

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
JUDICIAL COUNCIL**

IN THE MATTER OF A
JUDICIAL COMPLAINT
UNDER 28 U.S.C. § 351, ET SEQ.

JUDICIAL COMPLAINT
28 U.S.C. §§ 351

RELATED CASE: 22-CV-02234
NEW YORK EASTERN DISTRICT

CHIEF JUDGE: DEBRA ANN LIVINGSTON

INDEX No.:

Complainants, as listed in the attached Exhibit 1 by and through their counsel of record, Jo Saint-George, Esq. at the Women of Color For Equal Justice Law Center, pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §351 (the “Act”), and the Rules of Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers (the “Local Rules”), hereby file this complaint against Judge Eric Komitee of the United States District Court of New York Eastern District and request that this Chief Judge appoint a special committee to investigate this complaint pursuant to 28 U.S.C. §353 and that this complaint is certified under §354 for referral to the Judicial Council for the United States because “special circumstances” exists to warrant referral to the House of Representatives for impeachment pursuant to §355. The facts of this complaint provides ample evidence that impeachment is necessary because Judge Komitee’s appointment to the federal court was procured by fraudulent concealment. Moreover, Judge Komitee’s abdication of his solemn judicial duties – to hear cases and to investigate fraud on the court – was for the sole purpose of conspiring with the City of New York legal team and the City’s Mayor Adams and Mayor DeBlasio to defraud City workers of their constitutional and federal statutory rights to cover up his self-dealing and financial interests in the outcome of Complainants case.

I. COMPLAINT CHARGES

Judge Komitee engaged in extrajudicial and judicial conduct that was not only prejudicial to the effectiveness and expeditious administration of the business of the courts, undermined public confidence in the integrity and impartiality of the judiciary, but also proves that Judge Komitee engaged in judicial corruption of self-dealing. 28 U.S.C. §§ 351

This Complaint arises from the following acts of Judge Komitee as follows:

- A. Extrajudicial Disqualifying Conduct:** Judge Komitee consciously refused to disqualify himself in violation of Judicial Canon 3C(1) and 28 U.S.C. § 455(a) when Complainants case was initially assigned to him on April 20, 2022 when Judge Komitee knew that his extrajudicial conduct as a General Counsel for Viking Global Investors, LP (Viking) created a obvious appearance of impropriety because Judge Komitee directly managed the legal due diligence, FDA regulatory compliance, commercialization and joint venture investment of \$500 Million

dollars invested into the Moderna Technologies (“Moderna”). Moderna is the manufacturer of the very controversial Moderna mRNA vaccine (Moderna), which was one of three (3) vaccines the City of New York (“City”) mandated all City employees to take during the Covid-19 pandemic that Complainants refused to take based on their religious beliefs and were constructively discharged by the City for their refusal. Judge Komitee consciously covered-up his legal management of the \$500 Million investment into the controversial Moderna mRNA vaccine technology by refusing to disclose to the general public in his mandatory responses to Senate Judicial Candidate Questionnaire (“Questionnaire”) his leadership in that “significant legal activity” prior to applying to a position on the federal judiciary. This blatant refusal to meet his duty to disclose relevant information to the Senate Judiciary Committee prior to his commission to the bench is grounds for impeachment of Judge Komitee because his life appointment to the bench was procured by fraudulent concealment. This type of corruption cannot be corrected through any other judicial discipline. Otherwise, other judicial candidates will be emboldened to engage in similar fraudulent concealment which only undermines the public confidence in the integrity of the judicial system. See Exhibit 1 – Komitee’s Judicial Candidate Questionnaire and See Exhibit 2 - Viking/Moderna Investment Press Release

B. Failure To Disqualify Under Judicial Canon 3C(1)(a): Judge Komitee violated Judicial Canon 3C(1)(a) and 28 U.S.C. § 455(b)(1) when he failed to disqualify himself after Complainants case was assigned to him due to his personal knowledge of disputed evidentiary facts concerning Complainants case. Specifically, Judge Komitee knew or should have known that his extrajudicial role as General Counsel for Viking responsible for the management of the legal due diligence into Moderna wherein he acquired top secret confidential information about Moderna’s mRNA gave him top secret “knowledge” concerning a disputed evidentiary fact in Complainants lawsuit. Because the heart of Complainants case is based on evidence that the Moderna and all other vaccines did not meet OSHA Safety standards and are incapable of preventing transmission of the Covid-19 airborne virus, Judge Komitees personal knowledge of Modern’s top secret clinical and regulatory information about Modern’s mRNA vaccine’s is an issue of dispute between Complainant and the City who claimed that the Moderna vaccine and all other vaccines were safe and “necessary” for the City to authorize the mandate. See Exhibit 3 – Letter from Florida Surgeon General Dr. Ladapo

C. Failure To Disqualify Judicial Canon 3C(1)(c) Interest In the Subject Matter: Judge Komitees violated Judicial Canon 3C(1)(c) and 28 U.S.C. § 455(b)(4) for failing to disqualify himself after Complainants case was assigned to him due to Judge Komitees equity ownership interest in Modern through his equity interest in Viking Equities which owns a substantial interest in the Moderna. Judge Komitee also failed to adequately disclose with specificity in his Federal Financial Report his equity ownership interest in Moderna through his ownership of Viking equities. Under information and belief, Judge Komitee lied in his §410.40 Conflict Review Certification Statement in 2022 and 2023 about not having any financial with litigants. As this Court is aware, federal judges are required to complete the §410.40 Conflict Review Certification routinely and Judge Komitee never disclose this conflict in his certifications to this Court, and if he did then the failure to

remove him from his assignment would then be attributed to this Court for failing to address the known conflict.

D. Failure to Hear & Grant Complainants The Full Right to Be Heard – Judicial Canon 3A(2) & (4)

During the entire pendency of Complainants case for almost 2 1/2 years, Judge Complainants was denied the right to have a full hearing and oral arguments on any of their motions. At no time were Complainants ever granted the right to be heard as required under Judicial Canon 3A(2) & (4). The fact that Judge Komitee denied Complainant all hearing requests made in the case is evidence that he was fully aware of his disqualification and refused to disclose his disqualification under Judicial Canon 3A(4) to delay the fair resolution of the case.

II. STATEMENT OF THE FACTS

“A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” See Cannon 2, Code of Conduct for U.S. Judges. Regretfully, from the time Judge Komitee applied to become a federal district judge, he proved that he lacked integrity when he refused to answer a very important question in the Senate Judicial Candidate Questionnaire that required him to disclose any “significant legal activity” he had previously participated in as a lawyer. His failure to disclose his significant activity in the legal management of his companies joint investment of \$500 Million into Moderna was the beginning of Judge Komitee’s judicial corruption. What makes Judge Komitee’s corruption, as described in detail below, most egregious is the fact that his ultimate dismissal of Complainant case on September 25, 2024 was one day after New York City Mayor Adams (who was a named defendant in this case as having committed fraud against City workers) was indicted for bribery. It is obvious that the timing of the issuance of the dismissal is not just a cover-up of Mayor Adams fraud on the court and fraud against City workers for the Cit’s illegal enforcement of the City’s vaccine mandates; but actually, the timing of the dismissal is a cover-up of Judge Komitee’s financial interest in the outcome of the case that has been deliberately hidden by him since the assignment of the case.

According to the Public Questionnaire for Judicial Nominees submitted by Judge Komitee to the United States Senate Committee on the Judiciary (“Questionnaire”), Judge Komitee reported that from 2008 until June 30, 2018 he served as the first General Counsel for Viking Global Investors, LP (Viking), which is a private equity hedge fund that in 2018 had approximately \$30 Billion in assets under management in roughly 100 companies. See Exhibit 1 – Questionnaire

According to a public press release dated February 1, 2018, it was reported that Viking participated in a joint venture investment of \$500 Million into Moderna. See Exhibit 2, Viking - Moderna Investment Press Release

Based on the Questionnaire, Judge Komitee was responsible for performing an investigation and due diligence review of Moderna’ corporate structure, review of Moderna’s FDA regulatory compliance evaluation, safety and clinical studies, and management of Vikings equity joint venture equity investment of the \$500 Million for the commercialization and financing of Moderna Technology that included the Moderna’s mRNA vaccine technology.

As a result of Judge Komitee's management of Vikings private equity investment into Moderna, Judge Komitee was provided top secret confidential information, including but not limited to design and defect information about the Moderna's mRNA technology, patents, safety reports and FDA compliance or non-compliance and compliance or non-compliance with the OSHA Act regulations as part of Judge Komitee's due diligence as general counsel for (collectively "Top Secret Moderna Information")

Additionally, the Top Secret Moderna Information had to also included, but not limited to, clinical trials information regarding whether the Moderna mRNA vaccine technology complied with the FDA guidelines regarding DNA vaccines and whether Moderna mRNA/vaccines contained nucleic acid contaminants in the present of lipid nanoparticle complexes. This Moderna vaccine information is significant because Florida's State Surgeon General Joseph A. Ladapo, MD, PhD issued letters and press release in May and December 2023 warning of the Moderna vaccine non-compliance with FDA guidelines. See Exhibit 3 Letters by Dr. Ladapo

According to public reports, the United States purchased over 300 million doses of Moderna mRNA vaccines by July 2021 with approximately 13 Million New York City residents vaccinated by November 2021 according to the NYC Health Vaccine Data report that shows the New York City residents also received the Moderna mRNA developed Covid-19 vaccine. See Exhibit 4 US. Purchase Report and See Exhibit 5, NYC Covid-19 Vaccine Data incorporated herein by this reference.

According to Judge Komitee's Questionnaire, a short time after his general counsel management of the investment into Moderna on or before the press release dated February 1, 2018, Judge Komitee completed the Questionnaire to be considered as a candidate to fill a judge vacancy at the U.S. State Federal Court for Eastern District of New York. See Exhibit 1

In Judge Komitee's public Questionnaire, Judge Komitee failed to disclose as a "significant legal activity" his most recent (just a few months before) significant activity as General Counsel who managed the Moderna investment for Viking as required by the Senate Questionnaire instructions, which failure is reflected in is response to the following question #18 in the Questionnaire. See Exhibit 1

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). As the first general counsel at Viking Global Investors, I built a department responsible for all legal, regulatory and compliance matters on behalf of an investment advisor managing tens of billions of dollars in assets in jurisdictions around the world. I led the development of Viking's compliance policies, built a training regimen for employees in the firm's U.S. and non-U.S. offices, and developed a comprehensive compliance-testing process. I supervised the legal aspects of Viking's counterparty-risk management effort – the effort to ensure that Viking's clients receive maximum protection in the event of a failure of a trading counterparty or custodian of our funds' assets. I also supervised the negotiation and legal drafting for complex corporate and securities transactions in jurisdictions around the world. As discussed below, I also instituted a *pro bono* program and did *pro bono* work myself while at Viking.

According to the Questionnaire, on May 15, 2018, President Donald J. Trump submitted Judge Komitees nomination to the U.S. Senate to fill the vacancy at United States District Court for the Eastern District of New York after the White House Counsel's Office reached out to him on March 7, 2017 about including his name as a potential nominee, after which he was interviewed with Senator Schumers office. See Exhibit 1, Page 28 Questionnaire

On December 5, 2019, Judge Komitee was commissioned to serve as a federal district court judge in the Eastern District of New York. See Exhibit 6 – Press Article and Judicial Bio and commission

At no time before Judge Komitee was commissioned did he disclose to the public in an updated Judicial Questionnaire or by any other method that he managed Vikings' due diligence and joint \$500 Million investment into Moderna.

