).

Tough Construction v. Celia A. Terenzio and Rhonda H. Nasser, Case No. 2006CA14088 (Fla. 15th Cir. Ct.).

The Community Foundation for Palm Beach and Martin Counties, Inc. v. Kolter Property Management, Inc.; Morrow Equipment Company, LLC, LC; Kolter City Plaza II, Inc., Kast Construction Company, LLC, and Bay Erectors & Rigging, Inc., Case No. 2006CA4164 (Fla. 15th Cir. Ct.)

Valery Bell v. Walgreen Co., Case No. 2009CA42300 (Fla. 15th Cir. Ct.).

William I. Koch v. Rock Island Auction Company and Patrick Hogan, Case No. 2010CA25309 (Fla. 15th Cir. Ct.).

I have granted motions for disqualification as legally sufficient in the following cases:

Certified Alarm Technicians, Inc. v. Village of Sailboat Bend Master Association, Inc., Case No. 2008CA499 (Fla. 15th Cir. Ct.).

Chase Home Finance, LLC v. Badarul A. Chowdhury, Case No. 2010CA017662 (Fla. 15th Cir. Ct.).

Jeremy Marquise Carter v. Moss Towing, Case No. 2010CA19767 (Fla. 15th Cir. Ct.).

Kathryn Jordan v. James Pappas, Case No. 2008CA15518 (Fla. 15th Cir. Ct.).

Paradise Entertainment Corp. v. City of West Palm Beach, Case No. 2005CA9307 (Fla. 15th Cir. Ct.).

SIR Electric, Inc. v. State Companies, Inc., Chris Naismith, A-Z Tech and John David Giffin, Case No. 2007CA05758 (Fla. 15th Cir. Ct.).

State of Florida v. Anthony Laterza, Case No. 2011CF1935A (Fla. 15th Cir. Ct.).

State of Florida v. Julius Franklin Rocker, Case No. 2009CF010846 (Fla. 15th Cir. Ct.).

T. Michael Cappuccio v. The Insurance Company for The State of Pennsylvania and Alisha S. Lalli, Case No. 2006CA005597 (Fla. 15th Cir. Ct.).

I have denied motions for disqualification in the following cases:

Booksmart Enterprises, Inc. v. Dennis P. Gallon and Palm Beach Community College, Case No. 2007CA019224 (Fla. 15th Cir. Ct.).

HEARUSA, Inc. v. Celestial Asset Holdings, LLC, Case No. 2007CA5763 (Fla. 15th Cir. Ct.).

Stacey Patrick and Terrell Patrick v. Palm Beach County, The Palm Beach County School Board, The School District of Palm Beach County, George and Mary Webster and James and Catherine Webster, Case No. 2003CA11779 (Fla. 15th Cir. Ct.).

State of Florida v. George Behar, Case No. 2008CF007611 (Fla. 15th Cir. Ct.).

State of Florida v. Sandra Nealy, Case No. 2008CF007611 (Fla. 15th Cir. Ct.).

State of Florida v. Thomas Burgess, Case No. 2007CF013696 (Fla. 15th Cir. Ct.).

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public office 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 held no public offices other than judicial office. I have not had any successful candidacies for elective office or unsuccessful nominations for appointed office.

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

After consulting my records and the Internet, the following is all of the information that I can recall regarding my political activities. On occasion, I have

been a committee member or host for campaign fundraisers. These fundraisers have been on behalf of the following campaigns: Barbara Boxer for U.S. Senate (2004), Hillary Rodham Clinton for U.S. Senate (2003), Bill Nelson for U.S. Senate (2000), and Bob Graham for U.S. Senate (1998 and 1996). From August to November 1988, I volunteered as a Field Coordinator with the Florida Democratic Party, which involved enlisting volunteers and assisting voters in getting to the polls in Palm Beach County, Florida as part of the campaign to elect Michael Dukakis for President. Finally, while I worked for Senator Bill Bradley on his legislative staff in Washington, D.C., I volunteered for limited campaign work during Senator Bradley's campaign for re-election to the United States Senate in 1983 and 1984.

