

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Timothy Seymour Black

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

United States District Judge for the Southern District of Ohio

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.

716 Potter Stewart United States Courthouse  
100 E. Fifth Street  
Cincinnati, Ohio 45202

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

1953; Brookline, Massachusetts

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.

1978-1983, Salmon P. Chase College of Law, Northern Kentucky University; J.D., 1983

1971-1975, Harvard University, A.B., *cum laude*, 1975

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2004-present

United States District Court for the Southern District of Ohio  
100 E. Fifth Street  
Cincinnati, Ohio 45202  
United States Magistrate Judge

1994-2004  
Hamilton County Municipal Court  
1000 Main Street  
Cincinnati, Ohio 45202  
Judge

1982-1993  
Graydon Head & Ritchey  
511 Walnut Street  
Cincinnati, Ohio 45202  
Partner (1990-1993)  
Associate (1983-1990)  
Law Clerk (Fall 1982)

Summer 1982  
Taft Stettinius & Hollister  
425 Walnut Street  
Cincinnati, Ohio 45202  
Law Clerk

1978-1982  
The Seven Hills Schools  
5400 Red Bank Road  
Cincinnati, Ohio 45227  
Director of Development and Teacher and Coach

1975-1977  
Roxbury Latin School  
101 St. Theresa Avenue  
West Roxbury, Massachusetts 02132  
Director of Development and Teacher and Coach

Summers 1975 and 1976  
Agamenticus Yacht Club  
Simpson Lane  
York Harbor, Maine 03911  
Sailing Master

Other affiliations

1980-present  
Cowan Lake Sailing Association  
7379 State Route 730  
Wilmington, Ohio 45177  
Director (2005-present) (unpaid)  
Commodore (2009) (unpaid)

1996-1999  
Cincinnati Psychoanalytic Institute  
3001 Highland Avenue  
Cincinnati, Ohio 45219  
Director (unpaid)

1992-1994  
Summerbridge Cincinnati, Inc.  
6905 Given Road  
Cincinnati, Ohio 45243  
Director and Treasurer (unpaid)

1982-1993  
Invest in Neighborhoods, Inc.  
315 W. Court Street  
Cincinnati, Ohio 45202  
Director (1982-1993) (unpaid)  
President (1988-1993) (unpaid)

1986-1989  
Planned Parenthood Association of Cincinnati  
2314 Auburn Avenue  
Cincinnati, Ohio 45219  
Director (1986-1989) (unpaid)  
President (1988) (unpaid)

1982-1988  
Pro-Kids, Inc.  
2605 Burnet Avenue  
Cincinnati, Ohio 45219  
Director (1982-1988) (unpaid)  
Vice President (1984-1986) (unpaid)

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

I have not served in the military. I registered for selective service when I turned 18.

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.

Cincinnati Bar Association, Themis Award, 2009  
(for Extraordinary Service to Law and Community)  
NAACP, Cincinnati Branch, Fair and Courageous Award, 2008  
Black Lawyers Association of Cincinnati, Honoree of the Year, 2007  
Sheila Wellstone Institute, Featured Speaker: Founding Conference, 2003  
Franklin County Trial Lawyers Association, Tyack Award for Judicial Excellence, 2002  
Cincinnati Coalition on Domestic Violence, Excellence in Criminal Justice, 1995

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

Cincinnati Bar Association (1983-present)  
Trustee (1996-2000)  
Cincinnati Academy of Leadership for Lawyers (1997-present)  
Chair (2006-2008), Faculty (1997-present)  
Diversity Committee of the United States District Court for the Southern District of Ohio  
(2004-present), Chair (2008)  
Potter Stewart American Inn of Court, Master of the Bench (1994-present)  
Hamilton County Domestic Violence Coordinating Council (1995-2004)  
Founder and Lead Convener  
Hamilton County Family Violence Prevention Planning Project (2001-2002)  
Ohio State Bar Association (1983-2002)  
Supreme Court of Ohio, Board of Comm'rs on Grievances and Discipline (1998-1999)  
Kentucky Bar Association (1986-1993)

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.

Ohio, 1983  
Kentucky, 1986

None of my state bar memberships has lapsed at any time. I have been an inactive bar member since 1994, when I began service as a judge.

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

United States Court of Appeals for the Sixth Circuit, 1983  
United States District Court for the Southern District of Ohio, 1983  
Supreme Court of Ohio, 1983  
Supreme Court of Kentucky, 1986

None of my court admissions has lapsed at any time. I have been inactive in all courts since 1994, when I began service as a judge.

**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.

Cowan Lake Sailing Association (1980-present)  
Director (2005-present), Commodore (2009)  
Abenakee [Golf and Tennis] Club (2004-present)  
Cincinnati Psychoanalytic Institute (1996-1999)  
Director (1996-1999)  
Summerbridge Cincinnati, Inc. (1992-1994)  
Director and Treasurer (1992-1994)  
Invest in Neighborhoods, Inc. (1982-1993)  
Director (1982-1993), President (1988-1993)  
Adoptive Parents Support Organization (1991-1993)  
Camargo [Golf and Tennis] Club (1980-1990)  
Planned Parenthood Assn. of Cincinnati (1986-1989)  
Director (1986-1989), President (1988)  
Pro-Kids, Inc. (1982-1988)  
Director (1982-1988), Vice President (1984-1986)

- 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.

None of the organizations I listed in response to 11a 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.

*Teacher Termination in Ohio for "Gross Inefficiency": The Role of Teacher Evaluation*, 44 Ohio St. L.J. 1041 (1983)

*Criminal Procedure – Due Process – Shifting the Burden of Proving An Affirmative Defense – Isaac v. Engle*, 646 F.2d 1129 (6<sup>th</sup> Cir. 1980), 9 N. Ky. L. Rev. 99 (1982)

*Ohio Gets Tough on Domestic Violence*, Press Community Papers, Mar. 13, 1995

*We Must End Domestic Violence*, The Cincinnati Enquirer, Dec. 9, 1994

*Domestic Violence Awareness Month*, Press Community Papers, Nov. 16, 1994

*Municipal Court and People Like Us*, Press Community Papers, Oct. 10, 1994

*Top Ten Worst Excuses for the Judge*, Press Community Papers, May 18, 1994

- 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.

*Fatality Review Report*, Hamilton County Domestic Violence Coordinating Council (Oct. 1999)

*The Case for Convening the Domestic Violence Coordinating Council*, Hamilton County Ohio Domestic Violence Coordinating Council (Sept. 1995)

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

None.

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

the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

Leadership Scholars, Inc., "Speak Like A Leader" (Aug. 6, 2009)  
Dinsmore & Shohl, LLC, "Lessons for the Young Lawyer" (June 11, 2009)  
Cincinnati Academy of Leadership for Lawyers (CALL), "Life/Work Balance"  
(May 21, 2009)  
Ohio State Bar Assn., "The Work of the Magistrate Judge" (May 14, 2009)  
Cincinnati Bar Assn., "Acceptance of the Themis Award" (May 8, 2009)  
Cincinnati Bar Foundation, "Community Service" (Apr. 29, 2009)  
CALL, Lexington, Kentucky, "Speak Like A Leader" (Feb. 20, 2009)  
CALL, "Leadership and Service" (Jan. 7, 2009)  
Black Lawyers Assn. of Cincinnati-Cincinnati Bar Association (BLAC-CBA)  
Round Table, "Inclusion in the Practice of Law" (Dec. 23, 2008)  
Dinsmore & Shohl, LLC, "New Fed. R. Evid. 502" (Dec. 12, 2008)  
BLAC-CBA Round Table, "Diversity and Inclusion" (Nov. 13, 2008)  
Naturalization Ceremony, "Welcome to the USA" (Oct. 17, 2008)  
Cincinnati NAACP, "Acceptance of Award" (Oct. 10, 2008)  
Naturalization Ceremony, "Welcome to the USA" (Aug. 29, 2008)  
Naturalization Ceremony, "Welcome to the USA" (Aug. 22, 2008)  
Karen Jones Retirement, "Goodbye to a Loyal Friend" (Aug. 8, 2008)  
CALL, "Community Service" (Apr. 16, 2008)  
CALL, "Leadership Skills and Tasks: Fund Raising" (Mar. 12, 2008)  
Federal Bar Assn., "Practice in the District Court" (Feb. 5, 2008)  
Black Law Students Assn., "View From the Bench: Life Stories" (Jan. 18, 2008)  
Potter Stewart Inn of Court, "Closing Arguments" (Jan. 15, 2008)  
Dinsmore & Shohl, LLC, "Alternative Dispute Resolution" (Dec. 7, 2007)  
Federal Bar Assn., "District Court Admission Exam Preparation" (Nov. 29, 2007)  
U.S. District Court, "Settlement Week Mediators Preparation" (Oct. 22, 2007)  
Vorys Sater Seymour, LLC, "Ethics" (Oct. 22, 2007)  
Potter Stewart Inn of Court, "Legal Writing" (Oct. 16, 2007)  
Summer Work Experience in the Law ("SWEL"), "Life Stories" (Oct. 6, 2007)  
BLAC-CBA Round Table, "Presenting the Forward Together Awards"  
(Oct. 6, 2007)  
SWEL Reception for Alumni, "Why We Need You Here" (Oct. 5, 2007)  
Federal Bench-Bar Conference, "Panel: Practice in District Court" (Oct. 4, 2007)  
Naturalization Ceremony, "Welcome to the USA" (Aug. 31, 2007)  
BLAC-CBA Round Table, "Lawyers and Racial Conciliation" (July 12, 2007)  
CALL, "Using Your Skills to Lead" (May 23, 2007)  
Naturalization Ceremony, "Welcome to the USA" (May 18, 2007)  
Cincinnati Bar Association, "Social Security Law" (Apr. 27, 2007)  
BLAC-CBA Round Table, "Diversity and Inclusion at Home" (Apr. 26, 2007)  
U.S. District Court, "Training in Mediation" (Apr. 4, 2007)  
CALL Fellows, "Police and Lawyers and Community" (Mar. 21, 2007)

U.S. District Court Diversity Committee, "Women's History Month" (Mar. 20, 2007)

CALL, Lexington, Kentucky, "Leadership Styles" (Feb. 22, 2007)