On April 12, 2022, Complainants, a proposed class of City of New York workers, filed their Complaint in the New York Eastern District Court seeking compensatory and punitive damages along with injunctive and declaratory relief from the City of New York (NYC) Covid-19 vaccine mandate which required all NYC employees and private sector employees to take a Covid-19 vaccine to keep their jobs, which included the Moderna mRNA vaccine that was being administered in New York City. Complainants' request for relief was based on their constitutional First Amendment Free Exercise right to refuse vaccines and their federal statutory right contained in the OSH Act at 29 USC 669 Section 25(a)(5). The OSH Act expressly bans vaccine/immunization, medical treatment and testing mandates by employers on employees who object based on religious grounds. Complainants' case was assigned to Judge Komitee on April 20, 2022 to fairly adjudicate. Complainants specifically sought a declaration from Judge Komitee under the Declaratory Relief statute at 28 U.S.C. § 2201 to declare their rights and rights of all U.S. Citizens under the OSH Act to refuse the Moderna mRNA vaccine along with any other vaccine or medical treatment on religious grounds that Judge Komitee also failed to place on a expedited litigation tract but instead delayed and denied hearings under that statute also due to his financial interest in the outcome of the case.

At no time after Complainants case was assigned to Judge Komitee did Judge Komitee disclose to Complainants his extrajudicial involvement as general counsel in the management of the due diligence and Viking joint venture equity investment of \$500 Million into Moderna. Neither did Judge Komitee disclose his financial ownership of Modern equity interest through his ownership of Viking Equities.

Shortly after Judge Komitee was assigned to Complainants case, Complainants' counsel researched Judge Komitees background and was not able to identify any potential disqualifying conflicts based on a review of Judge Komitees Judicial Questionnaire that did not disclose Judge Komitees confidential management of Viking's investment into Moderna. Also, because Judge Komitee had not filed any Federal Judicial Financial Reports in the Federal Court data base located at <https://pub.jefs.uscourts.gov/> prior to or immediately after Judge Komitees assignment to Complainants case, Judge Komitees financial investment into Moderna was not discoverable, particularly since there was no expressed disclosure of Judge Komitee's financial interest in Moderna through your Viking Equities ownership was specifically disclosed in the reports. See Exhibit 7 – Judicial Financial Reporting Databased Screen Shot.

Based on a review of the Federal Judicial Financial Reporting system, it appears that it was not until May 10, 2022, approximately one month after Complainants filed their complaint and over 2 ½ years after Judge Komitee was commissioned to serve as a district court judge, that Judge Komitee for the first time filed his Federal Financial Disclosure Report for the Period of 1/01/2021 – 12/31/2021 disclosing that he served as a Director for the Viking Global Foundation, Inc. (a charitable nonprofit) and that he owned dividend investments in Viking Global Equities, LP and Global Opportunities; but, nowhere in that report is there an expressed disclosure that his Viking investments included investments in the vaccine manufacturer Moderna. See Exhibit 8, Judicial Financial Disclosure Reports attached and incorporated herein.

Again on July 7, 2023, Judge Komitee filed his 2022 Federal Financial Disclosure Report for the Period of 1/01/2022 – 12/31/2022 and nowhere in that report did he expressly disclose that private equity ownership of Moderna shares or a Moderna financial interest through is Viking equity interest. See Exhibit 9, Judicial Financial Disclosure Report attached and incorporated herein.

Due to Judge Komitees failure to expressly disclose in both his Federal Financial Reports his equity ownership in Viking Global Equities included an ownership interest in Moderna, there was no way for Complainants or any litigant to learn of his possible disqualifying financial interest in the Moderna Covid-19 vaccine which was the subject of Complainants litigation.

On July 10, 2023, a little over a year after Complainants filed their complaint and motions to enjoin the City's Covid-19 vaccine mandates, Complainants filed a FRCP Rule 11 Motion for Sanctions¹ because Complainants discovered that the City of New York legal department counsel of record, the Honorable Sylvia O. Hinds-Radix and Of Counsel Attorney Elisheva Rosen (NYC Lawyers) made false statements of law to Judge Komitee in their Motion To Dismiss Complainants complaint for declaratory and injunctive Relief as well as punitive damages. See ECF #47. Specifically, the NYC Lawyers made the false legal contention that as a matter of law, Complainants do not have a private right of action pursuant to the OSH Act 29 USC 660 Section 11(c), which legal contention was objectively baseless at the time it was made, "legally indefensible," and "groundless in law" based on the 200 cases provided by Complainants to Judge Komitee that provided clear and convincing evidence that Complainants could maintain a non-regulatory private right of action for violations of their statutory rights under the OSH Act at 29 USC 669 Section 25(a)(5). See *Brubaker v. City of Richmond*, 943 F.2d 1363, 1385 (4th Cir. 1991). (herein after the Fraud on the Court")

On August 24, 2023, Complainants also filed a Rule 60(b)3 Motion to Vacate Judge Komitees November 15, 2022 Order at ECF #37 denying Complainants emergency Motion Temporary and Preliminary Injunctions against NYC's vaccine mandates because the NYC Lawyers again made the same Fraud on the Court contention in their Opposition to the emergency motion that this Court relied on to deny Complainants requested injunction. Complainants Motion to Vacate specifically requested that Judge Komitee hold oral arguments regarding the validity of the two Fraud on the Court Motions before Judge Komitee ruled on NYC's dispositive Motion to Dismiss Complainants, so that Complainants would be afforded the "full right to be heard" as

¹ Complainants served their Rule 11 Sanction Motion after the 60 day "safe harbor" term passed for the City to recant their false statements of law to the Court in their opposition to Complainants' Motion for Temporary and Preliminary Injunction, that never received a hearing and was denied without any oral argument.

directed by Judicial Canon 3A(2); and, so that Judge Komitee could meet its obligation to fully investigate why the NYC Lawyers made the alleged false legal contention despite the fact that Complainants provided Judge Komitee with over 200 cases that clearly established that the false legal contention did not apply to the statutory rights of Complainants under the OSH Act 29 USC 669 Section 20(a). (hereinafter the Rule 11 and Rule 60(b)3 motion will be referred to as the “Fraud on the Court Motions”)

After Complainants many requests for hearings, status conferences and bifurcated oral argument hearings on the two Fraud on the Court motions and Complainants patiently waited for Judge Komitee review the 200 cases provided in support of Complainants Fraud on the Court Motions, Judge Komitee refused all hearing requests and refused to investigate the Fraud on the Court Motions. During the 2-year pendency of Complainants lawsuit, Judge Komitee never allowed Complainants to provide any oral argument on any of the motions filed by Complainants or by NYC during the entire pendency of the case.

Instead on September 25, 2024 Judge Komitee, without any oral argument, dismissed Complainants claims without reference to the 200 cases that provided clear and convincing evidence that the NYC Lawyers committed fraud on the court. Judge Komitees dismissal was an abdication of Judge Komitees duty under Judicial Canon 3B(6) which admonishes that a “judge should take appropriate action upon receipt of reliable information indicating the likelihoodthat a lawyer violated applicable rules of professional conduct.” See *Coulter v. Bissoon*, Civil Action No. 16-1881-RGA (W.D. Pa. Jul 05, 2017); *Cobell v. Norton* CV 96-1285 (D. D.C. 2006) see also *Bradley v. Sunbeam Corporation*, Civil Action No. 5:99CV144 (N.D. W.Va. 2003) - See EFC #100 – Order The 200 cases provided by Complainants was more than “reliable information” that proved that the NYC Lawyers legal contention was baseless.

Blindsided by the Court’s refusal to first hear the two fraud on the court motions and failure to even provide oral argument on NYC’s Motion to Dismiss that was primarily based on the fraudulent legal claims, Complainants did more research into Judge Komitees prior employment, and just recently discovered his prior hidden general counsel management of Vikings investment into the Moderna and mRNA vaccine his personal financial equity ownership of Modern, which was not clearly revealed in his Federal Financial Disclosure Reports filed after Complainants case was assigned to him.

III. STANDARD OF REVIEW

Pursuant to 28 U.S.C. § 455(a), a judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Also, a judge is shall recuse himself under 28 U.S.C. § 455(b)(1) & (4):

(1) Where he haspersonal knowledge of disputed evidentiary facts concerning the proceeding; and/or

(4) He knows that he, individuallyhas a financial interest in the subject matter in controversy or....., or any other interest that could be substantially affected by the outcome of the proceeding;

The Second Circuit Court of Appeals has interpreted 28 U.S.C. §455(a) as asking whether "an objective, disinterested observer fully informed of the underlying facts, [would] entertain

significant doubt that justice would be done absent recusal," or alternatively, whether "a reasonable person, knowing all the facts," would question the judge's impartiality. *United States v. Lovaglia*, 954 F.2d 811, 815 (2d Cir.1992)

The Second Circuit Court of Appeals evaluates "partiality under § 455(a) on an objective basis, so that what matters is not the reality of bias or prejudice but its appearance." (citing *Liteky v. United States*, 510 U.S. 540, 548 (1994) ("The goal of section 455(a) is to avoid even the appearance of partiality.") In making that objective analysis, the Court considers "whether a reasonable person, knowing all the facts, would conclude that the trial judge's impartiality could reasonably be questioned." *United States v. Thompson*, 76 F.3d 442, 451 (2d Cir. 1996); see also Code of Conduct for United States Judges, Canon 2(A) ("An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired."). "[I]f the question of whether 455(a) requires disqualification is a close one, the balance tips in favor of recusal." *Nichols v. Alley*, 71 F.3d 347, 352 (10th Cir. 1995..." In *Re Boston's Children*, 244 F.3d 164 (1st Cir. 2001)

Essentially, under Section 455(a) a judge has no discretion to not disqualify himself especially when it is obvious that a judge's extrajudicial activity creates a real "appearance" of bias. In other words, if it looks bad, then it is bad and disqualification is mandatory. At minimum, a judge's failure to investigate a valid claim of fraud on the court as required under Code of Conduct for United States Judges Canon 3B(6), which admonishes that a "judge should take appropriate action upon receipt of reliable information indicating the likelihoodthat a lawyer violated applicable rules of professional conduct, is also a serious indicator that a judge should acknowledge there is an actual "bias" and not just an appearance of bias. Failure to investigate "looks bad" and is a violation of the judicial canons.

Section 455(b), however, operates slightly differently, requiring "actual knowledge . . . regarding disqualifying circumstances and provid[ing] a bright line as to disqualification based on a known financial interest....." See *Chase Manhattan Bank v. Affiliated FM Ins. Co.*, 343 F.3d 120, 127 (2d Cir. 2003). A "known financial interest in a party, no matter how small, is a disqualifying conflict of interest and one that cannot even be waived by the parties." *Id.* at 128, which includes for purposes of Section 455(b)(4) a financial interest in the "subject matter in controversy"..... that could be substantially affected by the outcome of the proceeding."

In the *Chase* case, this Second Circuit specifically held that:

"recusal was required under § 455 because a reasonable person could find a violation of § 455(b), despite the judgment for Chase Manhattan Bank being so small relative to the firm's size that it would not cause a "discernable" increase in the share values owned by the district judge, which were themselves not even 1% of the judge's personal assets.

28 U.S.C. §455(b)(4) requires recusal when Judge Komitee may only own a "small" financial interest that could be affected by the outcome of the proceeding." See *Chase* at 127 Furthermore, the U.S. Supreme Court made clear in *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 871 (1988) that "Congress intended the provisions of § 455(b) to remove any doubt

about recusal in cases where “a judge's interest is too closely connected with the litigation to allow his participation,” as was found by the Second Circuit in the *Chase* case. (Emphasis added)

In addition, the U.S. Supreme Court also held in *Liljeberg* at 869² that judges have a **duty** to “more carefully search for and disclose disqualification grounds” and that any “delay” to recuse oneself is an “inexcusable failure” that is attributable to the judge and would not foreclose relief to a litigant seeking to vacate a judgment based on a violation of §455(a).

Last, but not least, the Judicial Canon 2A requires that a “judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” Finally, Judicial Canon 3(a)(2) admonishes that a judge “should hear and decide matters assigned, unless disqualified, and Canon 3A(4) specifically states that “[a] judge should accord to every person who has a legal interest in a proceeding, and that person’s lawyer, the full right to be heard.”