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

a. Describe chronologically your law practices 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 1989 to 1990, I served as a law clerk to the Honorable James C. Paine, United States District Judge for the Southern District of Florida.

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

None.

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.

1990 - 1994

U.S. Department of Justice
Civil Rights Division, Employment Litigation Section
United States Department of Justice
950 Pennsylvania Avenue, Northwest
Washington, D.C. 20530
Trial Attorney

1994 - 1995

Foley & Lardner
777 South Flagler Drive
West Palm Beach, Florida 33401
Associate

1995 - 1997
City of West Palm Beach
401 Clematis Street, Fifth Floor
West Palm Beach, Florida 33401
Assistant City Attorney

1997 - 1999
Holland & Knight LLP
222 Lakeview Avenue, Suite 1000
West Palm Beach, Florida 33401
Partner

1999 - 2001
Slim-Fast Foods Company
(West Palm Beach office no longer exists; company merged with Unilever in April 2000)
Vice President and General Counsel

2002 - 2006
ARC Mediation
1601 Forum Place, Suite 301
West Palm Beach, Florida 33401
Co-founder, principal, mediator and arbitrator

2001 - 2006
Rosenberg & McAuliffe, PL
1601 Forum Place, Suite 301
West Palm Beach, Florida 33401
Partner

- 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 served as a mediator and arbitrator in alternative dispute resolution proceedings from 2002 to 2006. I have not maintained a list of the matters with which I was involved in my capacity as a mediator and arbitrator. All of my mediations were conducted through the mediation company that I founded in 2002, ARC Mediation. I sold ARC Mediation in 2006, prior to becoming a judge. All of my arbitrations were conducted through the American Arbitration Association. All of the cases that I arbitrated were employment-related cases.

b. Describe:

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

From 1990 to 1994, as a trial attorney with the United States Department of Justice, Civil Rights Division, Employment Litigation Section, I conducted investigations into alleged discriminatory practices and represented the United States in federal courts nationally in employment discrimination lawsuits. From 1993 to 1994, I was on a leave of absence from the United States Department of Justice and taught at the University of West Bohemia through the international not-for-profit organization Civic Education Project (CEP).

From 1994 to 1995, as an associate with Foley & Lardner, I had a general civil litigation practice primarily representing businesses. I concentrated my practice in employment-related litigation.

From 1995 to 1997, as an Assistant City Attorney with the City of West Palm Beach, I represented the City in employment discrimination and police misconduct lawsuits, labor grievances and arbitration proceedings. I also provided legal counsel to the mayor and other city officials.

From 1997 to 1999, as a partner with Holland & Knight LLP, I worked in the litigation department with an emphasis on representing corporate and governmental management and employers in employment and labor disputes including Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Florida Civil Rights Act, the Family Medical Leave Act and the Fair Labor Standards Act. My practice included counseling companies concerning employee misconduct, drug testing and other workplace issues.

From 1999 to 2001, as General Counsel of Slim Fast Foods Company, I served on a six-person executive committee that managed all company operations and activities. I led the company's legal team in the \$2.3 billion merger with Unilever and \$100 million like-kind tax exchange transaction for purchase of land and construction of a company manufacturing plant. I managed all legal matters for the company, including corporate, litigation, U.S. and international trademark, manufacturing and quality assurance, antitrust, products liability, labor and employment, contracts and business relations, real estate, Internet website and advertising. I coordinated all outside legal counsel. I served as the company's contact with government agencies including the Federal Trade Commission, Food and Drug Administration and local regulatory bodies.

From 2001 to 2006, as a partner at Rosenberg & McAuliffe, P.L., my practice included mediation, arbitration and employment litigation in representation of

employees and corporate entities in U.S. District Court. I also counseled and represented employers in employment matters.