Potter Stewart Inn of Court, "Discovery" (Feb. 20, 2007)

Ohio Bench-Bar Conference, "Panel: Summary Judgment" (Feb. 15, 2007)

CALL, "Leadership and Service" (Jan. 25, 2007)

Potter Stewart Inn of Court, "Oral Argument" (Jan. 16, 2007)

BLAC-CBA Round Table, "Why We Need You Here" (Dec. 28, 2006)

Naturalization Ceremony, "Welcome to the USA" (Nov. 17, 2006)

BLAC-CBA Round Table, "Opportunities in Cincinnati" (Nov. 9, 2006)

Potter Stewart Inn of Court, "Panel: Judicial Decision-Making" (Oct. 17, 2006)

Naturalization Ceremony, "Welcome to the USA" (Aug. 18, 2006)

Bench-Bar Conference, "Judicial Panel" (May 19, 2006)

CALL, "Using Your Leadership Skills" (May 17, 2006)

Naturalization Ceremony, "Welcome to the USA" (May 12, 2006)

Federal Bar Assn., "Practice in U.S. District Court" (May 3, 2006)

Black Lawyers Assn., "Acceptance of Award: Honoree of the Year" (Apr. 22, 2006)

U.S. District Court Diversity Committee, "Panel: Women's History Month" (Mar. 15, 2006)

CALL, "Police, Lawyers & Community" (Mar. 6, 2006)

CALL, Lexington, Kentucky, "Leadership Styles" (Feb. 3, 2006)

CALL, "The Lawyer's Obligation for Community Service" (Jan. 11, 2006)

BLAC-CBA Round Table, "Welcome Home: Why We Need You Here" (Dec. 19, 2005)

Naturalization Ceremony, "Welcome to the USA" (Dec. 9, 2005)

Miami University, Oxford, Ohio, "Constitutional Law" (Nov. 30, 2005)

Potter Stewart Inn of Court, "The Vanishing Jury Trial" (Nov. 15, 2005)

Naturalization Ceremony, "Welcome to the USA" (Nov. 10, 2005)

BLAC-CBA Round Table, "Opportunities in Cincinnati" (Nov. 3, 2005)

Federal Bench-Bar Conference, "Work of the U.S. Magistrate Judge" (Sept. 30, 2005)

Potter Stewart Inn of Court, "Motion Practice in District Court" (Sept. 20, 2005)

Univ. of Cincinnati Law School, "Diversity and Inclusion" (Aug. 17, 2005)

CALL, Lexington, Kentucky, "Leadership Styles" (Feb. 3, 2005)

BLAC-CBA Round Table, "Why We Need You in Cincinnati" (Jan. 29, 2005)

CALL, "The Lawyer's Obligation for Community Service" (Jan. 12, 2005)

BLAC-CBA Round Table, "Why We Need You in Cincinnati" (Dec. 19, 2004)

Naturalization Ceremony, "Welcome to the USA" (Sept. 17, 2004)

Naturalization Ceremony, "Welcome to the USA" (Aug. 27, 2004)

Naturalization Ceremony, "Welcome to the USA" (Aug. 20, 2004)

I only have calendars going back to May 2004, when I was appointed a United States Magistrate Judge. I have reconstructed the following list of speeches given prior to that date from my best recollection. Virtually all such speeches were legal presentations and teaching on the subject of domestic violence, and I have



attached copies of the few syllabi I have been able to locate. Also, in 2000-2002, as part of my campaigns for election to the Ohio Supreme Court, I gave speeches almost daily across the State of Ohio. I have attached the few copies of speeches I still have.

Representative CLE presentations (speeches) prior to May 2004:  
Municipal Judges Assn., "Domestic Violence Law" (Feb. 5, 2003)  
Ohio Judicial College, "Domestic Violence Law" (Jan. 16, 2002; Dec. 3, 2001;  
Sept. 13, 2001; Dec. 15, 2000; Apr. 30, 1999)  
Newtown Police Division, "Domestic Violence Law" (May 21, 2001)  
Ohio Judicial College, "Criminal Domestic Violence" (Aug. 21, 1998)  
Ohio Judicial College, "DUI Evidence" (Aug. 22 & 28, 1997)  
Ohio Judicial College, "Domestic Violence & Children" (Feb. 26, 1997)  
Ohio Judicial College, "Civil Discovery Limits" (Feb. 18, 1997)  
Ohio Judicial College, "Domestic Violence & Children" (Feb. 5, 1997)  
NASPA Conference, "Domestic Violence & Lethality" (Oct. 17, 1995)  
Cincinnati Police Academy, "Domestic Violence Law" (Feb. 15, 1995)  
Hamilton Cty. Police Assn., "Domestic Violence Law" (Jan. 16, 1995)  
Ohio Atty. General's Conf., "Menacing By Stalking" (Dec. 15, 1994)  
Ohio Assn. of Pre-Trial Services, "Lethality Review" (Nov. 10, 1994)  
Ohio Dept. of Alcohol & Drug Addiction Treatment, "Treatment in lieu of  
incarceration" (Oct. 20, 1994)

Representative Ohio Supreme Court campaign speech appearances in 2000-2002:  
Ohio League of Women Voters, Televised Debate (Oct. 29, 2002)  
United Auto Workers Labor Day Rally, Stump Speech (Sept. 7, 2002)  
Franklin County Trial Lawyers Association, Acceptance of the Tyack Award for  
Judicial Excellence (May 21, 2002)  
Athens County Democratic Spring Dinner, Stump Speech (Apr. 25, 2002)  
Ohio Democratic Party, 2002 Campaign Kick-Off Speech (Jan. 12, 2002)  
Ohio Bus Tour, Dayton Labor Rally, Stump Speech (Nov. 1, 2000)  
Ohio Labor Rally, Ohio Statehouse, Stump Speech (Oct. 31, 2000)  
Democratic Celebration 2000, Stump Speech (Oct. 7, 2000)  
Ohio AFL-CIO Convention, Stump Speech (Sept. 28, 2000)  
Lima Democratic Party Spring Dinner, Stump Speech (Apr. 11, 2000)

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

When I ran for election to the Supreme Court of Ohio in 2002 and 2000, I gave interviews to numerous newspapers and various television and radio stations across Ohio. When I was appointed as United States Magistrate Judge in 2004, I became precluded from political activity and discarded virtually all of my campaign materials. I do not have copies of interviews or speeches but for the

few that are attached. I have searched for available news accounts of interviews and speeches, and there are literally hundreds of news accounts of the 2000 and 2002 Ohio Supreme Court campaigns. Very few reference interviews I gave or speeches I made, and, instead, simply reflect news reports of the campaigns. Having comprehensively searched for available news accounts of interviews and speeches I gave, I have found about 75 that quote me directly or comment on a speech, interview or remarks I gave:

*Democratic Diners Hear Could-Be Candidate*, CINCINNATI ENQUIRER, May 31, 2003  
*Supreme Court Justice*, MANSFIELD NEWS J., Nov. 1, 2002  
*Ad Nauseam: Judicial Commercials Under Fire*, CLEVELAND PLAIN DEALER, Nov. 2, 2002  
*Supreme Court Candidates Denounce Third-Party Ads*, ASSOCIATED PRESS STATE AND LOCAL WIRE, Oct. 30, 2002  
*Court Candidates Criticize Each Other's Ads*, BUCYRUS TELEGRAPH FORUM, Oct. 30, 2002  
*Candidates Side With Opposite Court Factions*, CINCINNATI ENQUIRER, Oct. 30, 2002  
*Ohio Supreme Court; Rivals Focus on Message to Voters*, COLUMBUS DISPATCH, Oct. 30, 2002  
*Court Candidates Vow Impartial Roles*, DAYTON DAILY NEWS, Oct. 30, 2002  
*Court to Say if O'Connor Misled Voters with Her Ad*, CLEVELAND PLAIN DEALER, Oct. 30, 2002  
*Race Could Change Face of High Court*, BUCYRUS TELEGRAPH FORUM, Oct. 28, 2002  
*O'Connor, Black Seeking High Court Seat*, DAYTON DAILY NEWS, Oct. 28, 2002  
*DeRolph Pulls Every Politician's Strings*, CLEVELAND PLAIN DEALER, Oct. 27, 2002  
*Burnside, Black Can Provide Needed Balance*, DAYTON DAILY NEWS, Oct. 25, 2002  
*Ohio Supreme Court Justice*, DAYTON DAILY NEWS, Oct. 24, 2002  
*Campaign Ad Watch*, COLUMBUS DISPATCH, Oct. 22, 2002  
*Elect Stratton, O'Connor*, CINCINNATI ENQUIRER, Oct. 20, 2002  
*Special Interests Line Up Behind Court Candidates*, CLEVELAND PLAIN DEALER, Oct. 20, 2002  
*Court Philosophy Could Undergo Major Change*, ASSOCIATED PRESS STATE & LOCAL WIRE, Oct. 15, 2002  
*For Supreme Court: Stratton and O'Connor*, COLUMBUS DISPATCH, Oct. 13, 2002  
*Candidates' Ideologies No Guarantee of Performance on Bench*, ASSOCIATED PRESS STATE & LOCAL WIRE, Sept. 24, 2002  
*Judicial Hopefuls Reluctant to Give Stances on Issues*, CLEVELAND PLAIN DEALER, Sept. 23, 2002  
*Supreme Court Candidates Argue Agendas*, MANSFIELD NEWS J., Sept. 20, 2002

*Supreme Court Candidates Profess Their Impartiality: Part 1 of 2; Black, O'Connor Seek Seat Douglas Is Leaving*, COLUMBUS DISPATCH, Sept. 8, 2002

*Public Safety Post; O'Connor to Take Leave for Campaign*, COLUMBUS DISPATCH, Sept. 6, 2002

*Name Game Will Take Toll on High Court Races in Ohio*, COLUMBUS DISPATCH, July 28, 2002

*2 Incumbents Get Free Rides on Radio Spots*, CLEVELAND PLAIN DEALER, July 14, 2002

*Judicial Free Speech; Candidates Not Sure of Ruling's Effect on Races*, COLUMBUS DISPATCH, June 29, 2002