The only Circuit Court of Appeals to interpret the meaning of the individual words used in the Judicial Canons was the 7th Circuit Court of Appeals who defined the word “should” as used in Judicial Canons as “the past tense of shall,” (Webster’s New World Dictionary at 1349 (1962)) and as listed in Roget’s Thesaurus should means “be obliged, must ... have to.” See *U.S. v. Anderson*, 798 F.2d 919, 924 (7th Cir. 1986) Also state courts have interpret the word “should” in state judicial canons as “shall” and “impose a mandatory rule of conduct upon a judge.” See also *Galloway v. Campbell*, 142 Ind. 288, 41 N.E. 597 (1895)

Based on these interpretations of the word “should” in the Canons, judges are mandated to comply those “should” Canons and violation of those mandatory Canons should result in discipline under the Judicial Conduct and Disability Act of 1980 at 28 USC §352. Under the Act, a judge who engages in misconduct may be publicly or privately reprimanded, temporarily barred from hearing new cases, disqualified from an existing case, or referred for possible impeachment. In this case, impeachment is imperative.

IV. IMPEACHMENT REQUIRED

Applying the law to the facts in this case, it is without question that when Judge Komitee was assigned to Complainants case - the goal of which was to declare the rights of millions of American to refuse to take the Moderna mRNA and all other Covid-19 vaccines – Judge Komitee had a duty to first disclose in his Judicial Questionnaire that he had extrajudicial management of the private equity financing of the joint venture investment of \$500 Million into Moderna from which he had Top Secret Information. Second, Judge Komitee had a duty after he was commission in December 2019 to file Federal Financial Reports and disclose that he owned private equity shares in Moderna through his ownership of Viking Global Equities LP. Last, but not least, Judge Komitee had a duty to disclose all of the above information to Complainants after their case was assigned to him. Judge Komitee knew without doubt that Complainants would not want him presiding over their case involving their refusal to take the Moderna vaccine and other vaccines

² *Liljeberg v. Health Services Acquisition Corp*, 486 U.S. 847, 869 (1987) (Held in summary that a 10-month delay after affirmance by the Court of Appeals of a judgment was not foreclosed when the judge’s “inexcusable failure” to disqualify himself contributed to the Complainants delay in filing the motion to recuse.)

Because Judge Komitee failed to make those initial disclosures to the public before he was commissioned to become a judge, and Judge Komitee failed to make the mandatory disclosures to Complainants after their case was assigned to him and Judge Komitee conspired with the City's law to perpetuate a fraud on the Court and refused to take disciplinary action to investigate the City lawyers fraudulent legal claims, Judge Komitees clear abdication of his judicial responsibilities is grounds for impeachment. He has weaponized the court and its rules of procedure and the law to deprive Complainants of the most basic fundamental right protected by the First Amendment Free Exercise clause and long-time federal OSH Act. If Judge Komitee basically conspire with the City to protect his self interest and to cover up the City's fraud on the court, he cannot be trusted to ever fulfill his duties as a judge. The press has reported that Judge Komitee is personal worth is roughly \$10 Million, which is obviously from his ownership interest in Moderna and his personally financial gain in dismissing Complainants case was obvious to protect his future investments. Judge Komitee could never give a ruling in favor of Complainants that could result that would inform millions of Americans of their long standing right to refuse to take the Moderna or any other vaccine protected by the OSH Act because it would hurt his financial interest and the interest in the company he helped to commercialize their controversial mRNA vaccine technology. As the Bible says in 1 Timothy 6:20, it is the "love of money is the root of all evil," and Judge Komitee's conduct in the management of this case demonstrates that is love is not for executing fair and impartial justice for the people.

Judge Komitees failures and delays over the 2 ½ year pendency of Complainants case demonstrates Judge Komitees lack of honesty, integrity, impartiality, and unfitness to serve as a judge. Judge Komitees failure to report in detail his equity ownership in Moderna through Viking Equities, not only "appears" prejudicial but it is evidence of a calculated choice by Judge Komitee to withhold that information from Complaints so that it would be hidden until after the time Complainants could discover the information and move to recuse Judge Komitee at the beginning of the case.

Finally, the most egregious act of partiality displayed by Judge Komitee was his failure to abide by the Judicial Canon 3B6 of the Code of Conduct for United States Judges which directs a judge to "initiate appropriate action when a judge becomes aware of reliable evidence indicating the likelihood of unprofessional conduct by a lawyer." See *Cobell v. Norton*, 212 F.R.D. 14, 23 (D.D.C. 2002) "In the face of such misconduct, it would be an act of negligence for this Court to stand idly by." Id. at 24 Complainant filed a FRCP Rule 11 Sanction Motion against the City of New York at ECF #64 and a FRCP Rule 60(b)(3) to vacate the first dismissal of Complainants motion for preliminary injunction based on the City's fraudulent legal theory that the OSH Act does not contain a private right of action. ECF #74. Complainants provided Judge Komitee over 200 cases to prove that the legal theory presented by the City was fraudulent at best.

While Complainants waited patiently for a year for Judge Komitee to read the 200 cases that provided clear and convincing evidence that the NYC Lawyers legal contention was that Complainants have no private right of action pursuant to OSH Act at 29 USC §660 Section 11(c) was objectively baseless and legally indefensible and groundless in law, Judge Komitee refused to initiate any appropriate action including refusal to grant a hearing to investigate why the NYC Lawyers made such a baseless legal claim. This refusal to investigate and at least hold a hearing to investigate the fraudulent claims was a violation of Judicial Canon 3B6 and a clear abdication of duty and sign of judicial corruption. Ultimately, Judge Komitee conspired with the City by agreeing with their fraudulent legal theory when he dismissed Complainants case, despite all the

overwhelming case law in opposition and a clear explanation that the Secretary of OSHA does not have authority to enforce the OSHA protected employee rights contained in the congressionally enacted provision of the OSH Act at 29 USC §669 Sec. 20(a)(5) and that 29 USC §660 Sec. 11(c)(1) & (2) of the Act provides a clear expressed private right for employees to enforce their right to refuse any vaccine based on religious grounds and without any preconditions to exercise their rights. See Motion To Vacate -22-cv-02234 – ECF #109

Last, but not least, Judicial Canon 3(a)(1) & (4) admonishes judges to provide the right for litigants to be heard - including orally - to “avoid the appearance of impropriety.” Judge Komitee has weaponized the rules of civil procedure and rules of court to delay fair and impartial rulings the many pending motions filed by Complainants for 2 years without granting one full hearing on any motion, despite multiple requests for expedited hearing. Particularly, Judge Komitee failure to address Complainants request for Declaratory Judgement which is to be placed on an expedited calendar was also a dereliction of duty. Canon 3A(2) states: A judge should hear and decide matters assigned, unless disqualified, and should maintain order and decorum in all judicial proceedings. Judicial Canon 2A(4) also states that “[a] judge should accord to every person who has a legal interest in a proceeding, and that person’s lawyer, the full right to be heard.

Not only did Judge Komitee deny full a blown hearing on substantive legal issues in case 22-CV-02234, in this case, he delayed all responses to simple requests made by Complainants, like the request to Amend their complaint. After over a six (6) month delay, Judge Komitee finally granted Complainants counsel the right to file an Amended complaint when he did finally grant the request; but, he only gave counsel three (3) days to file an Amended Complaint and the date fell on the Federal Holiday of Martin Luther King, Jr. when the Court was closed. Judge Komitee new full well that counsel of record for the Women of Color for Equal Justice would be involved in volunteer service on that national holiday yet Judge Komitee set the deadline on the Holiday. This micro aggression against the rights of Complainants was yet another flagrant hostility of bias and judicial prejudice to protect his financial interest.

Complainants have filed a new FRCP Rule 60 Motion to Vacate at ECF #109 Judge Komitee’s September 25, 2024 Order at ECF #99 and have filed a FRCP §455(a) and (b)(4) Motion to Recuse Judge Komitee from hearing the Motion to Vacate. ECF #110

Also, Complainants have filed an Interlocutory Appeal at #ECF112 and filing fee has been paid and the Index has been sent to the Second Circuit.

V CONCLUSION AND PROPOSED DISCIPLINE - IMPEACHMENT

Based on Judge Komitee’s deceptive practices starting with his conscious disregard for the mandated disclosures called for in the Senate Judicial Questionnaire and his blatant refusal to file Federal Financial Reports for two years after he had been commissioned in December 2019 and then his ruthless decision to refuse to disclose his extrajudicial significant legal activity and financial investments in Modern, which he still owns now, to Complainants and the public, requires that that Judge Komitee to be impeached and removed from his office.

This level of judicial deception is evidence of a deep corruption that cannot be rehabilitated with a simple slap on the hand. Judge Komitee must be impeached in order to repair the fairness,

integrity, or public reputation of the judicial process, which has now been. Judge Komitee's subversive deception calls into question whether there are more cases from which Judge Komitee should have been disqualified from and whether he is capable of ever providing unbiased rulings in any case, but in particular any case involving Moderna and any vaccine mandate case that comes before him.

With millions of Americans affected by these Moderna and other vaccine mandates by private and public sector employers, Judge Komitee owes an apology to all Americans and the only way that those affected, including Complainants, can begin their healing journey from the affects of those illegal mandates and Judge Komitee's cover up, is to impeach Judge Komitee. It would not be the end of the world if he is removed. Media stories about him during his candidacy reveals that Judge Komitee's net worth is well over \$10 Million. Millions of Americans making under \$100,000 lost their jobs for standing for their faith. At minimum Judge Komitee should lose his job for his judicial deception and conspiracy to deprive Americans of their Constitutional rights.

Anything short of impeach will call into question the entire judicial disciplinary system and would be an apocalyptic event that for many would signal the end of this world. At minimum, we ask that this complaint be sent directly to the Senate Judiciary committee because Judge Komitee essentially committed fraudulent concealment against Senate and they as representatives of the public should hold a public hearing to address the Judge's failures and obvious collusion with the City's lawyers and Mayor to defraud U.S. Citizens of their constitutional rights. The American public wants so bad for their government to deal with the corruption in government and on the bench. Because Judge Komitee's actions reflect negatively bipartisanship, the Senate should make clear to the public that violations of civil liberties by the Court in this way will be dealt. Millions of citizens have lost their jobs, and they want to be vindicated with Judge Komitee losing his job for such an egregious violation of the judicial canons.

Dated: October 31, 2024

Respectfully submitted,

Jo Saint-George, Esq.
14216 Dunwood Valley Dr
Bowie MD 20721-1246
Email: jo@woc4equaljustice.org
Counsel for Complainants and Complainants
in 22-CV-02234

TABLE EXHIBITS

Judge Komitee Judicial Complaint Evidence of Judicial Corruption

Exhibit	
1.	Komitee Senate Judicial Candidate Questionnaire
2.	Email re: Viking \$500 Million investment in Moderna Technologies
3.	Florida Department of Health Surgeon General – Dr. Ladapo – information regarding Moderna mRNA not meeting FDA Guidelines
4.	U.S. Purchase of Moderna Vaccines
5.	Report on Number of NY Moderna Vaccines
6.	Confirmation and Commission Bio of Judge Komitee
7.	Federal Judicial Financial Disclosure Database Search for Judge Komitee records
8.	2021 – Financial Annual Reports for Judge Komitee
9.	2022 – Financial Annual Report for Judge Komitee

COMPLAINANTS

SARA COOMBS-MORENO, REMO DELLO IOIO, ELIZBETH LOIACONO, SUZANNE DEEGAN, MARITZA ROMERO, JULIA. HARDING, CHRISTINE O'REILLY, AYSE P. USTARES, JESUS COOMBS, ANGELA VELEZ, SANCHIA BROWNE, ZENA WOUADJOU, CHARISSE RIDULFO, TRACY-ANN FRANCIS MARTIN, KAREEM CAMPBELL, MICHELLE HEMMINGS HARRINGTON, MARK MAYNE, CARLA GRANT, OPHELA INNISS, CASSANDRA CHANDLER, AURA MOODY, EVELYN ZAPATA, SEAN MILAN, SONIA HERNANDEZ, BRUCE REID, JOSEPH RULLO, AND CURTIS BOYCE, JOSEPH SAVIANO, MONIQUE MOORE, NATALYA HOGAN, JESSICA CSEPKU, ROSEANNE MUSTACCHIA, YULONDA SMITH, MARIA FIGARO, RASHEEN ODOM, FRANKIE TROTMAN, EDWARD WEBER, MERVILYN WALLEN, PAULA SMITH, SARAH WIESEL SUZANNE SCHROETER, DAWN SCHOL, LYND SAY WANSER, CHRISTIAN MURILLO, MONIQUE MORE, NATALYA HOGAN, ROSEANNE MUSTACCHIA, YULONDA SMITH, MARIA FIGARO, RASHEEN ODOM, SARAH WIESEL, ALTHEA BRISSETT, TRACEY HOWARD, MARC ROSIELLO, AUDREY DENNIS, MARIE JOSEPH, TINA LUNCH, PATRICIA CATOIRE, MARK WHITSETT, SALLY MUSSAFI, COLETTE CAESAR, BERTRAM SCOTT, DIANE PAGEN, STELLA M. PRESTON individually and on behalf of similarly situated individuals,

EXHIBIT #1

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Eric Ross Komitee

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

United States District Judge for the Eastern District of New York

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

Office: Viking Global Investors LP (until June 30, 2018)
280 Park Avenue
New York, New York 10017

Residence: Brooklyn, New York

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

1970; Freeport, New York

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.