From 2002 to 2006, I also operated and managed ARC Mediation, a full-service dispute resolution firm comprised of 20-25 mediators and arbitrators. I served as a mediator and arbitrator in civil litigation matters. I developed the mediation software to help run the mediation company.

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

While at the U.S. Department of Justice, the United States government was my exclusive client, which I represented in employment discrimination litigation against state and local governments.

While at Foley & Lardner, my typical clients were corporate entities involved in general litigation including employment-related litigation and employees in employment-related litigation.

While at the City of West Palm Beach, the City was my exclusive client in all employment-related and police misconduct matters and litigation.

While in practice at Holland & Knight LLP, my typical clients were large employers and businesses in employment-related litigation and counseling.

While at Slim Fast Foods Company, the company was my exclusive client, which I represented in all legal areas relating to its business activities.

While in practice at Rosenberg & McAuliffe, PL, my typical clients included both employees (and former employees) and small to medium sized employer businesses in employment-related litigation and counseling.

While operating and managing ARC Mediation, the company's clients were lawyers and law firms throughout South Florida that sought mediation and arbitration services.

- 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.

95% of my practice was in litigation. At the United States Department of Justice, I appeared in federal court occasionally for motion practice and trials. At Foley & Lardner, I appeared in state court occasionally for motion practice. At the City of West Palm Beach, I appeared in federal court occasionally for motion practice and trials. At Holland & Knight LLP, I appeared in federal court occasionally for

motion practice and trials. At Rosenberg & McAuliffe, PL, I appeared in federal court frequently for motion practice and trials.

- i. Indicate the percentage of your practice in:
 - 1. Federal courts: 95%
 - 2. State courts of record: 5%
 - 3. Other courts: 0%
 - 4. Administrative agencies: 0%
- ii. Indicate the percentage of your practice in:
 - 1. Civil proceedings: 100%
 - 2. Criminal proceedings: 0%
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried four cases to verdict or judgment in courts of record. I was lead counsel in one case and co-counsel in three cases.

- i. What percentage of these trials were:
 - 1. Jury: 75%
 - 2. Non-jury: 25%
- 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.

Brief for Amici Curiae American Council on Education et al., *National Collegiate Athletic Association v. R.M. Smith*, 1998 WL 798589 (United States Supreme Court, October Term, 1998).

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. *Zuccala v. Dias Brothers Gardens Services, Inc. and Dias*, Case No. 05-81165 (S.D. Fla. 2005 – 2006): Judge Hurley and Magistrate Hopkins presiding.

Rosenberg & McAuliffe, PL represented the defendants Dias Brothers Gardens Services, Inc. and Dias in a lawsuit alleging that the defendants failed to pay the plaintiff overtime compensation for her hours worked in excess of 40 hours per work week and that the defendant terminated the plaintiff because she asserted her right to overtime wages. The plaintiff worked for the defendants from approximately 2004 to 2005 and was employed as a salaried employee. I fully participated with my co-counsel in all aspects of the litigation. The case resulted in a settlement at mediation.

Co-counsel:

Michael F. McAuliffe
(formerly Rosenberg & McAuliffe, PL)
c/o Oxbow Carbon LLC
1601 Forum Place
Suite P2
West Palm Beach, Florida 33401
561.512.9422

Counsel Plaintiff:

Christine Duignan
Shavitz Law Group
2000 Glades Road
Suite 200
Boca Raton, Florida 33431
561-447-8888

2. *Fernandez v. Elder Care Services, Inc.*, Case No. 03-21998 (S.D. Fla. 2003 - 2005); Judge Lenard & Magistrate Klein presiding.