*Some Wary of Candid Candidates*, CINCINNATI ENQUIRER, June 28, 2002

*Judges: Ruling Likely to Have Some, But Little, Ohio Impact*, ASSOCIATED PRESS STATE & LOCAL WIRE, June 27, 2002

*Supreme Court Candidates Promise Clean Race*, ASSOCIATED PRESS STATE & LOCAL WIRE, May 13, 2002

*Voting Often, But Not Early*, DAYTON DAILY NEWS, May 13, 2002

*High-Court Candidates Promise Clean Race*, COLUMBUS DISPATCH, May 11, 2002

*Ohio Supreme Court Candidate Pumps Up, Preaches Persistence to Local Democrats*, ATHENS NEWS, Apr. 29, 2002

*Ideology of the Court Likely to Shift Because of Open Seat*, ASSOCIATED PRESS STATE & LOCAL WIRE, Apr. 26, 2002

*School Funding Issue May Be Up to Someone Officially Silent*, DAYTON DAILY NEWS, Mar. 24, 2002

*Candidate Pledges to Shun Outside Help*, ASSOCIATED PRESS STATE & LOCAL WIRE, Feb. 28, 2002

*Court in the Balance; Sides Line Up for State Justice Races That Will Hold High Stakes at High Cost*, CRAIN'S CLEVELAND BUSINESS, Jan. 28, 2002

*Court Seats Don't Belong to Groups*, DAYTON DAILY NEWS, Jan. 16, 2002

*Democratic Leaders Pick Tim Black Again; High Court Candidate in 2000 to Try for Seat vs. Lt. Gov. O'Connor*, AKRON BEACON JOURNAL, Jan. 13, 2002

*Democrats Pick Pair for High Court Race; Black, Burnside Win Party Backing*, COLUMBUS DISPATCH, Jan. 13, 2002

*Dems Endorse Judges; Area Judge Not Nominated for Ohio Supreme Court Seat*, DAYTON DAILY NEWS, Jan. 13, 2002

*2 Campaigns for Top Court Could Exceed \$6 Million; Spending, Attack Ads Some of Worst in Country*, CLEVELAND PLAIN DEALER, Dec. 27, 2000

*Resnick, Cook Seek Re-Election to Supreme Court*, ASSOCIATED PRESS STATE & LOCAL WIRE, Nov. 7, 2000

*Party Chairmen Agree Race for Court Is 'Ugly'*, DAYTON DAILY NEWS, Nov. 2, 2000

*Low-Profile Race Displays High Degree of Contrast*, CINCINNATI ENQUIRER, Nov. 1, 2000

*Labor Leaders Rally Troops for Resnick*, COLUMBUS DISPATCH, Nov. 1, 2000,

*Court's Swing Vote Is Targeted*, CLEVELAND PLAIN DEALER, Oct. 29, 2000

*Ohio Supreme Court*, CINCINNATI ENQUIRER, Oct. 25, 2000  
*Black Says He's Independent*, DAYTON DAILY NEWS, Oct. 23, 2000  
*Black, Cook Run in the Shadow*, COLUMBUS DISPATCH, Oct. 8, 2000  
*Tim Black Struggling To Be Taken Seriously in Bid for State Bench*, AKRON  
 BEACON J., Oct. 1, 2000  
*Supreme Court: Cook, O'Donnell Can Restore Confidence*, COLUMBUS  
 DISPATCH, Oct. 1, 2000  
*Spending Limits Rejected*, COLUMBUS DISPATCH, Sept. 29, 2000  
*Court Scrubs Cash Limit in Ohio High Court Races*, DAYTON DAILY NEWS, Sept.  
 29, 2000  
*Union Leaders Glad to See 'Jer-Ree, Jer-Ree!'*, CLEVELAND PLAIN DEALER, Sept.  
 29, 2000  
*Injudicious: Some High Court Rivals Stray Out of Bounds*, COLUMBUS DISPATCH,  
 Sept. 26, 2000  
*Court Candidate Hints At Stand on Issues*, COLUMBUS DISPATCH, Sept. 20, 2000  
*Supreme Court Contests Vital, Speaker Says*, LIMA NEWS, Apr. 12, 2000  
*Black Wins Democrats' Struggle for Nomination Ohio Supreme Court*,  
 COLUMBUS DISPATCH, Mar. 8, 2000  
*Municipal Court Judge Winning High Court Race*, CLEVELAND PLAIN DEALER,  
 Mar. 8, 2000  
*Democrats Vie for High Court; Brogan Has Ohio State Bar Association's Praise;*  
*Black Has Party Endorsement*, AKRON BEACON JOURNAL, Mar. 4, 2000  
*Democratic Judges Compete for Seat on Ohio High Court*, CLEVELAND PLAIN  
 DEALER, Mar. 4, 2000  
*A Party Divided: Democrats' Support of Judges Fractured*, DAYTON DAILY  
 NEWS, Mar. 2, 2000  
*Dems Debate Experience for High Court*, CINCINNATI ENQUIRER, Mar. 1, 2000  
*Ohio High Court Race: A Mini McCain vs. Bush?*, AKRON BEACON J., Feb. 27,  
 2000  
*Black, Brogan Seeking Democratic Bid, Ohio Supreme Court Winner Will Oppose*  
*Cook in Nov.*, COLUMBUS DISPATCH, Feb. 23, 2000  
*Judicial Race Turns Bitter*, CINCINNATI ENQUIRER, Feb. 20, 2000  
*Ohio Supreme Court: Democrats*, DAYTON DAILY NEWS, Feb. 16, 2000  
*State Bar Rates Judge Brogan 'Highly Recommended' for Post*, DAYTON DAILY  
 NEWS, Feb. 9, 2000  
*Brogan Better Like Going Uphill*, DAYTON DAILY NEWS, Jan. 7, 2000  
*Tim Black Backed for High Court*, CINCINNATI ENQUIRER, Dec. 14, 1999  
*State Democrats Switch Players Late in the Game for Ohio Supreme Court*  
*Endorsement*, COLUMBUS DISPATCH, Dec. 12, 1999  
*Democrats Decline to Endorse One*, DAYTON DAILY NEWS, Dec. 12, 1999  
*Abuse at Home Less Often Fatal*, CINCINNATI ENQUIRER, Oct. 12, 1999  
*Counseling's Value Debatable; Batterers Need Longer-Term Help, Advocates*  
*Say*, CINCINNATI ENQUIRER, Sept. 14, 1999  
*Judicial Ratings*, CINCINNATI MAGAZINE, Sept. 1997  
*Anti-Abortion Protest Leaders Charged with Contempt*, ASSOCIATED PRESS, June  
 24, 1986

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

On May 4, 2004, I was appointed a United States Magistrate Judge of the United States District Court for the Southern District of Ohio. My term expires in May 2012. The Court has jurisdiction over federal criminal offenses and federal civil claims.

On November 2, 1993, I was elected Judge of the Hamilton County Municipal Court, in Cincinnati, Ohio, and I took office on January 3, 1994 for a six year term. On November 2, 1999, I was re-elected to a second six year term. I resigned on May 4, 2004, to become a United States Magistrate Judge. The Court has jurisdiction over criminal misdemeanors, traffic offenses, and civil litigation with amounts in controversy of less than \$15,000.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? Approximately 3,000

- i. Of these, approximately what percent were:

jury trials? 1%; bench trials? 99%

civil proceedings? 1%  
criminal proceedings? 99%

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

See attached list of opinions.

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

1. *Tyndle Ridge Dev., LLC v. City of Cincinnati*, 2009 WL 2901539 (S.D. Ohio Sept. 1, 2009). Plaintiff operators of a liquor-serving establishment brought this Fourth Amendment challenge to police action that included entering the establishment on three occasions and, allegedly, lingering outside the bar on other occasions. Plaintiffs complained these actions were designed merely to harass. I granted the City's motion to dismiss, finding no constitutional violations because no warrant was required when police were entering to check for liquor law compliance and/or in response to trouble calls. My opinion was a final adjudication by consent of the parties pursuant to 28 U.S.C. § 636(c).

Counsel for Plaintiffs was Michael J. Wiethe, 30 Garfield Place, Cincinnati, Ohio 45202; 513-241-7332. Counsel for Defendant was Thomas O. Beridon, 801 Plum Street, Cincinnati, Ohio 45202; 513-352-3618.

2. *Shirk v. Fifth Third Bancorp*, 2009 WL 692124 (S.D. Ohio Jan. 29, 2009). Plaintiffs, former employees of the defendant bank, brought this putative class action under the Employee Retirement Income Security Act of 1974 in connection with a retirement plan. Plaintiffs alleged that defendants breached their fiduciary duties by not halting investment of employees' benefits in Fifth Third stock after the bank disclosed a treasury impairment that caused an after-tax write-off of \$54 million. I granted summary judgment to the bank defendants because plaintiffs failed to evidence that investment in Fifth Third stock was imprudent. My opinion was a final adjudication by consent of the parties pursuant to 28 U.S.C. § 636(c).

Counsel for Plaintiffs were David Scott and Geoffrey Johnson, 12434 Cedar Road, Suite 12, Cleveland Heights, Ohio 44106; 216-229-6088. Counsel for Defendants were Patrick F. Fischer, One E. Fourth Street, Cincinnati, Ohio 45202; 513-579-6459; and Glenn V. Whitaker, 221 E. Fourth Street, Suite 2000, Cincinnati, Ohio 45201; 513-723-4608.

3. *Johnson v. Ohio Cas. Ins. Co.*, 2008 WL 2387270 (S.D. Ohio, June 11, 2008). I denied defendant's motion for summary judgment, finding that a trial was required on the claims of a 28-year employee that her age and sex were factors in her termination from employment given the evidence that younger, male employees were not terminated for the same conduct as plaintiff. The parties to this case consented to final adjudication by me pursuant to 28 U.S.C. § 636(c).

Counsel for Plaintiff was Tod J. Thompson, 525 Vine Street, Cincinnati, Ohio 45202; 513-721-1975. Counsel for Defendant was Jill S. Kirila, 2000 Huntington Center, 41 S. High Street, Columbus, Ohio 43215; 614-365-2700.