1992 – 1995, New York University School of Law; J.D. (*cum laude*), 1995

1988–1992, Emory University; B.A. (with high honors), 1992

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.

2008 –June 2018
Viking Global Investors LP
280 Park Avenue

New York, New York 10017
General Counsel

2000 – 2008

United States Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
Assistant U.S. Attorney
Chief, Business and Securities Fraud Section (2006 – 2008)
Deputy Chief, Business and Securities Fraud Section (2005 – 2006)
Computer Crimes Coordinator (2003 – 2004)

1998 – 2000

Skadden, Arps, Slate, Meagher & Flom LLP
4 Times Square
New York, New York 10036
Associate

1996 – 1998

Cravath, Swaine & Moore
825 Eighth Avenue
New York, New York 10019
Associate

1995 – 1996

United States Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303
Law Clerk to the Honorable J.L. Edmondson

Summer 1995

Sutherland, Asbill & Brennan
Now Eversheds Sutherland
999 Peachtree Street, N.W.
Atlanta, Georgia 30309
Summer Associate

Summer 1994

Fried, Frank, Harris, Shriver & Jacobsen
One New York Plaza
New York, New York 10004
Summer Associate

Summer 1992

Camp Wah-Nee
Wah-Nee Road

Torrington, Connecticut 06790
Tennis Instructor

Other Affiliations (Uncompensated):

2018 – present
Sanctuary for Families
P.O. Box 1406
Wall Street Station
New York, New York
Member, Pro Bono Council

2016 – present
Montague Terrace Corporation
Brooklyn, New York 11201
Member, Co-Op Board

2009 – 2018
Viking Global Foundation Inc.
55 Railroad Avenue
Greenwich, Connecticut 06830
President (2009 – 2011)
Secretary (2009 – 2018)

2014 – 2017
New York Convention Center Operating Corporation
655 West 34th Street
New York, New York 10001
Member, Board of Directors

2014 – 2016
Managed Funds Association
546 Fifth Avenue
New York, New York 10036
Member, Board of Directors (as Viking General Counsel)

2012 – 2014
UJA-Federation of New York – Lawyers Division
White Collar and Securities Enforcement Group
130 East 59th Street
New York, New York 10022
Member, Executive Committee

1993 – 1994
Federalist Society – NYU School of Law Chapter
40 Washington Square South

New York, New York 10012
Vice President

Summer 1993
Legal Services for the Elderly in Queens
99-77 Queens Boulevard
Rego Park, New York 11374
Summer Intern

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

I did not serve in the U.S. Military. I registered for the selective service upon turning 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.

Federal Bar Association's Younger Federal Lawyer Award (2005)

Pro Bono Service Award, Skadden, Arps, Slate Meagher & Flom (1999)

Degree from New York University School of Law conferred *cum laude*

Rubin Prize for Best *NYU Law Review* Note in Public Law (1995)

NYU Law Review, member of Senior Editorial Board (1994–1995)

Degree from Emory University conferred with High Honors

Phi Beta Kappa, Emory University

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

American Bar Association (2013 – present)

New York State Bar Association (2009 –2010)

Sanctuary for Families (2018 – present)
Member, Pro Bono Council

UJA-Federation of New York –Lawyers Division (2012 (approx.) –2014)
White Collar and Securities Enforcement Group
Member, Executive Committee

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.

New York, 1996

There has been no lapse in membership.

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

United States Court of Appeals for the Second Circuit (2002)

United States District Court for the Eastern District of New York (2000)

These admissions have become inactive since I moved to in-house legal practice, as I do not often appear in federal court in my current capacity.

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.

Brooklyn Bridge Park Conservancy (2013 (approx.)– present)

Brooklyn Heights Association (2005 (approx.) – present)

Brooklyn Heights Synagogue (2007 (approx.) – present)

The Heights Casino (2008 (approx.) – present)

Managed Funds Association (2014 –2016)

Director (as Viking General Counsel)

Montague Terrace Corporation (2016 – present)

Board Member

New York Convention Center Operating Corporation (2014 – 2017)
Director

Viking Global Foundation Inc. (2009 –2018)
President (2009 –2011)
Secretary (2009 –2018)

- 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 invidiously discriminates, or formerly did so, 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.

With Michael Asaro, *The Evolving Landscape of 'Corporate Access'*, N.Y.L.J., August 29, 2013. Copy supplied.

Corporate Response to Computer Intrusions, N.Y. L.J. E-commerce Law and Strategy Newsletter, Vol. 19, No. 8 (December 2002). Copy supplied.

With David Zornow, *Regulating Gaming on the Internet*, N.Y. L.J., February 22, 2000. Copy supplied.

US Listing: Fact and Fiction, 1999 Survey of US Investor Attitudes to European Equities (Brunswick Group, October 29, 1999). Despite a diligent search, I cannot locate a copy of my chapter of this work in my records or in publicly available records.

Bargains Without Benefits: Do the Sentencing Guidelines Permit Upward Departures to Account for Dismissed Charges?, 70 N.Y.U.L. REV. 166 (1995). 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.

I have not prepared or contributed in the preparation of any reports, memoranda, or policy statements of a bar association, conference, or organization of which I have been a member.

- 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.

I have not provided any testimony, official statement, or other communications to public bodies or public officials on such matters.

- 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.

February 23, 2018: Guest Lecturer, "White Collar Criminal Defense: Critical Issues and Strategies," Yale Law School, New Haven, Connecticut. I guest-taught Professor Kate Stith's class on the Computer Associates accounting fraud, focusing on the investigation, motion practice, contested sentencing proceedings and appeal. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

March 10, 2017: Guest Lecturer, "White Collar Criminal Defense: Critical Issues and Strategies," Yale Law School, New Haven, Connecticut. I guest-taught Professor Kate Stith's class on the Computer Associates accounting fraud, focusing on the investigation, motion practice, contested sentencing proceedings and appeal. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

July 14, 2016: Panelist, "Compliance Panel," United States Securities and Exchange Commission, New York, New York. I spoke at the annual summer

retreat of the Asset Management Unit of the SEC's Enforcement Division, about best practices in compliance policies and procedures. I have no notes, transcript, or recording. The SEC's New York Regional Office is located at 200 Vesey Street, New York, New York 10281.

April 20, 2016: Panelist, "Managing Anti-Corruption Risks," ACA Compliance Group's Foreign Corrupt Practices Act Compliance Roundtable, sponsored by Wells Fargo Securities, New York, New York. I spoke about managing risk under the Foreign Corrupt Practices Act. I have no notes, transcript, or recording. The address of Wells Fargo's New York Office is 375 Park Avenue—Third Floor, New York, New York 10152.

March 7, 2016: Panelist, "General Counsel Perspectives on the State of the Industry," International Bar Association's 17th Annual International Conference on Private Investment Funds, London, United Kingdom. I spoke about recent SEC enforcement actions involving investment advisors. Copy of notes supplied.

May 5, 2015: Moderator, "Enforcement Issues and Investigations," Managed Funds Association Compliance Conference, New York, New York. I spoke about recent enforcement actions involving insider trading, theft of confidential business information, and conflicts of interest. Copy of PowerPoint presentation supplied.

April 3, 2015: Guest Lecturer, "White Collar Criminal Defense: Critical Issues and Strategies," Yale Law School, New Haven, Connecticut. I guest-taught Professor Kate Stith's class on the Computer Associates accounting fraud, focusing on the investigation, motion practice, contested sentencing proceedings and appeal. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

March 2, 2015: Guest Lecturer, "Business Crime," NYU School of Law, New York, New York. I guest-taught Professor Jennifer Arlen's class, which focused on recent developments in insider-trading law. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

December 5, 2013: Panelist, "Proxy Advisory Firms Roundtable," United States Securities and Exchange Commission, Washington, D.C. Transcript available at <https://www.sec.gov/spotlight/proxy-advisory-services/proxy-advisory-services-transcript.txt>.

October 18, 2013: Moderator, "Cyber Security: Arming Your Firm Against the Rising Risks of Cyber Threats," Managed Funds Association Outlook Conference, Managed Funds Association, New York, New York. I moderated a panel on cybersecurity risk (best practices for avoiding and responding to network intrusions). Copy of notes and audio excerpt supplied.

April 24, 2013: Panelist, "Is Your Organization Prepared –Top Legal Challenges Facing the Hedge Fund Industry," 8th Annual GAIM Ops Cayman Conference, Grand Cayman. I spoke about best practices in fund governance, including in relation to communications with a board of directors. Copy of notes supplied, along with an article reporting on my panel discussion.

March 29, 2013: Guest Lecturer, "White Collar Criminal Defense: Critical Issues and Strategies," Yale Law School, New Haven, Connecticut. I guest-taught Professor Kate Stith's class on the Computer Associates accounting fraud, focusing on the investigation, motion practice, contested sentencing proceedings and appeal. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

November 27, 2012: Moderator, "Best Practices to Prevent Insider Trading and Emerging Law Enforcement Issues for Hedge Funds," Managed Funds Association Compliance Conference, New York, New York. I moderated a panel of prosecutors and SEC staff attorneys. Copy of notes supplied.

October 1, 2012: Panelist, "Insider Trading Issues in Today's Enforcement Environment," American Lawyer Media Insider Trading Seminar, New York, New York. I spoke about recent developments in insider-trading law. I have no notes, transcript, or recording. American Lawyer Media is located at 4 MetroTech Center, Brooklyn, New York 11201.

September 11, 2012: Guest Lecturer, "Alternative Investment Funds: Law and Policy," Yale Law School, New Haven, Connecticut. I guest-taught Professor Josh Abramowitz's class on alternative investment funds, focusing on the Investment Advisors Act of 1940 and the rules promulgated thereunder by the SEC. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

June 26, 2012: Panelist, "Managing Your Prime Broker Relationship and Counter-Party Risk," HFM Legal Summit, White Plains, New York. I spoke about best practices in managing counterparty risk – the risk of insolvency of a custodian or trading counterparty. I have no notes, transcript or recording. HFM's United States Office is located at 200 Park Avenue South –16th Floor, New York, New York 10003.

January 31, 2012: Panelist, "Dodd-Frank Wall Street Reform and Consumer Protection Act," United States Securities and Exchange Commission, Compliance Outreach Program for Investment Advisers and Investment Companies, Securities and Exchange Commission, Washington, D.C. A video excerpt is available at: https://www.sec.gov/video/webcast-archive-player.shtml?document_id=complianceoutreachns013112-3.