Rosenberg & McAuliffe, PL represented Elder Care Services, Inc. in an action brought under the Fair Labor Standards Act by a former independent contractor who provided home health care services on behalf of Elder Care Services, Inc. The plaintiff worked for Elder Care Services, Inc. providing companionship services and claimed that he was entitled to overtime compensation for hours worked over 40 hours in a week. The case involved a novel issue regarding the validity of a Department of Labor regulation that applied to third parties, such as Elder Care Services, Inc., regarding the statutory exemption from overtime compensation for companionship services. The jury rendered a verdict in favor of Elder Care Services, Inc. As co-counsel, I shared equally in all aspects of the case, including extensive discovery, motion practice and the trial.

Co-counsel:
Michael F. McAuliffe
(formerly Rosenberg & McAuliffe, PL)
c/o Oxbow Carbon LLC
1601 Forum Place
Suite P2
West Palm Beach, Florida 33401
561.512.9422

Counsel for Plaintiff:
J.H. Zidell
J.H. Zidell, P.A.
300 71st Street
Suite 605
Miami Beach, Florida
305.865.6766

3. *Bradshaw v. School Board of Broward County*, Case No. 03-6215 (S.D. Fla. 2002 - 2005); Judge Martinez and Magistrate Bandstra presiding.

Rosenberg & McAuliffe, PL, represented Leola Bradshaw against the School Board of Broward County in a sexual harassment case under Title VII of the Civil Rights Act of 1964 and the Florida Civil Rights Act. Ms. Bradshaw was employed as a custodian at the Broward County School Board. The jury found that Ms. Bradshaw's supervisor sexually harassed her and awarded her \$500,000 in damages. After considering the novel issue of the combined effect of state and federal law limits on damages, the Eleventh Circuit Court of Appeals reduced the award to \$300,000. As co-counsel, I shared equally in all aspects of the case, including extensive discovery, motion practice, the trial and the appeal.

Co-counsel:
Michael F. McAuliffe
(formerly Rosenberg & McAuliffe, PL)
c/o Oxbow Carbon LLC
1601 Forum Place
Suite P2
West Palm Beach, Florida 33401
561.512.9422

Counsel for Defendant:
Michael T. Burke
Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.
2455 East Sunrise Boulevard, Suite 1000
Ft. Lauderdale, Florida 33304
954.463.0100

4. *McGriff et al. v. Southern Waste Systems, LLC and Gusmano*, Case No. 02-80638 (S.D. Fla. 2002 - 2003): Judge Ryskamp and Magistrate Vitunac presiding.

Rosenberg & McAuliffe, PL represented the plaintiffs against Southern Waste Systems, LLC and Charles Gusmano in a Fair Labor Standards Act overtime lawsuit in which the complaint alleged that the plaintiffs and all others similarly situated worked for the defendants as truck drivers transporting waste within Palm Beach County. The complaint alleged that the plaintiffs worked in excess of 40 hours in a week from at least 1999 - 2002 and that the defendants failed to compensate them at a rate of one and one half times their regular rate for all hours worked in excess of 40 hours in a single work week in violation of 29 U.S.C. § 207. I fully participated with my co-counsel in all aspects of the litigation. The case resulted in a favorable settlement at mediation for approximately eight employees and former employees of the defendants.

Co-counsel:

Michael F. McAuliffe
(formerly Rosenberg & McAuliffe, PL)
c/o Oxbow Carbon LLC
1601 Forum Place
Suite P2
West Palm Beach, Florida 33401
561.512.9422

Counsel for the Defendants:

Gregg Shavitz
Shavitz Law Group
2000 Glades Road
Suite 200
Boca Raton, Florida 33431
561-447-8888

5. *Findlay v. Broward County*, Case No. 02-61715 (S.D. Fla. 2002); Judge Dimitrouleas presiding.

Rosenberg & McAuliffe, PL represented a certified class of plaintiffs against the Broward County School Board in overtime litigation under the Fair Labor Standards Act. The plaintiffs were all hourly employees who worked over 40 hours a week for the Broward County School Board in two jobs, primarily as food service providers and custodians. The plaintiffs were not paid overtime compensation for their hours worked over 40 hours in a week. As co-counsel, I shared equally in all aspects of the case. The case required a review of all the employment records of the plaintiffs over a three-year period of time in order to establish the extent of the overtime violations. The case settled at mediation and the plaintiffs each recovered their full pay, including liquidated damages.