4. *Bailey v. AK Steel Corp.*, 2008 WL 495539 (S.D. Ohio Feb. 21, 2008) *aff'd sub nom. Bailey v. White*, 320 Fed. Appx. 364 (6th Cir. 2009). I found that the parties' class action settlement agreement to commit \$636 million dollars toward a voluntary employee benefits association was a fair, adequate and reasonable settlement of claims for alleged lifetime health benefits, notwithstanding the objections of 446 of 4,872 class members, having concluded, *inter alia*, that the plaintiffs' likelihood of success at trial was not overwhelming. My opinion was a final adjudication by consent of the parties pursuant to 28 U.S.C. § 636(c).

Counsel for Plaintiffs was David M. Cook, 22 West Ninth Street, Cincinnati, Ohio 45202; 513-721-0444; and Sally M. Tedrow, 4748 Wisconsin Avenue, N.W., Washington, DC 20016; 202-362-0041. Counsel for Defendant was Gregory P. Rogers, 425 Walnut Street, Cincinnati, Ohio 45202; 513-357-9349.

5. *Patrick v. AK Steel Corp.*, 2008 WL 906052 (S.D. Ohio, Mar. 31, 2008). I entered a Report and Recommendation, which was adopted by the District Judge, determining that the interpretation of a pension plan required the defendant to provide a surviving spouse's benefit equal to the deceased spouse's monthly pension plan payment, reduced by one half of the Social Security widow's benefit. I rejected the defendant's position that it could permit the reduction to include one half of the entire Social Security benefit, not just the widow's benefit portion.

Counsel for Plaintiff was Glenn V. Whitaker, 221 E. Fourth Street, Suite 2000, Cincinnati, Ohio 45201; 513-723-4608. Counsel for Defendant was Douglas R. Dennis, 201 E. Fifth Street, Cincinnati, Ohio 45202; 513-651-6727.

6. *Tackett v. Wal-Mart Stores East, Inc.*, 2007 WL 2668133 (S.D. Ohio Sept. 6, 2007). I entered an opinion denying summary judgment to the defendant store for injury sustained at store when stack of bicycles fell on customer because a trial was required to resolve the disputed facts. The parties to this case consented to final adjudication by me pursuant to 28 U.S.C. § 636(c).

Counsel for Plaintiff was Barry D. Levy, 1014 Vine Street, Cincinnati, Ohio 45202; 513-241-1180. Counsel for Defendant was Robert W. Hojnoski, 525 Vine Street, Cincinnati, Ohio 45202; 513-721-1311.

7. *Cameron v. Laser Vision Inst.*, Case No. 1:02-cv-960 (S.D. Ohio Oct. 27, 2006) (Doc. 241). I entered an order requiring an attorney to publish an article regarding the doctrine of juror anonymity as a sanction for his jury consultant having improperly contacted a juror post-trial. The parties to this case consented to final adjudication by me pursuant to 28 U.S.C. § 636(c).

Counsel for Plaintiff was Randolph H. Freking, 525 Vine Street, Cincinnati, Ohio 45202; 513-721-1975. Counsel for Defendant was Jay R. Langenbahn, 312 Walnut Street, Cincinnati, Ohio 45202; 513-421-6630.

8. *Morris v. Comm'r of Soc. Sec.*, Case No. 1:03-cv-617 (S.D. Ohio Feb. 9, 2005) (Doc. 16). I issued a Report and Recommendation, which was adopted by the District Judge, reversing the denial of Social Security disability benefits to a minor. I ruled that the ALJ erred in holding that the child was not disabled. I found that there was substantial evidence that the child had an extreme limitation in the domain of interacting and relating with others and remanded the case for an award of benefits.

Counsel for Plaintiff was Eric P. Allen, 1014 Vine Street, Suite 2200, Cincinnati, Ohio 45202; 513-241-7111. Counsel for Defendant were Kathryn A. Beverly, Social Security Administration, 200 W. Adams Street, 30th Floor, Chicago, Illinois 60606; 317-353-8244; and John J. Stark, Assistant United States Attorney, 303 Marconi Boulevard, Suite 200, Columbus, Ohio 43215; 614-469-5715.

9. *English Woods Civic Assoc. v. Cincinnati Metro. Housing Auth.*, 2004 WL 3019505 (S.D. Ohio Dec. 17, 2004). Plaintiff public housing tenants association sued defendant city housing authority under the United States Housing Act to prevent it from demolishing or abandoning a large residential site. I found after an eight-day bench trial that the city housing authority had engaged in statutorily lawful “occupancy consolidation,” which was permitted to improve living conditions and provide efficient tenant services, and had not engaged in unlawful *de facto* demolition. Furthermore, the plaintiff did not show that the defendant’s acts had a racially discriminatory effect. My opinion was a final adjudication by consent of the parties pursuant to 28 U.S.C. § 636(c).

Counsel for Plaintiff were John E. Schrider, 215 East Ninth Street, Cincinnati, Ohio 45202; 513-241-9400; and Michael J. O’Hara, 25 Town Center Boulevard, Florence, Kentucky 41042; 859-331-2000. Counsel for Defendants were Richard S. Rust, IV, 16 West Central Parkway, Cincinnati, Ohio 45210; 513-977-5681; and Sharon J. Zealey, now with The Coca-Cola Company, 1 Coca-Cola Plaza, NAT 2062, P.O. Box 1734, Atlanta, Georgia 30301; 404-676-3087.

10. *State of Ohio v. Lee*, 657 N.E.2d 604 (Hamilton Cty. Mun. Ct. 1995). In this criminal domestic violence action, a female had called 911 and reported that her husband had hit her and was brandishing a knife. Two officers responded, entered the home, interviewed the son and wife, and arrested the husband for domestic violence. The wife did not appear at trial and the State proceeded to trial without the victim. Defendant moved for acquittal based on the absence of the victim. My opinion held that the State may prosecute domestic violence without the presence of the victim testifying at trial where other evidence (including the defendant’s own statements on the 911 tape, the victim’s statements on the 911 tape, the son’s statement at the scene, and the officer’s testimony) satisfied the burden of proof.

Counsel for the State was Melissa Powers, Hamilton County Prosecutor's Office, 230 East Ninth Street, Cincinnati, Ohio 45202; 513-946-3006 (now Judge of the Hamilton County Municipal Court), 1000 Main Street, Cincinnati, Ohio 45202; 513-946-5143. Counsel for the Defendant was Edward C. Perry, 810 Sycamore Street, Cincinnati, OH 45202; 513-621-0442.

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

The 10 most significant opinions I have written have been in the 10 most significant cases over which I have presided, identified in 13(c) above.



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

I am not aware of any case in which certiorari was granted. I am aware of only two cases in which certiorari was requested:

*Carpenter v. City of Franklin*, 2007 WL 120140 (S.D Ohio Jan. 10, 2007)  
*Loriz v. Connaughton*, Case No. 1:05-cv-306 (S.D. Ohio Dec. 29, 2005)

- 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.

I recall only two reversals of opinions I issued while sitting as Judge of the Municipal Court of Hamilton County (1994-2004):

1. My decision in Municipal Court reflecting a misdemeanor conviction for child endangerment for leaving a child in a parking lot was reversed by the court of appeals in about 1995. I cannot find a citation or copy.
2. My decision in a Municipal Court traffic ticket case reflecting a conviction upon a plea of no contest was reversed by the court of appeals in about 1996. I cannot find a citation or a copy.

I recall only one appellate reversal of an opinion I issued while sitting as a United States Magistrate Judge:

In *Loriz v. Connaughton*, Case No. 1:05-cv-306 (S.D. Ohio Dec. 29, 2005) (Doc. 75), I issued a report and recommendation on a takings claim brought by plaintiff tree farm owners who complained that county officials had improperly approved an adjacent commercial shooting range. I recommended summary judgment for defendants on all federal claims. The District Court adopted my Report and Recommendation in full. (S.D. Ohio Feb. 24, 2006) (Doc. 88). The U.S. Court of Appeals affirmed the dismissal of all federal claims, but on only one of the grounds on which my opinion relied. 233 Fed. Appx. 469 (6th Cir. May 11, 2007). The Supreme Court of the United States denied certiorari. 128 S. Ct. 1241 (2008).

I have identified 14 instances where a Report and Recommendation I issued was not adopted by the District Court:

Five such cases were Social Security Appeals wherein the District Court adopted my recommendation finding that the decision of the Administrative Law Judge was not supported by the evidence but where

the Court remanded for further proceedings in lieu of adopting my recommendation for immediate award of benefits:

- Frazer v. Comm'r of Soc. Sec.*, 2009 WL 1473961 (S.D. Ohio May 27, 2009)
- Barger v. Comm'r of Soc. Sec.*, 2008 WL 5054824 (S.D. Ohio Aug 13, 2008)
- Selvey v. Comm'r of Soc. Sec.*, 2008 WL 4445182 (S.D. Ohio Aug. 11, 2008)
- Miller v. Comm'r of Soc. Sec.*, 2008 WL 4445190 (S.D. Ohio July 22, 2008)
- Forman v. Comm'r of Soc. Sec.*, 2008 WL 3166335 (S.D. Ohio Mar. 18, 2008)

Six such cases were Social Security Appeals wherein the District Court disagreed with my report as to whether the decision of the Administrative Law Judge was supported by the evidence:

- Dragon v. Comm'r of Soc. Sec.*, 2009 WL 3126269 (S.D. Ohio June 30, 2009) (recommending reversal)
- Ray v. Comm'r of Soc. Sec.*, 2009 WL 3151296 (S.D. Ohio June 30, 2009) (recommending affirmance)
- Hicks v. Comm'r of Soc. Sec.*, 2009 WL 3127180 (S.D. Ohio Mar. 3, 2009) (recommending affirmance)
- Bowman v. Comm'r of Soc. Sec.*, 2009 WL 1026447 (S.D. Ohio Feb. 27, 2009) (recommending reversal)
- Frederick v. Comm'r of Soc. Sec.*, 2008 WL 5688391 (S.D. Ohio Dec. 30, 2008) (recommending affirmance)
- Roark v. Comm'r of Soc. Sec.*, Case No. 1:05-cv-543 (S.D. Ohio Sept. 9, 2006) (recommending affirmance)

The remaining three cases were a petition for writ of habeas corpus, a prisoner case, and a discovery dispute:

In *Gaines v. Warden*, 2008 WL 6527868 (S.D. Ohio June 16, 2008), I recommended denying a petition for writ of habeas corpus. The District Court declined to adopt my Report and Recommendation and remanded the case to me for reconsideration in light of two intervening decisions of the Ohio Supreme Court.