November 30, 2011: Moderator, "SEC Registration, Reporting and Examinations," Managed Funds Association Regulatory Compliance Best Practices Conference, New York, New York. Audio excerpt supplied.

September 22, 2011: Panelist, "A Look at Legal, Regulatory and Legislative Issues Currently Facing Hedge Funds," Morgan Stanley COO & CFO Conference, Miami, Florida. I spoke about compliance policies, including best practices for the use of paid consultants in investment research. I have no notes, transcript, or recording. Morgan Stanley is located at 750 7th Avenue, New York, New York 10019.

September 21, 2011: Panelist, "Building a Successful Legal Office," Argyle 2011 Hedge Fund General Counsel Leadership Forum, New York, New York. I spoke about legal department operations management. I have no notes, transcript, or recording. Argyle Executive Forum is located at 50 Broad Street, New York, New York 10004.

September 13, 2011: Panelist, "Dealing with Government Examinations and Investigations," American Lawyer Media Hedge Fund General Summit, New York, New York. Audio is available for streaming at:
<https://www.clecenter.com/program/programdescription.aspx?pgmid=2812>.

January 20, 2011: Panelist, "Global Oversight of Fund Managers: How AIFMD and Dodd-Frank Converge and Diverge," Managed Funds Association EU Regulatory Reform Seminar, New York, New York. I spoke about complying with new global regulatory obligations being promulgated in the US and EU. I have no notes, transcript, or recording. Managed Funds Association is located at 546 5th Avenue, New York, New York 10036.

October 4, 2010: Panelist, "Changing Supervisory and Regulatory Landscape," American Lawyer Media Hedge Fund General Counsel Summit, New York, New York. I spoke about supervisory responsibility in an investment advisor's compliance program. I have no notes, transcript, or recording. American Lawyer Media is located at 4 MetroTech Center, Brooklyn, New York 11201.

September 23, 2010: Panelist, "Insider Trading," ACA Compliance Group Conference, San Diego, California. I spoke about recent trends in insider trading enforcement, and the policies and procedures investment advisors should maintain. I have no notes, transcript, or recording. ACA Compliance Group is located at 1370 Broadway—12th Floor, New York, New York 10018.

November 23, 2009: Panelist, "Non-Traditional Hedge Fund Enforcement in the New Regulatory Environment," Practising Law Institute Seminar on Hedge Fund Enforcement and Regulatory Developments, New York, New York. I spoke about compliance best practices. I have no notes, transcript, or recording. The

Practicing Law Institute is located at 1177 6th Avenue, New York, New York 10036.

September 25, 2008: Panelist, American Lawyer Media Hedge Fund General Counsel Summit. Stamford, Connecticut. I spoke about compliance best practices. I have no notes, transcript, or recording. American Lawyer Media is located at 4 MetroTech Center, Brooklyn, New York 11201.

In or about September 2006, while employed at the U.S. Attorney's Office, I took part in a presentation on the subject of U.S. extradition proceedings in white-collar cases in London, United Kingdom, sponsored by Freshfields Bruckhaus Deringer. I do not recall the exact date of this panel, and I do not have notes, transcript, or recording of the event. The address of Freshfields Bruckhaus Deringer is 65 Fleet Street, London, United Kingdom, EC4Y 1HT.

- 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.

Alex Berenson, *Software Chief Admits to Guilt in Fraud Case*, NEW YORK TIMES, Apr. 25, 2006. Copy supplied (quotation reprinted in multiple outlets).

Dan Margolies, *Area Firm Pleads Guilty in Telephone Bill Scam*, KANSAS CITY STAR, Feb. 18, 2005. Copy supplied.

Corey Kilgannon, *Phone Executive Admits Conspiracy in Mob Fraud*, NEW YORK TIMES, Jan. 9, 2005. Copy supplied.

CA To Settle Fake Sales Probe, SHANGHAI DAILY, Sept. 23, 2004. Copy supplied.

Greg B. Smith, *Mob Dials for Dough – Say Millions Swindled Using Tiny Midwest Firm*, NEW YORK DAILY NEWS, Sept. 19, 2004. Copy supplied.

Stephen Taub, *Guilty Pleas by Computer Associates Trio*, CFO.COM, Apr. 9, 2004. Copy supplied (quotation reprinted in multiple outlets).

Jerry Capeci, *Billion-Dollar Rip-Off*, NEW YORK SUN, Mar. 25, 2004. Copy supplied.

Kati Cornell Smith, *Hostage-Holding Movers Guilty*, NEW YORK POST, May 10, 2003. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed,

and a description of the jurisdiction of each such court.

I have not held judicial office.

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

- i. Of these, approximately what percent were:

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

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

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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).
- d. For each of the 10 most significant opinions you have written, provide:(1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether

majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

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

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

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

Member, Board of Directors of the New York Convention Center Operating Corporation (2014 – 2017). Appointed by Governor Andrew Cuomo.

I have never run for public office or been nominated unsuccessfully for appointed office.

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

I have never worked for a political party, election committee, or political campaign.

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

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

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

From 1994 to 1995, I served as a law clerk to the Honorable J.L. Edmondson, Circuit Judge of the United States Court of Appeals for the Eleventh Circuit.

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

I have not practiced law alone.

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

1996 – 1998
Cravath, Swaine & Moore
825 Eighth Avenue
New York, New York 10019
Associate

1998 – 2000
Skadden, Arps, Slate, Meagher & Flom LLP
4 Times Square
New York, New York 10036
Associate

2000 – 2008
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
Assistant U.S. Attorney (2000 – 2008)
Chief, Business and Securities Fraud Section (2006 – 2008)
Deputy Chief, Business and Securities Fraud Section (2005 – 2006)
Computer Crimes Coordinator (2003 – 2004)

2008 – 2018
Viking Global Investors LP
280 Park Avenue

New York, New York 10017
General Counsel

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

I have not acted as a mediator or arbitrator in an alternative dispute resolution proceeding.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.
- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

From 2008 through June 2018, I was the general counsel of Viking Global Investors LP, an investment advisor that managed approximately \$25 billion in assets for institutional investors such as university endowments, charitable foundations and sovereign wealth funds. As general counsel, I oversaw the firm's legal and regulatory affairs and supervise a nine-person Legal and Compliance Department. I managed a broad spectrum of transactional work, contract negotiation, trading and regulatory compliance management, employee-relations issues, and occasional litigation that occurs at Viking. During this time, my only clients were Viking and its affiliates (excepting *pro bono* work).

From 2000 to 2008, I served as an Assistant U.S. Attorney in the Eastern District of New York. Early in my career, I tried cases involving violent crime, illegal gun possession and the international distribution of stolen property. I also served as the office's computer-crimes coordinator, focusing on hacking and internet fraud. During the bulk of my tenure, however, I focused on white-collar criminal enforcement, including securities fraud, insider trading, mail and wire fraud, tax evasion and money laundering cases. I worked closely with attorneys from the Enforcement staff of the Securities and Exchange Commission and with law enforcement officers from the Federal Bureau of Investigation, U.S. Secret Service, and other agencies. I tried a number of cases as lead counsel, briefed and argued appeals in the Second Circuit, and managed large and complex grand-jury investigations. As I became more experienced, I was promoted to Deputy Chief and then Chief of the Office's Business and Securities Fraud Section. In those capacities, I supervised a number of Assistant U.S. Attorneys prosecuting white-collar and corporate crime. I also attended meetings of the President's Corporate

Fraud Task Force on behalf of the United States Attorney for the Eastern District of New York.

Before joining the U.S. Attorney's Office, I was an associate in the Government Enforcement group at Skadden, Arps, Slate, Meagher & Flom from 1998 to 2000. During this time, I represented companies and individuals in grand jury investigations and regulatory proceedings before agencies like the SEC. I assisted in the conduct of internal investigations and drafted briefs, motions, and one certiorari petition for submission to the federal courts. I also did a significant amount of *pro bono* work while at Skadden.

Before joining Skadden, I served as a corporate associate at Cravath, Swaine & Moore from 1996 to 1998. My clients there were typically public and private corporations, limited partnerships and limited liability companies, and my practice focused on mergers and acquisitions transactions (public and private), securities underwriting and other capital-raising transactions, and commercial banking matters. Much of this work was cross-border in nature.

- 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.

I did not appear in court during my tenure at Viking, though I supervised Viking's outside counsel on litigation matters and monitored the proceedings as they occurred. As an Assistant U.S. Attorney, my practice consisted almost entirely of conducting or supervising litigation, and I appeared in court frequently. As an associate in Skadden's Government Enforcement group, I did not appear in court on retained matters, but spent a significant amount of time formulating legal arguments and writing briefs in litigated matters. I did appear in court occasionally on behalf of *pro bono* clients during that time. Finally, my work as a corporate associate at Cravath did not involve litigation, although I did interact with regulatory agencies like the SEC and NASD on behalf of clients.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 80% |
| 2. state courts of record: | 10% |
| 3. other courts: | |
| 4. administrative agencies: | 10% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 15% |
| 2. criminal proceedings: | 85% |

- 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 seven cases to verdict. Five of these were in the U.S. Attorney's Office. I was sole counsel in three of these cases, chief counsel in one, and co-lead counsel in one. In addition, I participated in contested sentencing hearings involving multiple fact and expert witnesses during my time as an Assistant United States Attorney. I also served as co-lead counsel in a *pro bono* civil action while at Skadden, which included a bench trial in federal court. Finally, I served as sole counsel while in law school in at least one proceeding before an administrative law judge of the Department of Labor.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 70% |
| 2. non-jury: | 30% |

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

I have never appeared 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) *United States v. Kumar*, No. 1:04-cr-00846-ILG (E.D.N.Y.).

From approximately 2005 through 2007, I served as co-lead counsel in this securities fraud and obstruction-of-justice case against the former CEO and head of worldwide sales of Computer Associates International, Inc., then the world's third-largest software company. Both defendants pleaded guilty to all counts in the Indictment, with no plea agreement, two weeks before jury selection. Post-plea, the court conducted an extended

sentencing hearing concerning economic loss and allegations of data destruction; the government prevailed on all disputed issues. Computer Associates itself entered into a Deferred Prosecution Agreement with the Department of Justice and Securities and Exchange Commission, pursuant to which it agreed to pay \$225 million in restitution. The investigation resulted in the conviction of a total of eight executives on securities fraud and obstruction charges. The case was before United States District Judge I. Leo Glasser.

Co-Counsel:

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Opposing Counsel:

Jack Cooney

Deceased

David Zornow

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(2) *United States v. LoCascio*, No. 1:03-cr-00304-CBA (E.D.N.Y.), *aff'd*, 185 F. App'x 88 (2d Cir. 2006).

I served as lead counsel in this case, which was identified by the Federal Trade Commission as the then-largest consumer fraud case in U.S. history (grossing over \$700 million). The prosecution dismantled a massive internet and telecommunications fraud and related money-laundering scheme perpetrated by a number of high-ranking members and associates of the Gambino organized crime family. The case resulted in the conviction of sixteen individual defendants and one corporation, as well as the recovery of approximately \$45 million in forfeiture proceeds. I worked on the case from the investigative phase through sentencing, from approximately 2003 to 2005. The case was before United States District Judge Carol B. Amon.

Co-Counsel:

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Lead Opposing Counsel:

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(3) *United States v. Damti*, No. 1:02-cr-00471-NGG (E.D.N.Y.), *aff'd*, 109 F. App'x 454 (2d Cir. 2004).

I served as lead counsel in this five-week jury trial against the owners of a series of moving companies engaged in a nationwide fraud scheme. The defendants were accused of extorting inflated payments from customers of the moving companies and refusing to

return the customers' possessions if they did not accede to the higher fees. The two lead defendants were convicted on all counts and sentenced to 151 months' incarceration; a number of other defendants pleaded guilty. The trial was conducted in 2003 before United States District Judge Nicholas G. Garaufis. I also argued the appeal before the United States Court of Appeals for the Second Circuit, in which the judgment of the trial court was affirmed. The Second Circuit panel was comprised of Circuit Judges Winter and Jacobs. District Judge Pollak, who was part of the panel hearing the case, died after argument.