Co-counsel:
Michael F. McAuliffe
(formerly Rosenberg & McAuliffe, PL)
c/o Oxbow Carbon LLC
1601 Forum Place
Suite P2
West Palm Beach, Florida 33401
561.512.9422

Counsel for Defendant:
Michael T. Burke
Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.
2455 East Sunrise Boulevard, Suite 1000
Ft. Lauderdale, Florida 33304
954.463.0100

6. *Lyes v. City of Riviera Beach, et al.*, No. 95-8285 (S.D. Fla. 1997 - 1999); Judge Ryskamp presiding. 126 F.3d 1380 (11th Cir. 1997), *vacated and reh'g en banc granted*, 136 F.3d 1295 (1998); *reh'g en banc and remanded*, 166 F.3d 1332 (11th Cir. 1999).

I was co-counsel in the representation of the defendants City of Riviera Beach, the Community Redevelopment Agency and the Executive Director of CRA, Neil Crilly, in a gender discrimination case brought under Title VII and 42 U.S.C. § 1985(3). I was successful in obtaining summary judgment in favor of the Executive Director on all of the federal claims. The judgment was appealed and was reversed on, among other issues, a finding that the defendants did meet the definition of a single employer under Title VII and the conspiracy to discriminate claim based on sex was actionable under 42 U.S.C. § 1985. The Eleventh Circuit Court of Appeals opinion was subsequently vacated and was reheard by the Eleventh Circuit en banc. I wrote the brief and argued the appeal to the Eleventh Circuit en banc, which reversed on one of the two issues presented to the court in a five-to-four decision, holding that the conspiracy claim was actionable under 42 U.S.C. § 1985(3) and that there was insufficient evidence to support finding that the City and the Agency should be treated as a single employer for purposes of Title VII.

Co-counsel:
Glen Torcivia
Law Office of Glen J. Torcivia & Associates, P.A.
701 Northpoint Parkway, Suite 209
West Palm Beach, Florida 33401
561.686.8700

Richard McDuff
Johnson, Anselmo, Murdoch, Piper & McDuff, P.A.
2455 East Sunrise Boulevard, Suite 1000
Ft. Lauderdale, Florida 33304
954.463.0100

Counsel for Plaintiff:
Michael McHale (deceased)
(formerly with) Daves, Whalen, McHale & Considine
West Palm Beach, Florida

7. *James v. City of West Palm Beach*, Case No. 96-8552 (S.D. Fla. 1996 - 1998); Judge Moreno & Magistrate Johnson presiding.

Holland & Knight represented the City of West Palm Beach in a sex and race discrimination case under Title VII of the Civil Rights Act of 1964. The plaintiff applied for the position of City Attorney for the City of West Palm Beach. When the plaintiff was not selected, she sued the City alleging that the Mayor of the City of West Palm Beach discriminated against her based on her race and gender. The case required the defense of the City's personnel policies, procedures and practices as administered in the City's selection of its City Attorney. The jury returned a verdict in favor of the City of West Palm Beach. As co-counsel, I was responsible for the majority of the pre-trial practice, including all discovery matters and motion practice, for the examination of a number of the witnesses at trial.

Co-counsel:
Sanford Bohrer
Holland & Knight LLP
701 Brickell Avenue
Suite 3000
Miami, Florida 33131
305.374.8500

Counsel for Plaintiff:
Robert Weisberg
Law Offices of Robert E. Weisberg
1450 Madruga Avenue, #302
Coral Gables, Florida 33146
305.666.6095

8. *Wagner v. City of West Palm Beach et al.*, Case No. 95-8533 (S.D. Fla. 1995 - 1997); Judge Moreno presiding.