In *Marbury v. Abraham*, 2007 WL 4792523 (S.D. Ohio Aug. 24, 2007), I recommended granting the defendants' motion to dismiss, but the District Court declined to accept my Report and Recommendation, finding instead that the prisoner had initiated an informal grievance sufficient to timely comply with the requirement that he exhaust his administrative remedies before filing suit.

In *Fossyl v. Watson*, Case No. 1:02-cv-722 (S.D. Ohio Mar. 16, 2005), I recommended granting the defendants' motion to compel the deposition and production of documents of plaintiff's private investigator but the District Court declined to accept my Report and Recommendation and ruled instead that the discovery sought was privileged.

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

I file all decisions on our Court's electronic CM/ECF system, making them available to the public. The majority of my decisions addressing significant motions and/or resolving cases on the merits are published electronically on Westlaw and/or Lexis. Although our Court does not issue "unpublished" opinions, not every opinion is selected for publication in a reporter or electronically published by Westlaw or Lexis. I estimate that approximately 25% of my opinions are not published by Westlaw or Lexis.

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

*Bucio v. Sutherland*, 2009 U.S. Dist. LEXIS 112707 (S.D. Ohio Aug. 25, 2009)

*G.B. v. Rogers*, 2009 WL 1322451 (S.D. Ohio May 11, 2009)

*Miller v. Ass'n of Cmty. Orgs. for Reform Now, Inc.*, Case No. 1:08-cv-797 (S.D. Ohio May 5, 2009)

*Kennedy v. City of Cincinnati*, 2009 WL 87423 (S.D. Ohio Jan. 12, 2009)

*Hicks v. Warden*, Case No. 1:05-cv-774 (S.D. Ohio May 21, 2008)

*Carpenter v. City of Franklin*, 2006 WL 3791931 (S.D. Ohio Dec. 22, 2006)  
*supplemented by* 2007 WL 120140 (S.D. Ohio Jan. 10, 2007), affirmed in  
*Carpenter v. Bowling*, 276 Fed. Appx. 423 (6th Cir. May 2, 2008)

*Klein v. Leis*, 2006 U.S. Dist. LEXIS 35332 (S.D. Ohio May 19, 2006)

*Doriott v. Warren County Court of Common Pleas*, Case No. 1:05-cv-292 (S.D. Ohio Aug. 24, 2005)

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

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

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

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

I follow the federal recusal statutes and the Code of Conduct for United States Judges. If I were to have any personal or financial interest in a matter, I would recuse, but I have sought to minimize the need for recusal by avoiding investments and other relationships likely to cause recusal. If any issue as to potential recusal arises, I consult the Code and applicable statutes and I am always prepared to seek advice from the Code of Conduct Committee of the Judicial Conference. I recognize that I must recuse in any proceeding in which my impartiality might reasonably be questioned. Accordingly, I have identified that I shall be recused in any case involving Allstate Insurance or State Farm Insurance as my daughter has a civil lawsuit pending against them for injuries sustained in an automobile accident.

The only cases I recall where I have been asked to recuse myself are *Livingston v. Redwine*, Case No. 1:06-cv-337 (S.D. Ohio) and *Smith v. Warden*, Case No. 1:07-cv-977 (S.D. Ohio). In both cases, plaintiffs moved for my recusal. In both cases, I reviewed the federal recusal statutes, the Code of Judicial Conduct, and the allegations against me. I concluded there was no basis for recusal and thus did not recuse in either case. See *Brody v. President & Fellows of Harvard Coll.*, 664 F.2d 10, 12 (1st Cir. 1981) (“[T]here is as much obligation for a judge not to recuse when there is no occasion for him to do so as there is for him to do so when there is.”).

In *Livingston v. Redwine*, the pro se plaintiff asked me to recuse because he alleged without any basis that I was racist and predisposed against him and all African-Americans. I am not.

In *Smith v. Warden*, the petitioner asked me to recuse because he alleged that I was predisposed against him having ruled against him in a prior habeas case he had brought. See *Green v. Branson*, 108 F.3d 1296, 1305 (10th Cir. 1997) (“adverse rulings cannot in themselves form the appropriate grounds for disqualification”).

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

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

I have not held any public offices but for judicial offices.

I have never had an unsuccessful nomination for appointed office.

I was an unsuccessful candidate for election to the Hamilton County Municipal Court in 1989 and to the Supreme Court of Ohio in 2000 and 2002.

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

I served as the Finance Committee Chair (chief volunteer fundraiser) for Guy Guckenberger, a candidate for re-election to Cincinnati City Council, in 1984 and 1986.

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

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

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

I did not serve as a clerk to a judge.

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

I did not practice alone.

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

Graydon, Head & Ritchey  
511 Walnut Street  
Cincinnati, Ohio 45202  
Partner (1990-1993)  
Associate (1983-1990)

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

I have served as a mediator in numerous civil cases in U.S. District Court in my work as U.S. Magistrate Judge. The 10 most significant cases are:

1. Mediated to an \$8 million dollar settlement the class action claims of family members of deceased persons whose bodies were unlawfully viewed and or sexually molested by employees of the County morgue.
2. Mediated to substantial settlement the claims for damages and attorneys fees relating to sexual harassment claims brought by county employees against a sitting judge and his County.
3. Mediated to a \$5 million dollar settlement the Lanham Act claims brought by a pharmaceutical company against a generic drug manufacturer.
4. Approved the settlement of a class action claim by retirees of a Fortune 100 company for lifetime health benefits by conducting fairness hearing, denying objections to the settlement, and approving creation of a \$636 million dollar employee benefits trust to cover all future claims.
5. Mediated to a \$28 million dollar settlement the claims of a commercial manufacturer for breach of a distribution contract by a foreign company.
6. Mediated to substantial settlement the claims of the cable television provider to a large urban city for breach of contract.
7. Mediated to a \$600,000 settlement the claims of a deceased veteran's family for medical malpractice against a Veterans Hospital.
8. Mediated to a \$600,000 settlement the claims of an employer against a labor union for a secondary boycott.

9. Mediated to a multi-million dollar settlement the claims of the United States against a landlord for sexual harassment of tenants of Section 8 housing (involving exchange of sex for rent).

10. Mediated to a \$200,000 settlement the claims of a 28 year employee for unlawful discharge based on age.

In addition, I serve as Chair of the District Court's semi-annual Settlement Week, having been appointed by the District Judges to implement this alternative dispute resolution program in 2005.

Describe:

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

As an attorney in 1983-1993, my practice was entirely litigation, primarily civil and commercial. I averaged annually about two full trials on the merits, either as lead counsel or second chair about equally.

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

Throughout the entirety of my career as an attorney, my typical clients included closely held Cincinnati businesses, local banks, large national firms, and individuals. I was especially experienced and skilled in civil RICO litigation.

- b. 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.

100% of my practice was in litigation, and I appeared in court frequently.

- i. Indicate the percentage of your practice in:

1. federal courts: 50%
2. state courts of record: 45%
3. other courts:
4. administrative agencies: 5%

- ii. Indicate the percentage of your practice in:

1. civil proceedings: 95%
2. criminal proceedings: 5%

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

I tried about two dozen cases to verdict as a lawyer, about half as sole counsel and half as assistant trial counsel.

- i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 20% |
| 2. non-jury: | 80% |

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

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

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

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

1. *Grubb v. Standard Oil of Ohio*, Case No. A 8302840 (Hamilton County C.P. 1983). Judge Gilbert Bettman. I achieved summary judgment for my client (Standard Oil) against claims of malicious prosecution and wrongful termination. My co-counsel was William R. Hardy, 511 Walnut Street, Cincinnati, Ohio 45202; 513-621-6464. Counsel for Plaintiff was Thomas J. Ruwe, 5710 Wooster Pike, Suite 211, Cincinnati, Ohio 45227; (513) 271-0808.

2. *Bellamy v. Bradley*, 729 F.2d 416 (6th Cir. 1984). Circuit Judges Engel, Keith, Pratt. I represented a blind inmate (Bellamy) *pro bono* in an unsuccessful appeal of his claim for unconstitutional prison conditions. My co-counsel was Joseph H. Hochbein, 3900 Rose Hill Avenue, Cincinnati, Ohio 45229; 513-221-1411. Counsel for Appellees were William M. Leech, Jr., Attorney General of Tennessee, and Assistants to the Attorney General, John C. Zimmermann, J.



Andrew Hoyal, II, and William Uhl, P.O. Box 20207, Nashville, Tennessee 37202; 615-741-3491.

3. *Mitchell v. Major Fed. Sav. & Loan Ass'n*, 687 F. Supp. 1164 (S.D. Ohio 1987). Judge Herman J. Weber. I achieved the dismissal of a class action complaint for fraud against my client (Major Federal) upon trial in the district court. My co-counsel was Michael R. Barrett, 100 E. Fifth Street, Cincinnati, Ohio 45202; 513-564-7660. Counsel for Plaintiffs was Drake W. Ebner, 1014 Vine St., Suite 1900, Cincinnati, Ohio 45202; 513-345-4449; and Steven C. Shane, 321 Fairfield Avenue, Bellevue, Kentucky 41073; 859-431-7800.

4. *Artman v. Prudential-Bache Sec., Inc.*, 670 F. Supp. 769 (S.D. Ohio 1987). Judge S. Arthur Spiegel. I negotiated a successful settlement of claims of fraudulent stock churning brought against my client, a securities brokerage firm. Counsel for Plaintiff was John L. Campbell, 201 E. Fifth St., Suite 800, Cincinnati, Ohio 45202; (513) 345-4753.