Co-Counsel:

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(212) 221-7999

(4) *United States v. Ryan*, 1:04-cr-673 (E.D.N.Y.).

I was brought in approximately six weeks before trial in 2005 to co-lead this case, which asserted seaman's manslaughter and false-statements charges against the Director of the Staten Island Ferry service and his top deputy following the crash of the ferryboat Andrew J. Barberi, which killed eleven passengers. The prosecution culminated in both defendants' guilty pleas to the top counts against them. The case was before United States District Judge Edward R. Korman.

Co-Counsel:

Sarah Coyne

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(212) 310-8920

Formerly with United States Attorney's Office for the Eastern District of New York

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Philip C. Patterson
DeFeis, O'Connell & Rose
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New York, New York 10110

(5) *United States v. Mahaffey*, No. 1:05-cr-00613-ILG (E.D.N.Y.).

This case, which I joined shortly before trial in 2007, involved insider-trading and obstruction-of-justice charges against brokers at major investment banks. The defendants were alleged to have permitted day-traders to eavesdrop on order-flow information disseminated through the banks' internal "squawk-box" communications systems. Following trial, the jury convicted one defendant of conspiring to obstruct justice, hung on one count of conspiracy to commit securities fraud, and acquitted on the remaining substantive counts. At retrial, which occurred after I left the U.S. Attorney's Office, the jury convicted on the remaining count. The convictions in the second trial were later overturned based on evidentiary disclosure and jury instruction issues unrelated to my work on the case. United States District Judge I. Leo Glasser presided over the first trial.

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(6) *United States v. Halak*, No. 1:00-cr-00228-NG (E.D.N.Y.).

I prosecuted this case against a defendant who participated in an extensive conspiracy to export stolen luxury cars. Following a jury trial, the defendant was convicted on all counts. The case was before United States District Judge Nina Gershon. I also argued the appeal of this case before the Second Circuit; the judgment below was affirmed. The appeal was heard by Judges McLaughlin, Cabranes and Sack.

Opposing Counsel:
John S. Wallenstein
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(516) 742-5600

(7) *EEOC v. Local 638*, No. 71 Civ. 2877 (RLC), 117 F. Supp. 2d 386 (S.D.N.Y. 2000).

As an associate at Skadden, I worked *pro bono* for the Civil Rights Bureau of the New York State Attorney General's Office on this long-running action against a local union that had been found liable for racial discrimination. In particular, I served as co-counsel in 2000 in a bench trial focused on the question of whether defendant Sheet Metal Workers' Local Union No. 28 could afford certain back-pay that had been ordered in a previous stage of the case. The court held that the union was indeed able to afford the back-pay award. The trial was conducted before United States District Judge Robert L. Carter, on remand from the Second Circuit.

Co-Counsel:

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Morrison & Foerster
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(212) 468-8049
Formerly with New York State Attorney General's Office

Opposing Counsel:

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Edmund P. D'Elia
262 Mott Street
New York, New York 10012
(212) 406-9686

(8) *United States v. Khanin*, No. 1:01-cr-00599-ERK (E.D.N.Y.).

I led the investigation and prosecution of this extensive health-care fraud conspiracy. The defendants defrauded the government of hundreds of thousands of dollars by "up-coding" requests for federal reimbursement in connection with the provision of various durable medical equipment devices. Following the defendants' guilty pleas, Judge Edward R. Korman sentenced the lead defendant to fifteen months' incarceration.

Opposing Counsel:

Michael Washor (deceased)

Joseph Sorrentino
Law Offices of Joseph V. Sorrentino
404 Manor Road

Staten Island, New York 10314
(718) 720-2957

Joseph Benfante
Law Offices of Joseph R. Benfante
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New York, New York 10007
(212) 227-4700

(9) *United States v. Rocancourt*, No. 1:01-cr-00653-CPS (E.D.N.Y.).

Together with a colleague, I prosecuted this case against a defendant who posed as a scion of the Rockefeller family, defrauding several victims in Manhattan and the Hamptons through advance-fee and other investment-fraud schemes. We successfully sought the defendant's extradition from Canada and obtained his conviction in the Eastern District of New York pursuant to a multi-district, global plea agreement before Judge Charles P. Sifton, who sentenced him to 46 months' incarceration.

Co-Counsel:

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Morrison Foerster
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Formerly with United States Attorney's Office for the Southern District of New York

Opposing Counsel:

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Sherman & Sherman
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(212) 880-9417

(10) *United States v. Ramos*, No. 1:01-cr-00015-ARR (E.D.N.Y.).

I tried this case alleging possession of a firearm by a convicted felon. Following the jury's verdict of guilty, Judge Allyne Ross sentenced the defendant to 57 months' imprisonment.

Opposing Counsel:

Harry Batchelder

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

As the first general counsel at Viking Global Investors, I built a department responsible for all legal, regulatory and compliance matters on behalf of an investment advisor managing tens of billions of dollars in assets in jurisdictions around the world. I led the development of Viking's compliance policies, built a training regimen for employees in the firm's U.S. and non-U.S. offices, and developed a comprehensive compliance-testing process. I supervised the legal aspects of Viking's counterparty-risk management effort—the effort to ensure that Viking's clients receive maximum protection in the event of a failure of a trading counterparty or custodian of our funds' assets. I also supervised the negotiation and legal drafting for complex corporate and securities transactions in jurisdictions around the world. As discussed below, I also instituted a *pro bono* program and did *pro bono* work myself while at Viking.

At the U.S. Attorney's Office, in addition to the case work described in Item 17, above, I supervised a section of approximately thirteen AUSAs and a significant number of support personnel. In that capacity, I set priorities for the office's business and securities enforcement efforts. I also managed relationships with key outside constituencies like the SEC Enforcement Division, NASO enforcement (now FINRA), the FBI, Secret Service and other agencies. I also attended meetings of the President's Corporate Fraud Task Force on behalf of the United States Attorney for the Eastern District of New York. The Task Force was formed in the aftermath of accounting frauds at Enron, Adelphia, WorldCom, Computer Associates and other companies and formed the backbone of the government's response to that wave of scandals.

At Skadden, I served as the lead associate on a number of complex matters including advising a government agency following alleged improprieties in connection with the bidding process for the sale of a large tranche of public land; representing a group of associated companies in a criminal tax investigation; representing a leading securities firm after the arrest of a junior investment banker on insider-trading charges; advising a leading investment bank on the risks associated with capital markets transactions on behalf of internet gambling firms; and other matters.

At Cravath, I served in a more junior capacity on transactions including the \$8 billion sale of various specialty chemical businesses by an international conglomerate; a stock purchase and convertible note issuance by a multinational pharmaceutical company

acquiring a stake in a biotechnology firm; the issuance of certain innovative hybrid debt/equity securities; and other matters.

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.

Approximately once a year for the last several years, I have guest-taught a class in white-collar crime offered at Yale Law School and taught by Professor Kate Stith and David Zornow of Skadden, Arps, Slate, Meagher & Flom. In that class, the students learn about the government's investigation of an accounting fraud case; the company's internal investigation; subsequent motion practice; and contested sentencing proceedings.

I also guest-taught Professor Jennifer Arlen's course on Business Crime at NYU School of Law in March 2015. The unit focused on insider trading.

In September 2011, I guest-taught Professor Josh Abramowitz's class on Alternative Investment Funds at Yale Law School. The unit focused on the Investment Advisors Act of 1940 and the SEC rules promulgated thereunder.

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.

I am a party to a contract that requires me to maintain a specified minimum investment balance in certain funds managed by Viking Global Investors LP. The contract entitles me to the return of that capital over a three-year period following my departure from the firm, though the firm can elect (at its option) to return the funds on a more accelerated timetable, including immediately. While these balances remain invested at Viking, I am entitled to certain profit-sharing benefits from the firm as well as any return on the invested capital. Viking has informed me that they intend to return this capital in or about July of 2018.

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

I have no plans, commitments, or agreements to pursue outside employment in the future.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items

exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I would evaluate any real or potential conflict, or relationship that could give rise to the appearance of a conflict, on a case-by-case basis and determine appropriate action, including recusal where necessary, with the input of the parties' counsel and consultation with the applicable canons of judicial ethics.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws rules and practices governing such circumstances.

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.

Under my leadership, Viking's legal department instituted a *pro bono* effort in the last several years. We established relationships with a number of legal-services organizations that need experienced lawyers to represent indigent defendants in critical matters. I have personally logged a significant number of hours representing a petitioner seeking to extend a protective order in family court. I took this case through Sanctuary for Families, an organization that provides legal services (among other assistance) to victims of domestic abuse. Other members of the legal team have done extensive work for other legal-services organizations.

Viking also has an affiliated charitable foundation. I served as an executive officer and

member of the grants committee. The foundation focuses on early-childhood intervention in areas like children's pre-school educational development and nutrition and other health issues.

At Skadden, I received the firm's Pro Bono Service Award in 2000. This award largely reflected my work on a bench trial (described in response to Question 17) in which I assisted the New York Attorney General's office in seeking back pay for victims of racial discrimination by a local metal workers' union. I also represented victims of domestic abuse *pro bono* while at Skadden.

26. Selection Process:

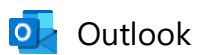
- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to 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.

After learning of the vacancy in the Eastern District of New York, I submitted a resume to the White House in early February 2017. I interviewed with members of the White House Counsel's Office and Department of Justice personnel on March 7, 2017. In early July 2017, the White House Counsel's Office contacted me to say that they had included my name on a list of potential nominees they had shared with the New York senators. I interviewed by telephone with a member of Senator Schumer's judicial screening committee on November 28, 2017. Earlier this year, the White House Counsel's Office informed me that I would be recommended to the President for nomination to the United States District Court for the Eastern District of New York, subject to agreement from the New York senators and completion of the required background investigation. Since that time, I have been in contact with members of the White House Counsel's Office and the Department of Justice regarding my nomination. On May 15, 2018, the President submitted my nomination to the Senate.

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

No.

EXHIBIT 2




The Judge had inside info

From John Loiacono <jloiacono1010@gmail.com>

Date Fri 9/27/2024 9:06 AM

To WOC4EqualJustice <jo@woc4equaljustice.org>

 1 attachments (1 MB)

Goodwinlaw-en-news-and-events-news-2018-02-02-01-18-Moderna-closes-500-million-2024-10-10-08_20_21.pdf;

Jo, Did You See This?

Jo

PRESS RELEASE · FEBRUARY 1, 2018

Moderna Closes \$500 Million Equity Financing

PROFESSIONALS [Stuart M. Cable](#) [John M. Mutkoski](#) [Kingsley L. Taft](#) [Sarah Stoiber](#)[View PDF](#) [Share](#)

Goodwin advised longtime client Moderna Therapeutics in its recent \$500 million equity financing round which includes support from new U.S. and international institutional investors, and existing institutional investors. New investors include a wholly owned subsidiary of the Abu Dhabi Investment Authority (ADIA), BB Biotech AG, Julius Baer, Singapore-based EDBI and Sequoia Capital China. Existing investors that also participated in this round include Fidelity Management & Research Company, Pictet, Viking Global Investors, ArrowMark Partners and Alexandria Venture Investments.

The firm also represented Moderna in the closing of its \$474 million financing round in September 2016.

The Goodwin team was led by partners [Stuart Cable](#), [John Mutkoski](#), [Kingsley Taft](#) and associate [Sarah Smith](#).

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EXHIBIT #3

Mission:

To protect, promote and improve the health of all people in Florida through integrated state, county and community efforts.