I represented the City of West Palm, Chief of Police Billy Riggs and Assistant Chief of Police Ric Bradshaw in a five-count complaint brought by the plaintiff,

Edward Wagner, under the Americans with Disabilities Act (ADA). The plaintiff alleged that the City discriminated against him under the ADA by denying him a position on the Police Department's SWAT team. The plaintiff argued that the City and individual defendants perceived him as having a disability, based on his back injury, which limited him in a major life activity. I litigated the case and prevailed on a motion for summary judgment.

Counsel for Plaintiff:

James K. Green, James K. Green P.A.
222 Lakeview Avenue, Suite 1650
West Palm Beach, Florida
561.659.2029

9. *United States v. State of New Jersey*, 75 FEP Cases 1602 (D.N.J. 1995) (1990 – 1993); 1995 WL 1943013 (D.N.J.); 194 F.3rd 426 (3rd Cir. 1999).

While with the Department of Justice, I represented the United States in an action involving alleged discriminatory hiring practices for entry-level law enforcement positions engaged in by the State of New Jersey, in violation of Title VII of the Civil Rights Act. The complaint alleged that the State utilized unlawful written and physical performance examinations and other procedures in processing and selecting candidates for appointment to State law enforcement positions, as well as county and municipal positions that are covered by State civil service laws. Approximately 5,300 persons were identified as possibly having been subjected to the allegedly discriminatory hiring practices. The case involved complex statistical analysis to identify and prove the disparate impact of a testing instrument on minority groups of individuals. The parties entered into a Consent Decree to resolve all of the issues raised by the complaint. I litigated the case with co-counsel from the Department of Justice during the period of time subsequent to the filing of the complaint and prior to the entry of the Consent Decree.

Co-counsel:

Katherine A. Baldwin, (former) Trial Attorney (retired)

Eric L. Siegel (former) Trial Attorney, United States Department of Justice
HenrichSiegel
1150 Connecticut Avenue, Northwest, #900
Washington, D.C. 20036
202.293.7766

Counsel for Defendant:

Douglass L. Derry
Deputy Attorney General
Office of Attorney General, State of New Jersey
P.O. Box 46001

Newark, N.J. 07102
973.648.2700

10. *United States v. Gregory, Sheriff of Patrick County*, 818 F.2d 1114 (4th Cir. 1987) (1990 - 1993); Judge Kiser presiding.

While with the Department of Justice, I represented the United States in an action against the defendant in his official capacity as the Sheriff of Patrick County, Virginia, alleging that the defendant engaged and continued to engage in employment practices, which discriminated against women and deprived them of employment as deputies in the Patrick County, Virginia Sheriff's Department. I tried the case in a non-jury trial on the issue of damages, after the case had been remanded from the Fourth Circuit Court of Appeals. I obtained monetary relief for the plaintiff.

Co-counsel:
Alysse Bass, Trial Attorney
United States Department of Justice
950 Pennsylvania Avenue, Northwest
Washington, D.C. 20530
202.514.2000

Counsel for other party:
Anthony Paul Giorno
(Current business contact information unavailable)

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 and information protected by the attorney-client privilege).

I have not performed lobbying activities on behalf of any client(s) or organization(s).

As a lawyer, I took a leave of absence from the Department of Justice to teach at the University of West Bohemia in Pilsen, Czech Republic, from 1993 to 1994. I participated as a member of the Civic Education Project (CEP), an international non-profit organization, which has promoted pluralism and international standards in social science education in countries striving to develop their civil society capacity. I helped to develop and teach in a graduate program in public administration at the University of West Bohemia. I also mentored many of the students, including locating opportunities for them to further their studies abroad in the United States.

As Vice-President and General Counsel of Slim Fast Foods Company, I helped lead the company's \$2.3 billion merger with Unilever. I worked at Slim Fast prior to, during and subsequent to the merger. I actively participated in presenting Slim Fast to public companies interested in acquiring the company and, once the merger was effectuated, worked in conjunction with a multitude of counsel to prepare the closing documents that finalized the transaction on April 11, 2000. I remained with Slim Fast for approximately one year following the transaction and assisted with the merger of the company's West Palm Beach operations into Unilever's national and international components.