5. *Ctr. Stage Mktg., Inc. v. Filmco, Inc.*, Case No. 1:88-cv-133 (S.D. Ohio 1988), *aff'd*, 875 F.2d 862 (6th Cir. 1989). District Judge Carl B. Rubin and Circuit Judges Keith, Jones, and Guy. I represented my client (Center Stage) in a successful arbitration of claims for substantial commissions owed. The arbitration award was reduced to judgment in U.S. District Court, and the judgment was affirmed in the Court of Appeals. My co-counsel was John J. Kropp, 511 Walnut Street, Cincinnati, Ohio 45202; 513-621-6464. Counsel for Defendants were William R. Jacobs (deceased), 201 E. Fifth Street, Cincinnati, Ohio 45202; 513-621-2120; and William A. Francis, 100 W. Broadway, Suite 900, Glendale, California 91212; 818-240-5000.

6. *Rescom, Inc. v. Brisben*, Case No. A 9008279 (Hamilton County C.P. 1990). Judge Ralph Winkler. I achieved a successful settlement of very substantial breach of contract and fraud claims of my client (Rescom, Inc.) within less than 30 days of filing of the complaint. Counsel for Defendants was Jerome S. Teller, 255 E. Fifth Street, Cincinnati, Ohio 45202; 513-721-4532.

7. *Mefford v. Rescom Constr., Inc.*, Case Nos. C-900379, C-900416, 1991 Ohio App. LEXIS 3357 (Hamilton County C.P. July 17, 1991), Judge Norbert Nadel; and Court of Appeals of Ohio, First Appellate District, Hamilton County, Judges Doan, Klusmeier, and Hildebrandt. I successfully defended my client (Rescom, Inc.) against a civil suit for services rendered but allegedly unpaid. I lost in the trial court but prevailed in the court of appeals where the trial court's judgment was reversed. Counsel for Plaintiff was Michael D. Triplett, 140 N. Main Street, Williamstown, Kentucky 41097; 606-431-3553.

8. *UC Medical Center v. Hopson* Case No. C-9200344 (Hamilton County C.P. 1992). Judge Thomas Crush. I successfully litigated the entry of a preliminary injunction by the court for my client (UC Medical Center) against a terminated

physician and subsequently achieved a favorable settlement of all claims. My co-counsel was Thomas W. Kahle, 312 Walnut Street, Cincinnati, Ohio 45202; 513-929-3414. Counsel for Defendant were Robert Manley (deceased) and Matthew Fellerhoff, 225 West Court Street, Cincinnati, Ohio 45202; 513-721-5525.

9. *Frey v. Gen. Motors Corp.*, Case No. 1:90-cv-324 (S.D. Ohio 1990). Judge S. Arthur Spiegel. I successfully pursued a civil action for injuries sustained in a car accident based on negligent design of seat backs susceptible to failure. The case settled favorably for my client (Frey) at the first day of a jury trial. My co-counsel was Barbara Bison Jacobson, 221 E. Fourth Street, Cincinnati, Ohio 45202; 513-723-4016. The Defendant's attorneys were: James W. Halbrooks, Jr., 150 South 5th Street, Suite 2600, Minneapolis, Minnesota 55402; 937-463-4928; and Thomas L. Czechowski, 1100 Courthouse Plaza SW, 10 N. Ludlow Street, Dayton, Ohio 45402; 612-339-8682.

10. *Davis, v. Mut. Life Ins. Co. of New York (MONY)*, Case No. 1:87-cv-727 (S.D. Ohio 1987), *aff'd*, 6 F. 3d 367 (6th Cir. 1993). District Judge S. Arthur Spiegel and Circuit Judges Kennedy, Guy, and Engel. I defended against a civil action brought by life insurance policyholders against two insurance companies (including my client, MONY) and various agents for fraud and civil racketeering (RICO) arising out of a sales scheme seeking to eliminate federal and state income taxes for home-based business owners. The month-long civil jury trial resulted in a substantial plaintiffs' verdict against the defendants, including my client. My co-counsel was Michael R. Barrett, 100 E. Fifth Street, Cincinnati, Ohio 45202; 513-564-7660. The counsel for Plaintiffs was William H. Blessing, 119 East Court St., Suite 500, Cincinnati, Ohio 45202; 513-621-9191. The attorney for the other insurance company defendant was Timothy P. Heather, 300 Pike Street, Suite 500, Cincinnati, Ohio 45202; 513-721-5672.

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

The most significant legal activities I have pursued include my work as a judge, the civil litigation I pursued on behalf of clients, my pro bono work, and my work generally as a Director of non-profit charities. The leading examples of these legal activities include: (1) my service as the Co-Convener of the Round Table of the Black Lawyers Association of Cincinnati and the Cincinnati Bar Association, the collaborative effort to improve diversity and inclusion in Cincinnati's legal community; and (2) my work as founder and lead convener of the Hamilton County Domestic Violence Coordinating Council, a collaborative effort to increase coordination of services in the criminal justice system and the community relating to domestic violence. I have never performed lobbying activities.

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

I taught Seventh and Tenth Grade English at The Roxbury Latin School, in West Roxbury Massachusetts, in 1975-1977, and I taught Sixth, Seventh and Twelfth Grade English at The Seven Hills School, in Cincinnati, Ohio, from 1978 to 1982.

I taught *Law, Culture and Justice; Judicial Independence; and Shakespeare and Justice* for Cincinnati's non-profit charitable organization, The Justice Institute for the Legal Profession, in July of 2007, 2008, and 2009.

I have taught *Leadership* at the Cincinnati Academy of Leadership for Lawyers from 1997-present.

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.

I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court. I will put my work for the Court first in my professional life. As appropriate, I hope to continue to serve in bar association and law-related continuing education programs.

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.

Since becoming a United States Magistrate Judge in 2004, I have followed the federal recusal statutes and the Code of Conduct for United States Judges, and I have sought to minimize the potential for conflicts of interest by avoiding investments and other relationships likely to cause recusal.

I have identified and notified our Clerk of Court that I shall recuse in any case involving Allstate Insurance or State Farm Insurance because my daughter has a civil lawsuit pending against them for injuries sustained in an automobile accident. If am confirmed, I anticipate having initially the same conflict as to these two companies.

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

If I am confirmed, and during my service as a United States Magistrate Judge, I will continue to follow the federal recusal statutes and the Code of Conduct for United States Judges. If any issue of a potential conflict were to arise, I would consult the applicable statutes and the Code and, if necessary, would seek advice from the Code of Conduct Committee of the Judicial Conference. In cases of uncertainty, I would err on the side of disqualification.

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.

During my time as a lawyer (1983-1993), I served occasionally as an attorney for indigent clients in criminal cases through the Hamilton County Public Defender's Office. I also served pro bono as appellate counsel for a blind inmate appealing the dismissal of his claims of unconstitutional conditions at a federal prison. I serve as the Co-Convener of the Round Table of the Black Lawyers Association of Cincinnati and the Cincinnati Bar Association, the collaborative effort to improve diversity and inclusion in Cincinnati's legal community. I also previously served as founder and lead convener of the Hamilton County Domestic Violence Coordinating Council, a collaborative effort to increase coordination of services in the criminal justice system and the community relating to domestic violence.

**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.

I wrote a letter to Senator Sherrod Brown in December 2008 identifying my interest in being considered for the vacancy arising on January 1, 2009. I received an application form from his staff in March 2009. A bipartisan judicial selection advisory commission established by Senator Brown and Senator George Voinovich interviewed me (and all other applicants) in May 2009. The Commission recommended me and two other candidates to the Senators, and I interviewed in person with Senator Brown in June 2009. Shortly thereafter, Senator Brown called me to tell me that he and Senator Voinovich were recommending me to the President for nomination.

Beginning in September 2009, I was in contact with pre-nomination officials at the Department of Justice. I had an interview at the Department of Justice on October 20, 2009 with attorneys from the Department of Justice and the White House Counsel's Office. My nomination was submitted to the United States Senate on December 24, 2009.

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

No.

### Response to Question 13.b.

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

Below is a list of my federal court opinions published in Westlaw or LEXIS, as well as a list of my published state court opinions. Many of my federal court opinions are not published.

*Soehner v. Time Warner Cable, Inc.*, 2009 WL 3855176 (S.D. Ohio Nov. 16, 2009)  
*Frazer v. Comm'r of Soc. Sec.*, 2009 WL 3853806 (S.D. Ohio Nov. 12, 2009)  
*Back v. Comm'r of Soc. Sec.*, 2009 WL 3785174 (S.D. Ohio Nov. 11, 2009)  
*Falconi v. Comm'r of Soc. Sec.*, 2009 WL 3790176 (S.D. Ohio Nov. 11, 2009)  
*Estate of Tierney v. Shellberg*, 2009 WL 3756333 (S.D. Ohio Nov. 9, 2009)  
*Sudberry v. Thomas*, 2009 WL 3698411 (S.D. Ohio Nov. 5, 2009)  
*Wellman v. Hamilton County Municipal Court*, 2009 WL 3698424 (S.D. Ohio Nov. 3, 2009)  
*Doe v. Proctor and Gamble Co.*, 2009 WL 3673020 (S.D. Ohio Oct. 30, 2009)  
*Sneed v. Moore*, 2009 WL 3599476 (S.D. Ohio Oct. 26, 2009)  
*Christman v. United States*, 2009 WL 3418684 (S.D. Ohio Oct. 19, 2009)  
*Craig v. Meyers*, 2009 WL 3418685 (S.D. Ohio Oct. 19, 2009)  
*Harsh v. Warden*, 2009 WL 3378246 (S.D. Ohio Oct. 15, 2009)  
*Manning v. Comm'r of Soc. Sec.*, 2009 WL 3171975 (S.D. Ohio Oct. 2, 2009)  
*Shirk v. Fifth Third Bancorp*, 2009 WL 3150303 (S.D. Ohio Sept. 30, 2009)  
*General Elec. Credit Union v. Natl. Fire Ins. of Hartford*, 2009 WL 3210348 (S.D. Ohio Sept. 30, 2009)  
*Dickens v. Brunzman*, 2009 WL 3199066 (S.D. Ohio Sept. 29, 2009)  
*Bowman v. Comm'r of Soc. Sec.*, 2009 WL 3110197 (S.D. Ohio Sept. 24, 2009)  
*Reynolds v. Astrue*, 2009 WL 3126261 (S.D. Ohio Sept. 24, 2009)  
*Walker v. Comm'r of Soc. Sec.*, 2009 WL 3126277 (S.D. Ohio Sept. 23, 2009)  
*Greater Cincinnati Coalition for Homeless v. City of Cincinnati*, 2009 WL 3029661 (S.D. Ohio Sept. 16, 2009)  
*Yazell v. Comm'r of Soc. Sec.*, 2009 WL 2982882 (S.D. Ohio Sept. 15, 2009)  
*McCracken v. Comm'r of Soc. Sec.*, 2009 WL 2983049 (S.D. Ohio Sept. 14, 2009)  
*Manus v. Comm'r of Soc. Sec.*, 2009 WL 2983051 (S.D. Ohio Sept. 11, 2009)  
*Bloom v. Shree Ganesh Payal, LLC*, 2009 WL 2915784 (S.D. Ohio Sept. 10, 2009)  
*Rigdon v. Warden, Chillicothe Correctional Inst.*, 2009 WL 2913891 (S.D. Ohio Sept. 9, 2009)  
*Hamilton v. Warden*, 2009 WL 2827946 (S.D. Ohio Sept. 2, 2009)  
*Davis v. Comm'r of Soc. Sec.*, 2009 WL 2884142 (S.D. Ohio Sept. 1, 2009)  
*Tyndle Ridge Dev., LLC v. City of Cinti.*, 2009 WL 2901539 (S.D. Ohio Sept. 1, 2009)  
*Waller v. Bear*, 2009 WL 2884145 (S.D. Ohio Aug. 31, 2009)  
*Cincinnati Ins. Co. v. Dorsey Const. Co., Inc.*, 2009 WL 2579395 (S.D. Ohio Aug. 18, 2009)