**Ron DeSantis**

Governor

Joseph A. Ladapo, MD, PhD

State Surgeon General

Vision: To be the Healthiest State in the Nation

December 6, 2023

Robert M. Califf, MD, MACC
Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Ave
Silver Springs, MD 20993

CC: Mandy Cohen, MD, MPH
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329-4027

Dear Drs. Califf and Cohen,

Ensuring that pharmaceutical products are both safe and effective for the public is the principal mission of the U.S. Food and Drug Administration (FDA). This function is essential and serves as the foundation for public trust in regulatory agencies and for health officials alike. While accelerated approvals for prescription drugs have been around for over two decades, the opioid crisis and COVID-19 pandemic are just two publicized examples illustrating the risks associated with these accelerated processes for drug approvals. On [November 14, 2023](#), the Florida Public Health Integrity Committee met to discuss this topic and I encourage your team to review the constructive criticism that will further our mission of credible and safe public health.

Related to these regulatory issues, debates over the safety and effectiveness of COVID-19 vaccines have been smeared as “hysteria” since their development – and yet as additional research is conducted, concerns continue to emerge. I have highlighted some of these concerns in a May 10, 2023 [letter](#) sent to you and former Centers for Disease Control and Prevention Director Rochelle Walensky. To date, no response has been received. In addition to my previous letter, I am writing to you to address the recent [discovery](#) of host cell DNA fragments within the Pfizer and Moderna COVID-19 mRNA vaccines.

This raises concerns regarding the presence of nucleic acid contaminants in the approved Pfizer and Moderna COVID-19 mRNA vaccines, particularly in the presence of lipid nanoparticle complexes, and Simian Virus 40 (SV40) promoter/enhancer DNA. Lipid nanoparticles are an efficient vehicle for delivery of the mRNA in the COVID-19 vaccines into human cells, and may therefore be an equally efficient vehicle for delivering contaminant DNA into human cells. The presence of SV40 promoter/enhancer DNA may also pose a unique and heightened risk of DNA integration into host cells.

In 2007, the FDA published guidance on regulatory limits for DNA vaccines in the [Guidance for Industry: Considerations for Plasmid DNA Vaccines for Infectious Disease Indications](#) (Guidance for Industry). This Guidance for Industry highlights important considerations for vaccines that use novel methods of delivery regarding DNA integration:

Florida Department of Health**Office of the State Surgeon General**

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- DNA integration could theoretically impact a human's oncogenes – the genes which can transform a healthy cell into a cancerous cell.
- DNA integration may result in chromosomal instability.
- The Guidance for Industry discusses biodistribution of DNA vaccines and how such integration could affect unintended parts of the body including blood, heart, brain, liver, kidney, bone marrow, ovaries/testes, lung, draining lymph nodes, spleen, the site of administration and subcutis at injection site.

Based on this Guidance for Industry, the efficacy of the COVID-19 mRNA vaccine's lipid nanoparticle delivery system, and the presence of DNA fragments in these vaccines, it is essential to human health to assess the risks of contaminant DNA integration into human DNA. With this in mind, I have the following questions for which the public deserves answers:


1. Have drug manufacturers evaluated the risk of human genome integration or mutagenesis of residual DNA contaminants from the mRNA COVID-19 vaccines alongside the additional risk of DNA integration from the lipid nanoparticle delivery system and SV40 promoter/enhancer? Has FDA inquired any information from the drug manufacturers to investigate such risk?
2. Do current FDA standards for acceptable and safe quantity of residual DNA (present as known contaminants in biological therapies) consider the lipid nanoparticle delivery system for the mRNA COVID-19 vaccines?
3. Considering the potentially wide biodistribution of mRNA COVID-19 vaccines and DNA contaminants beyond the local injection site, have you evaluated the risk of DNA integration in reproductive cells with respect to the lipid nanoparticle delivery system?

Considering the urgency of these questions due to the mass administration of these vaccines and currently unavailable data surrounding possible genomic effects, I request that you provide a written response by December 13, 2023, to both my previous letter and the concerns I have outlined above. The American people and the scientific community have a right to have all relevant information pertaining to the COVID-19 vaccines to properly inform individual decision making. I look forward to promptly hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Ladapo', with a long horizontal line extending to the right.

Joseph A. Ladapo, MD, PhD
State Surgeon General

 (new 10-5-24) For information about the State of Emergency declared because of Hurricane Milton.



It's a New Day in Public Health.

The Florida Department of Health works to protect, promote, and improve the health of all people in Florida through integrated state, county, and community efforts.

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Florida State Surgeon General Calls for Halt in the Use of COVID-19 mRNA Vaccines

January 03, 2024

 Press Release

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Tallahassee, Fla. — On December 6, 2023, State Surgeon General Dr. Joseph A. Ladapo sent a [letter](#) to the United States Food and Drug Administration (FDA) Commissioner Dr. Robert M. Califf and Center for Disease Control and Prevention (CDC) Director Dr. Mandy Cohen regarding questions pertaining to the safety assessments and the [discovery](#) of billions of DNA fragments per dose of the Pfizer and Moderna COVID-19 mRNA vaccines.

The Surgeon General outlined concerns regarding nucleic acid contaminants in the approved Pfizer and Moderna COVID-19 mRNA vaccines, particularly in the presence of lipid nanoparticle complexes, and Simian Virus 40 (SV40) promoter/enhancer DNA. Lipid nanoparticles are an efficient vehicle for delivery of the mRNA in the COVID-19 vaccines into human cells and may therefore be an equally efficient vehicle for delivering contaminant DNA into human cells. The presence of SV40 promoter/enhancer DNA may also pose a unique and heightened risk of DNA integration into human cells.

In 2007, the FDA published guidance on regulatory limits for DNA vaccines in the [Guidance for Industry: Considerations for Plasmid DNA Vaccines for Infectious Disease Indications \(Guidance for Industry\)](#). In this Guidance for Industry, the FDA outlines important considerations for vaccines that use novel methods of delivery regarding DNA integration, specifically:



- DNA integration could theoretically impact a human's oncogenes – the genes which can transform a healthy cell into a cancerous cell.
- DNA integration may result in chromosomal instability.
- The Guidance for Industry discusses biodistribution of DNA vaccines and how such integration could affect unintended parts of the body including blood, heart, brain, liver, kidney, bone marrow, ovaries/testes, lung, draining lymph nodes, spleen, the site of administration and subcutis at injection site.

On December 14, 2023, the FDA provided a written response providing no evidence that DNA integration assessments have been conducted to address risks outlined by the [FDA](#) themselves in 2007. Based on the FDA's recognition of unique risks posed by DNA integration, the efficacy of the COVID-19 mRNA vaccine's lipid nanoparticle delivery system, and the presence of DNA fragments in these vaccines, it is essential to human health to assess the risks of contaminant DNA integration into human DNA. The FDA has provided no evidence that these risks have been assessed to ensure safety. **As such, Florida State Surgeon General Dr. Joseph A. Ladapo has released the following statement:**

"The FDA's response does not provide data or evidence that the DNA integration assessments they recommended themselves have been performed. Instead, they pointed to genotoxicity studies – which are inadequate assessments for DNA integration risk. In addition, they obfuscated the difference between the SV40 promoter/enhancer and SV40 proteins, two elements that are distinct.

DNA integration poses a unique and elevated risk to human health and to the

For Media Inquiries

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NEWSROOM

[FDOH Urges Floridians to Drain and Cover to Prevent Mosquito Bites](#)

[FDOH Urges Floridians to Avoid Floodwaters and Prevent Exposure to Vibrio Vulnificus](#)

[Hurricane Milton - Early Prescription Refills Permitted Under State of Emergency](#)

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[Potential Tropical Cyclone Nine - Special Needs Shelters](#)

DNA integration poses a unique and elevated risk to human health and to the integrity of the human genome, including the risk that DNA integrated into sperm or egg gametes could be passed onto offspring of mRNA COVID-19 vaccine recipients. If the risks of DNA integration have not been assessed for mRNA COVID-19 vaccines, these vaccines are not appropriate for use in human beings.

Providers concerned about patient health risks associated with COVID-19 should prioritize patient access to non-mRNA COVID-19 vaccines and treatment. It is my hope that, in regard to COVID-19, the FDA will one day seriously consider its regulatory responsibility to protect human health, including the integrity of the human genome.”

In the spirit of transparency and scientific integrity, State Surgeon General Dr. Joseph A. Ladapo will continue to assess research surrounding these risks and provide updates to Floridians.

About the Florida Department of Health

The department, nationally accredited by the [Public Health Accreditation Board](#), works to protect, promote and improve the health of all people in Florida through integrated state, county and community efforts.

Follow us on Twitter at [@HealthyFla](#) and on [Facebook](#). For more information about the Florida Department of Health please visit www.FloridaHealth.gov.

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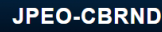
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EXHIBIT #4



Joint Program Executive Office for Chemical, Biological, Radiological and Nuclear Defense

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Download our press kit, which includes helpful documents to better understand our work, such as – Command Brief, Chemical Biological Defense Program's Enterprise strategy, the JPEO-CBRND's Capabilities Catalog, Leadership Biographies, COVID-19 fact sheets, and contracting overview documents.

Download

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Contact PAO

Biden Administration purchases additional doses of COVID-19 vaccines from Pfizer and Moderna

FOR IMMEDIATE RELEASE - The U.S. Department of Health and Human Services (HHS) and Department of Defense (DOD) have purchased an additional 100 million doses of COVID-19 vaccines from both Pfizer Inc. and Moderna Inc. to help meet demand for COVID-19 vaccines in the United States.

The orders placed today bring the vaccine purchased by the U.S. government from these two companies to a total of 600 million doses, enough to vaccinate 300 million people. Each company is delivering 300 million doses in regular increments through the end of July 2021. Each company will leverage U.S.-based manufacturing capacity to fill, finish and ship vials as the bulk material is produced.⁷

"As the President directed, we are expanding our supply of COVID vaccines to protect people as quickly as possible," said Acting HHS Secretary Norris Cochran. "These purchases will allow us to accelerate our vaccination efforts to get shots into the arms of the American people. While we rapidly ramp up the pace of vaccinations, I encourage everyone to take actions now to protect themselves and their families: wear a mask, wash your hands often, and practice physical distancing."

The companies began manufacturing doses of their vaccines at the same time that clinical trials were getting underway last year. Beginning the complex process of scaling up to large-scale manufacturing in parallel with clinical trials expedited the traditional vaccine development timeline so that initial doses could begin shipping when the U.S. Food and Drug Administration (FDA) granted emergency use authorization.

The vaccine is available at no cost. Vaccine administration costs for private-sector administration partners are being covered by healthcare payers: private insurance, Medicare or Medicaid, and an HHS program to cover COVID-19 costs for the uninsured which is reimbursing providers at Medicare rates from the Provider Relief Fund.

The Biomedical Advanced Research and Development Authority (BARDA), part of the HHS Office of the Assistant Secretary for Preparedness and Response, collaborated with the DOD Joint Program Executive Office for Chemical, Biological, Radiological and Nuclear Defense (JPEO-CBRND) and Army Contracting Command to provide approximately \$2 billion for the additional doses of the Pfizer-BioNTech vaccine, bringing the total purchase from Pfizer to approximately \$6 billion.

BARDA, JPEO-CBRND and Army Contracting Command also collaborated to provide up to approximately \$1.65 billion to Moderna, bringing the total federal investment in Moderna's vaccine development, clinical trials, manufacturing and purchase to approximately \$5.75 billion. Moderna's vaccine was co-developed with scientists from the National Institute of Allergy and Infectious Diseases (NIAID), part of the National Institutes of Health, with NIAID also supporting the vaccine's nonclinical studies and clinical trials. BARDA supported phase 2/3 clinical trials, vaccine manufacturing scale up and other development activities for this vaccine.

Moderna's Phase 3 clinical trial began July 27 as the first government-funded Phase 3 clinical trial for a COVID-19 vaccine in the U.S. and enrolled approximately 30,000 adult volunteers who did not have COVID-19. An independent data safety monitoring board overseeing the Phase 3 clinical trial reviewed the trial data and concluded that the vaccine was safe, prevented disease in 94 percent of the volunteers who received the vaccine, reduced the severity of illness in the small percentage of volunteers who contracted COVID-

19, and was generally well tolerated.