In conjunction with my law practice in 2001 - 2006, I established the then first Palm Beach County based alternative dispute resolution firm. The firm, ARC Mediation, was comprised of 20 to 25 mediators and arbitrators who conducted mediations and arbitrators primarily throughout south Florida. As part of the firm's services, I provided office space where the mediations were conducted, marketing for the firm and the mediators, the requisite forms for the mediations, and the collections and disbursement of monies to the mediators. I also helped develop a mediation computer software, called MIMS (mediation information management system). The MIMS program was one of the first of its kind in the alternative dispute resolution industry.

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.

For the academic years, 2010 - 2011 and 2011 - 2012, I have taught at a local high school, the A.W. Dreyfoos School of the Arts, through the Justice Teaching program, an initiative of then Florida Supreme Court Chief Justice R. Fred Lewis. The ultimate goal of this program is to pair a legal professional with every elementary, middle, and high school in the state of Florida. The program aims to benefit students in the following ways: promote an understanding of Florida's justice system and our laws, develop critical thinking abilities and problem solving skills, and demonstrate the effective interaction of our courts within the constitutional structure. In each of these academic years, I co-taught, with Judge Jonathan Gerber, a judge on the Florida 4th District Court of Appeals, approximately six classes to high school students enrolled in the American Government class. No syllabi available.

I taught at the University of West Bohemia in Pilsen, Czech Republic, in the academic year from 1993 to 1994. I taught a graduate program in public administration at the University of West Bohemia. No syllabus available.

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

Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

If confirmed, I have no plans to pursue outside employment, with or without compensation.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If I am confirmed, I will recuse in all cases involving any of my family members or businesses or entities with which they have an affiliation and in cases involving close friends as parties or witnesses. I would also recuse in any case where a close friend served as counsel, and I would use the Southern District of Florida's electronic conflict system primarily to identify such cases.

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

If I am confirmed, I will apply the standards set forth in 28 U.S.C. §§ 144 and 455 to any scenario involving a potential conflict of interest or appearance of partiality.

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.

As a judge, I am not allowed to practice law on behalf of others, so I have not engaged in any pro bono legal work during my tenure as a Circuit Court judge starting in January 2007. Prior to becoming a judge, I always fulfilled my pro bono responsibilities as set forth by the Florida Bar requirements. I was very active with the local Cystic Fibrosis Foundation and in 1996 I co-founded Arthur’s Jam in memory of Arthur Weiss, a friend of mine, who lost his battle with Cystic Fibrosis in 1996 at the age of 36. Arthur’s Jam has been an annual event since its inception and is intended to channel resources to find a cure for this genetic disease of children and young adults. I also was active with the Community Alliance of Florida. The Community Alliance is in existence to support the Department of Children & Families with the intent to encourage communities, through local providers, advocacy groups and others, to play an active role in the well-being and safety of children.

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 March 2012, I submitted an application to the Federal Judicial Nominating Commission that was convened by Senators Nelson and Rubio. On April 27, 2012, I was interviewed by the Commission in Miami, Florida, which recommended me to the Senators on the same date. On June 5, 2012, I interviewed with Senators Nelson and Rubio in Washington, D.C. In December 2013, I was contacted by an official from the Office of Legal Policy at the Department of Justice, who inquired if I was still interested in being considered to serve as a judge for the District Court in the Southern District of Florida. I replied that I was, and I have been in contact with officials from the Office of Legal Policy since then. On February 24, 2014, I interviewed with attorneys from the White House Counsel’s Office and the Department of Justice in Washington, D.C. On February 26, 2014, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial 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, Robin L. Rosenberg, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

2/27/14
(DATE)

Robin Rosenberg
(NAME)

Erin L. Brandt
(NOTARY)