*Bay v. Clermont County Sheriff's Dept.*, 2009 WL 2495774 (S.D. Ohio Aug. 12, 2009)  
*Wright v. Ohio* 2009 WL 2430956 (S.D. Ohio Aug. 6, 2009)  
*Oglesby v. Comm'r of Soc. Sec.*, 2009 WL 2243022 (S.D. Ohio July 23, 2009)  
*Hernandez-Nunez v. Warden*, 2009 WL 2169037 (S.D. Ohio July 17, 2009)  
*Mason v. Brunsman*, 2009 WL 2169035 (S.D. Ohio July 16, 2009)  
*Hibben v. United States*, 2009 WL 3571315 (S.D. Ohio July 15, 2009)  
*United States ex rel. Fry v. Health Alliance of Greater Cincinnati*, 2009 WL 2004350, (S.D. Ohio July 7, 2009)  
*Dragon v. Comm'r of Soc. Sec.*, 2009 WL 3126269 (S.D. Ohio June 30, 2009)  
*Ray v. Comm'r of Soc. Sec.*, 2009 WL 3151296 (S.D. Ohio June 30, 2009)  
*Garr v. Warden*, 2009 WL 1851410 (S.D. Ohio June 29, 2009)  
*Compton v. AT&T Corp.*, 2009 WL 1867681 (S.D. Ohio June 25, 2009)  
*Murphy v. Sheets*, 2009 WL 1794709 (S.D. Ohio June 23, 2009)  
*O'Neal v. Nationstar Mortg.*, 2009 WL 1795305 (S.D. Ohio June 23, 2009)  
*O'Neal v. Nationstar Mortg.*, 2009 WL 1795310 (S.D. Ohio June 23, 2009)  
*Aubin Industries, Inc. v. Smith*, 2009 WL 1674845 (S.D. Ohio June 15, 2009)  
*Vainisi v. Cincinnati Metro. Hous. Auth.*, 2009 WL 1674835 (S.D. Ohio June 12, 2009)  
*Collins v. Brunsman*, 2009 WL 1675919 (S.D. Ohio June 12, 2009 )  
*Cincinnati Ins. Co. v. Dorsey Const. Co.*, 2009 WL 1651320 (S.D. Ohio June 10, 2009)  
*Piatt v. Collins*, 2009 WL 1617091 (S.D. Ohio June 9, 2009)  
*Steward v. Comm'r of Soc. Sec.*, 2009 WL 1586214 (S.D. Ohio June 4, 2009)  
*Amadasu v. Comm'r of Soc. Sec.*, 2009 WL 1542772 (S.D. Ohio May 28, 2009)  
*Frazee v. Comm'r of Soc. Sec.*, 2009 WL 1473961 (S.D. Ohio May 27, 2009)  
*Page v. Howard*, 2009 WL 1459518 (S.D. Ohio May 26, 2009)  
*Core-Mark, Inc. v. Bloom*, 2009 WL 1416059 (S.D. Ohio May 19, 2009)  
*G.B. v. Rogers*, 2009 WL 1322451 (S.D. Ohio May 11, 2009)  
*Prom v. Warden*, 2009 WL 1270463 (S.D. Ohio May 05, 2009)  
*Regency Hosp. of Cincinnati v. Blue Cross Blue Shield of Tennessee*, 2009 WL 1211743 (S.D. Ohio May 01, 2009)  
*In re Search Warrant Nos.*, 2009 WL 1175164 (S.D. Ohio Apr. 29, 2009)  
*Ratcliff v. Moore*, 2009 WL 1119581 (S.D. Ohio Apr. 24, 2009)  
*Keeling v. Warden*, 2009 WL 1065870 (S.D. Ohio Apr. 20, 2009)  
*Parks v. Ohio Atty. Gen.*, 2009 WL 1024573 (S.D. Ohio Apr. 15, 2009)  
*Hernandez v. City of Norwood*, 2009 WL 973537 (S.D. Ohio Apr. 10, 2009)  
*Bowman v. Warden*, 2009 WL 943847 (S.D. Ohio Apr. 6, 2009)  
*Amadasu v. Holloway Cred. Solut., LLC*, 2009 WL 948767 (S.D. Ohio Apr. 3, 2009)  
*Turner v. Warden*, 2009 WL 866841 (S.D. Ohio Mar. 31, 2009)  
*McDaniel v. Comm'r of Soc. Sec.*, 2009 WL 891760 (S.D. Ohio Mar. 31, 2009)  
*Brooks v. Comm'r of Soc. Sec.*, 2009 WL 891761 (S.D. Ohio Mar. 30, 2009)  
*Lowe v. Hamilton Cty. Job & Fam. Servs.*, 2009 WL 818960 (S.D. Ohio Mar. 27, 2009)  
*Tweed v. Hamilton County Justice Center*, 2009 WL 819003 (S.D. Ohio Mar. 27, 2009)

*Roulhac v. Sw. Ohio Reg'l Transit Auth.*, 2009 WL 806766 (S.D. Ohio Mar. 26, 2009)  
*Griffin v. Warden*, 2009 WL 819001 (S.D. Ohio Mar. 26, 2009)  
*Torrance v. Cincinnati Mortg. Co. Inc.*, 2009 WL 853971 (S.D. Ohio Mar. 25, 2009)  
*Torrance v. Cincinnati Mortg. Co. Inc.*, 2009 WL 961533 (S.D. Ohio Mar. 25, 2009)  
*Ramsey v. Comm'r of Soc. Sec.*, 2009 WL 728563 (S.D. Ohio Mar. 17, 2009)  
*Piatt v. Warden, SOCF*, 2009 WL 700706 (S.D. Ohio Mar. 13, 2009)  
*Brumett v. Comm'r of Soc. Sec.*, 2009 WL 690250 (S.D. Ohio Mar. 11, 2009)  
*Cornelius v. Fairfield Teachers Ass'n*, 2009 WL 649786 (S.D. Ohio Mar. 10, 2009)  
*Hicks v. Comm'r of Soc. Sec.*, 2009 WL 3127180 (S.D. Ohio Mar. 03, 2009)  
*Watkins v. Warden*, 2009 WL 530108 (S.D. Ohio Feb. 27, 2009)  
*Smith v. Brunsman*, 2009 WL 530113 (S.D. Ohio Feb. 27, 2009)  
*Bowman v. Comm'r of Soc. Sec.*, 2009 WL 1026447 (S.D. Ohio Feb. 27, 2009)  
*Becker v. Comm'r of Soc. Sec.*, 2009 WL 483833 (S.D. Ohio Feb. 25, 2009)  
*Sellers v. Ruehlman*, 2009 WL 347654 (S.D. Ohio Feb. 10, 2009)  
*Smith v. United States*, 2009 WL 633247 (S.D. Ohio Feb. 10, 2009)  
*Robinson v. Voorhies*, 2009 WL 330291 (S.D. Ohio Feb. 09, 2009)  
*Hickson v. Comm'r of Soc. Sec.*, 2009 WL 237221 (S.D. Ohio Jan. 29, 2009)  
*Soper v. Infusion Partners, Inc.*, 2009 WL 237313 (S.D. Ohio Jan. 29, 2009)  
*Nauroth v. Ariss*, 2009 WL 237537 (S.D. Ohio Jan. 29, 2009)  
*Brown Pub. Co. v. Empl. Ben. Serv. of Ohio*, 2009 WL 238604 (S.D. Ohio Jan. 29, 2009)  
*Manning v. Comm'r of Soc. Sec.*, 2009 WL 243014 (S.D. Ohio Jan. 29, 2009)  
*Shirk v. Fifth Third Bancorp*, 2009 WL 692124 (S.D. Ohio Jan. 29, 2009)  
*Torrance v. Decision One Mortg. Co. LLC*, 2009 WL 174976 (S.D. Ohio Jan. 23, 2009)  
*Strunk v. Warden*, 2008 WL 5521358 (S.D. Ohio Dec. 16, 2008)  
*Gaskins v. Warden*, 2008 WL 5521362 (S.D. Ohio Oct. 29, 2009)  
*United States v. Cunningham*, 2009 WL 112831 (S.D. Ohio Jan. 15, 2009)  
*Rowe v. Lawrence County Sheriff's Dept.*, 2009 WL 113261 (S.D. Ohio Jan. 14, 2009)  
*Winslow v. Brunsman*, 2009 WL 140045 (S.D. Ohio Jan. 14, 2009)  
*Kennedy v. City of Cincinnati*, 2009 WL 87423 (S.D. Ohio Jan. 12, 2009)  
*Williams v. Brunsman*, 2009 WL 88772 (S.D. Ohio Jan. 12, 2009)  
*Frederick v. Comm'r of Soc. Sec.*, 2008 WL 5688391 (S.D. Ohio Dec. 30, 2008)  
*Bennett v. Warden, Ross Correctional Inst.*, 2009 WL 88831 (S.D. Ohio Jan. 12, 2009)  
*James v. Moore*, 2008 WL 5188145 (S.D. Ohio Dec. 10, 2008)  
*Dirkes v. Hartford Life Group Ins. Co.*, 2008 WL 5111167 (S.D. Ohio Dec. 2, 2008)  
*Ellison v. Warden*, 2008 WL 4951776 (S.D. Ohio Nov. 17, 2008)  
*Smith v. United States*, 2008 WL 4951779 (S.D. Ohio Nov. 17, 2008)  
*Crenshaw v. Hart*, 2008 WL 4877765 (S.D. Ohio Nov. 12, 2008)  
*Maxton v. Comm'r of Soc. Sec.*, 2008 WL 4758675 (S.D. Ohio Oct. 23, 2008)  
*Core-Mark Midcontinent, Inc. v. Bloom*, 2008 WL 4592489 (S.D. Ohio Oct. 14, 2008)  
*Dorsey v. Bradshaw*, 2008 WL 4505522 (S.D. Ohio Oct. 2, 2008)



*Shirk v. Fifth Third Bancorp*, 2008 WL 4425535 (S.D. Ohio Sept. 30, 2008)  
*Washington v. Comm'r of Soc. Sec.*, 2008 WL 4449428 (S.D. Ohio Sept. 30, 2008)  
*Coon v. Comm'r of Soc. Sec.*, 2008 WL 4411473 (S.D. Ohio Sept. 29, 2008)  
*Rist v. Hartford Fin. Servs. Group*, 2008 WL 4444810 (S.D. Ohio Sept. 29, 2008)  
*Coleman v. Randle*, 2008 WL 4445003 (S.D. Ohio Sept. 29, 2008)  
*McCaskill v. Alcoholism Council of the Greater Cincinnati Area*, 2008 WL 4449015  
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*Shirk v. Fifth Third Bancorp*, 2008 WL 4449024 (S.D. Ohio Sept. 26, 2008)  
*Truesdell v. Comm'r of Soc. Sec.*, 2008 WL 4425915 (S.D. Ohio Sept. 25, 2008)  
*Wallace v. Moore*, 2008 WL 4372691 (S.D. Ohio Sept. 24, 2008)  
*Sizemore v. Comm'r of Soc. Sec.*, 2008 WL 4404597 (S.D. Ohio Sept. 24, 2008)  
*Crabtree v. Comm'r of Soc. Sec.*, 2008 WL 4404835 (S.D. Ohio Sept. 24, 2008)  
*Taylor v. Comm'r of Soc. Sec.*, 2008 WL 4405039 (S.D. Ohio Sept. 24, 2008)  
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*Regency Hosp. v. Blue Cross Blue Shield*, 2008 WL 4404449 (S.D. Ohio Sept. 23,  
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*Vilardo v. Warden*, 2008 WL 4366036 (S.D. Ohio Sept. 18, 2008)  
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*Schaffner v. Comm'r of Soc. Sec.*, 2008 WL 4206206 (S.D. Ohio Sept. 9, 2008)  
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*Beinlich v. Comm'r of Soc. Sec.*, 2008 WL 4185972 (S.D. Ohio Sept. 4, 2008)  
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*Board of Trustees, Plumbers, Pipefitters & MES Local Union No. 382 Supp. Unemp.*  
*Benefits Trust Fund v. Clise*, 2008 WL 3931942 (S.D. Ohio Aug. 20, 2008)  
*Sun Life Assur. Co. v. Tomczak*, 2008 WL 3932006 (S.D. Ohio Aug. 20, 2008)  
*Durham v. Comm'r of Soc. Sec.*, 2008 WL 3843296 (S.D. Ohio Aug. 14, 2008)  
*Webb v. Oney*, 2008 WL 3843295 (S.D. Ohio Aug. 13, 2008)  
*Leibowitz v. Drake*, 2008 WL 3874641 (S.D. Ohio Aug. 13, 2008)  
*Barger v. Comm'r of Soc. Sec.*, 2008 WL 5054824 (S.D. Ohio Aug. 13, 2008)  
*Selvey v. Comm'r of Soc. Sec.*, 2008 WL 4445182 (S.D. Ohio Aug. 11, 2008)  
*O'Neal v. Nationstar Mortg.*, 2008 WL 3007834 (S.D. Ohio Aug. 1, 2008)  
*White v. Warden*, 2008 WL 3008980 (S.D. Ohio Aug. 1, 2008)  
*Kennedy v. City of Cincinnati*, 2008 WL 2872280 (S.D. Ohio July 22, 2008)  
*Hicks v. Timmerman-Cooper*, 2008 WL 2891018 (S.D. Ohio July 22, 2008)  
*Miller v. Comm'r of Soc. Sec.*, 2008 WL 4445190 (S.D. Ohio July 22, 2008)  
*Cunningham v. Birchfield*, 2008 WL 2899667 (S.D. Ohio July 21, 2008)  
*Gonzalez v. Moore*, 2008 WL 2795516 (S.D. Ohio July 18, 2008)  
*Brown v. Knab*, 2008 WL 2795579 (S.D. Ohio July 18, 2008)  
*Dirkes v. Hartford Life Group Ins. Co.*, 2008 WL 2788059 (S.D. Ohio July 15, 2008)  
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*Shirk v. Fifth Third Bancorp*, 2008 WL 2661955 (S.D. Ohio July 2, 2008)  
*Garrett v. Comm'r of Soc. Sec.*, 2008 WL 2697286 (S.D. Ohio July 1, 2008)  
*Campbell v. Comm'r of Soc. Sec.*, 2008 WL 2640708 (S.D. Ohio June 30, 2008)  
*Legg v. Warden*, 2008 WL 2498134 (S.D. Ohio June 18, 2008)

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*Stephens v. Sawbrook Steel Casting Co.*, 2008 WL 2397694 (S.D. Ohio June 10, 2008)  
*Collins v. Comm'r of Soc. Sec.*, 2008 WL 2302695 (S.D. Ohio May 30, 2008)  
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*Neff v. Brunsman*, 2008 WL 2169392 (S.D. Ohio May 21, 2008)  
*Jackson v. United Dairy Farmers*, 2008 WL 2121750 (S.D. Ohio May 20, 2008)  
*Sony BMG Music Enter. v. Willis*, 2008 WL 2120837 (S.D. Ohio May 19, 2008)  
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*Akemon v. Brunsman*, 2008 WL 1766707 (S.D. Ohio Apr. 17, 2008)  
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*Tatum v. Warden*, 2008 WL 1766790 (S.D. Ohio Apr. 11, 2008)  
*Spurling v. Ohio Adult Parole Authority*, 2008 WL 1766792 (S.D. Ohio Apr. 11, 2008)  
*Rice v. Moore*, 2008 WL 1733120 (S.D. Ohio Apr. 10, 2008)  
*Cargille v. U.S. Courthouse*, 2008 WL 957486 (S.D. Ohio Apr. 8, 2008)  
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*Patrick v. A. K. Steel Corp.*, 2008 WL 906052 (S.D. Ohio Mar. 31, 2008)  
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*Ross v. Comm'r of Soc. Sec.*, 2008 WL 906092 (S.D. Ohio Mar. 31, 2008)  
*Roulhac v. Southwest Reg. Transit Auth.*, 2008 WL 920354 (S.D. Ohio Mar. 31, 2008)  
*Lindsley v. Comm'r of Soc. Sec.*, 2008 WL 886139 (S.D. Ohio Mar. 28, 2008)  
*Misner v. Collins*, 2008 WL 886146 (S.D. Ohio Mar. 28, 2008)  
*Lowe v. Hamilton Cty. Dept. of Job and Fam. Servs.*, 2008 WL 816669 (S.D. Ohio Mar. 26, 2008)  
*Winstead v. Comm'r of Soc. Sec.*, 2008 WL 819073 (S.D. Ohio Mar. 25, 2008)  
*Roddy v. Comm'r of Soc. Sec.*, 2008 WL 820141 (S.D. Ohio Mar. 24, 2008)  
*Wigginton v. Comm'r of Soc. Sec.*, 2008 WL 783374 (S.D. Ohio Mar. 20, 2008)  
*Forman v. Comm'r of Soc. Sec.*, 2008 WL 3166335 (S.D. Ohio Mar. 18, 2008)  
*Hall v. Hart*, 2008 WL 696890 (S.D. Ohio Mar. 12, 2008)  
*Rennick v. Provident Bank*, 2008 WL 696893 (S.D. Ohio Mar. 12, 2008)  
*Maupin v. Comm'r of Soc. Sec.*, 2008 WL 687123 (S.D. Ohio Mar. 10, 2008)  
*Ndiaye v. CVS Pharmacy 6081*, 2008 WL 618648 (S.D. Ohio Mar. 3, 2008)  
*Martin v. Select Port. Serv. Hold. Corp.*, 2008 WL 618788 (S.D. Ohio Mar. 3, 2008)  
*Holler v. Hartford Life and Acc. Ins. Co.*, 2008 WL 618791 (S.D. Ohio Mar. 3, 2008)  
*Hall v. Moore*, 2008 WL 565788 (S.D. Ohio Feb. 29, 2008)  
*Jones v. Warden*, 2008 WL 618639 (S.D. Ohio Feb. 29, 2008)

*Gueye v. Thomas M. Cooley Law School*, 2008 WL 618640 (S.D. Ohio Feb. 29, 2008)  
*Easley v. Bauer*, 2008 WL 618642 (S.D. Ohio Feb. 29, 2008)  
*Bailey v. AK Steel Corp.*, 2008 WL 553764 (S.D. Ohio Feb. 28, 2008)  
*Insurance Dist. Network, Inc. v. Mariano*, 2008 WL 520915 (S.D. Ohio Feb. 26, 2008)  
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AFFIDAVIT

I, TIMOTHY SEYMOUR BLACK, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

1/4/10  
(DATE)

Timothy S. Black  
(NAME)

Mary Ann Ranz  
(NOTARY) 1/4/10



Mary Ann Ranz  
Notary Public, State of Ohio  
My Commission Expires 03-19-2013