The Phase 3 clinical trial for the Pfizer-BioNTech vaccine enrolled approximately 43,000 adult volunteers in the U.S. who did not have COVID-19. The clinical trial showed that the vaccine was safe, prevented disease in approximately 95 percent of the volunteers who received the vaccine, reduced the severity of illness in the five percent of volunteers who contracted COVID-19 and was generally well-tolerated.

The clinical studies of both vaccines are ongoing to gather additional data such as the vaccines' efficacy in younger populations, the duration of immunity after vaccination, and the impact of vaccination on transmissibility of the virus.

Messenger RNA vaccines take advantage of the process that cells use to make proteins in order to trigger an immune response and build immunity to a virus. In contrast, most vaccines use weakened or inactivated versions or components of a disease-causing virus to stimulate the body's immune response to create antibodies.

HHS and DOD have contracted with four other companies to expedite development and production of vaccines that use a variety of vaccine platform technologies and are manufacturing COVID-19 vaccine doses while clinical trials are underway. If any of these other vaccine candidates are authorized by the FDA for emergency use, HHS and DOD can negotiate agreements with the respective companies to purchase additional vaccine doses to meet the demand in the United States.

###

About HHS, ASPR, and BARDA

HHS works to enhance and protect the health and well-being of all Americans, providing for effective health and human services and fostering advances in medicine, public health, and social services. The mission of ASPR is to save lives and protect Americans from 21st century health security threats. Within ASPR, BARDA invests in the innovation, advanced research and development, acquisition, and manufacturing of medical countermeasures – vaccines, drugs, therapeutics, diagnostic tools, and non-pharmaceutical products needed to combat health security threats. To date, BARDA-supported products have achieved 58 FDA approvals, licensures or clearances. To learn more about COVID-19, visit cdc.gov/coronavirus.

About the JPEO-CBRND

The Joint Program Executive Office for Chemical, Biological, Radiological and Nuclear Defense (JPEO-CBRND) protects the Joint Force by providing medical countermeasures and defense equipment against chemical, biological, radiological and nuclear (CBRN) threats. JPEO-CBRND's goal is to enable the Joint Force to fight and win unencumbered by a CBRN environment. JPEO-CBRND facilitates the rapid response, advanced development, manufacturing and acquisition of medical solutions, such as vaccines, therapeutics, and diagnostics, to combat CBRN and emerging threats such as COVID-19. To learn more about JPEO-CBRND's COVID-19 response, visit <https://www.jpeocbrnd.osd.mil/coronavirus> exit disclaimer icon or follow JPEO-CBRND on social media at @JPEOCBRND.



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EXHIBIT #5



COVID-19 Vaccine Health Public Safety

MARCH 11, 2021 | Albany, NY

Governor Cuomo Announces More than 6 Million Total Doses Administered Across New York State

More than 20% of New Yorkers Have Received a First Dose

10.4% of New Yorkers Fully Vaccinated

More than 1 Million Doses Administered at New York State-Run Mass Vaccination Sites

[Vaccine Dashboard](#) Will Update Daily to Provide Updates on the State's Vaccine Program; Go to ny.gov/vaccinetracker

Governor Andrew M. Cuomo today announced more than 6 million total COVID vaccine doses have been administered across New York State. More than 20 percent of New Yorkers have received a first dose, and 10.4 percent of New Yorkers are fully vaccinated. 144,946 doses have been administered across New York's vast distribution network in the last 24 hours, and more than 1.12 million doses have been administered over the past seven days. Across New York State's network of mass vaccination sites, more than 1 million doses have been administered to date. The week 13 allocation from the federal government is in the process of being delivered to providers for administration.

"The vaccine is the weapon that will win the war, and with more and more New Yorkers getting vaccinated every day, we are gradually weakening the beast," **Governor Cuomo said.** "Our partners in the White House have committed to delivering us a steady supply, and our high-capacity distribution network enables us to get over a million shots administered on a weekly basis. Even as we reach new milestones, we are still in a footrace to make sure the vaccination rate remains ahead of the infection rate, but we have a successful formula in place and we will continue working around the clock until New York becomes the first COVID-free state in the nation."

New York's vast distribution network and large population of eligible individuals still far exceed the supply coming from the federal government. Due to limited supply, New Yorkers are encouraged to remain patient and are advised not to show up at vaccination sites without an appointment.

The ['Am I Eligible'](#) screening tool has been updated for individuals with comorbidities and underlying conditions with new appointments released on a rolling basis over the next weeks. New Yorkers can use the following to show they are eligible:

- Doctor's letter, or
- Medical information evidencing comorbidity, or
- Signed certification

Vaccination program numbers below are for doses distributed and delivered to New York for the state's vaccination program, and do not include those reserved for the federal government's Long Term Care Facility program. A breakdown of the data based on numbers reported to New York State as of 11AM today is as follows.

STATEWIDE BREAKDOWN

Total doses administered - 6,086,018

Total doses administered over past 24 hours - 144,946

Total doses administered over past 7 days - 1,126,783

Percent of New Yorkers with at least one vaccine dose - 20.4%

Percent of New Yorkers with completed vaccine series - 10.4%

		People with at least one vaccine dose		People with complete vaccine series		
Region	Cumulative	Increase over past	Cumulative	Increase over past		
	Total	24 hours	Total	24 hours		
Capital Region	253,687	5,871	125,813	5,072		
Central New York	230,782	5,353	123,343	16,376		
Finger Lakes	256,466	8,344	132,678	7,042		
Long Island	468,594	10,786	258,469	11,596		
Mid-Hudson	385,958	11,300	199,241	20,293		
Mohawk Valley	113,829	2,221	59,052	2,693		
New York City	1,828,616	43,467	898,701	43,526		
North Country	131,760	3,648	72,334	1,783		
Southern Tier	139,172	3,119	70,288	3,734		
Western New York	264,548	7,203	151,139	9,971		
Statewide	4,073,412	101,312	2,091,058	122,086		
	1st doses fully delivered to New York Providers		2nd doses fully delivered to New York Providers		TOTAL	CUMULATIVE
Week 1						
Doses arriving 12/14 - 12/20	163,650		0		163,650	163,650
Week 2						
Doses arriving 12/21 - 12/27	452,125		0		452,125	615,775
Week 3						
Doses arriving 12/28 - 01/03	227,395		0		227,395	843,170
Week 4						
Doses arriving 01/04 - 01/10	239,025		165,150		404,175	1,247,345
Week 5						
Doses arriving 01/11 - 01/17	221,315		119,925		341,240	1,588,585
Week 6						
Doses arriving 01/18- 01/24	250,400		462,395		712,795	2,301,380
Week 7						

Doses arriving 01/25 - 01/31	260,150	239,525	499,675	2,801,055
Week 8 Doses arriving 02/01 - 02/07	321,850	220,720	542,570	3,343,625
Week 9 Doses arriving 02/8 - 02/14	320,000	244,500	564,500	3,908,125
Week 10 Doses arriving 2/15 - 2/21	356,990	265,525	622,515	4,530,640
Week 11 Doses arriving 2/22 - 2/28	393,530	305,780	699,310	5,229,950
Week 12 Doses arriving 03/01 - 03/07*	1,020,660	290,500	1,311,160	6,541,110

*These numbers represent 100 percent of the Week 12 Pfizer, Moderna, and Johnson & Johnson vaccines.

New Yorkers seeking to determine eligibility and schedule an appointment at a state-run mass vaccination site, can visit the ['Am I Eligible'](#) website. New Yorkers may also call their local health department, pharmacy, doctor, or hospital for additional information and to schedule appointments where vaccines are available.

The [COVID-19 Vaccine Tracker Dashboard](#) is available to update New Yorkers on the distribution of the COVID-19 vaccine. The New York State Department of Health requires vaccinating facilities to report all COVID-19 vaccine administration data within 24 hours; the vaccine administration data on the dashboard is updated daily to reflect the most up-to-date metrics in the state's vaccination effort.

New Yorkers who suspect fraud in the vaccine distribution process can now call 833-VAX-SCAM (833-829-7226) toll-free or email the state Department of Health at STOPVAXFRAUD@health.ny.gov. Hotline staff will route complaints to the appropriate investigative agencies to ensure New Yorkers are not being taken advantage of as the State works to vaccinate the entire eligible population.

Contact the Governor's Press Office

📞 Contact us by phone:

Albany: (518) 474 - 8418
New York City: (212) 681 - 4640

✉️ Contact us by email:

Press.Office@exec.ny.gov

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EXHIBIT #6

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NEWS

Senate Confirms Eric Komitee, Ex-Hedge Fund GC, as Eastern District US Judge

Eighty-six senators voted in favor of Komitee's confirmation and just four voted against.

December 03, 2019 at 03:11 PM

🕒 2 minute read



By Jane Wester

The U.S. Senate voted Tuesday to confirm Eric Komitee, a lawyer who most recently spent 10 years as general counsel at the Manhattan hedge fund Viking Global Investors, as a judge on the U.S. District Court for the Eastern District of New York.

Komitee, 48, has experience in the Eastern District, where he worked in the U.S. Attorney's Office from 2000 to 2008. He handled cyber crime cases and eventually led the business and securities fraud section, according to the [biography he submitted](#) to the Senate.

From there, he joined Viking Global Investors, which manages about \$25 billion for institutional investors. He left that role in June 2018, shortly after he was nominated by President Donald Trump.

In a financial disclosure form submitted to the Senate, Komitee reported his net worth was [nearly \\$60 million](#). He lives in Brooklyn, according to the form.

After graduating from New York University School of Law, Komitee clerked for Judge J.L. Edmondson on the U.S. Court of Appeals for the Eleventh Circuit. He worked briefly at Cravath, Swaine & Moore and

Skadden, Arps, Slate, Meagher & Flom in the late 1990s before becoming a federal prosecutor.

Eighty-six senators voted in favor of Komitee's confirmation and just four voted against. U.S. Sen. Chuck Schumer, D-New York, voted for confirmation, while U.S. Sen. Kirsten Gillibrand, D-New York, did not vote.

He is the second Eastern District judge confirmed in recent months, bringing the total number of judicial vacancies in the district down to three. Trump has nominated candidates for two of those seats, but they are waiting to be confirmed by the Senate.

Read more:

[Eric Komitee, Trump Pick for NY Court, Made Millions as Hedge Fund GC](#)

[Senate Panel Clears 7 Nominees for Federal Judge Positions in New York](#)

[US Senate Confirms Kovner as District Judge for Eastern District of New York; Gillibrand Votes No](#)

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Honorable Margo K. Brodie, Chief Judge • Brenna B. Mahoney, Clerk of Court



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Judge Eric R. Komitee

Eric Komitee is a United States District Judge for the Eastern District of New York. He received his commission on December 5, 2019.

Previously, he served as the General Counsel of Viking Global Investors LP and a member of its Management Committee. In that capacity, he oversaw legal, compliance and regulatory matters for the firm. From 2000 to 2008, Judge Komitee was an Assistant U.S. Attorney in the Eastern District of New York, serving ultimately as Chief of the Business and Securities Fraud Section. From 1998 to 2000, he was an Associate at Skadden, Arps, specializing in regulatory, compliance and white-collar crime matters. From 1996 to 1998, he was an Associate in the Corporate department of Cravath, Swaine and Moore, focusing on securities underwriting and mergers and acquisitions transactions.

Following law school, Judge Komitee served as a law clerk to the Honorable J.L. Edmondson of the United States Court of Appeals for the Eleventh Circuit. He graduated from New York University School of Law, where he served as a senior editor of the NYU Law Review, and Emory University. Judge Komitee was born in 1970 in Freeport, NY.

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EXHIBIT #7



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Q Eric R. Komitee

Year	Report Type	Court Name	Position	Sort By
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Best Matches First				

Check the box to the left for each financial disclosure report you wish to download. Refine your search to narrow by categories or adjust your keywords for search. Multiple options in each category may be selected.

Komitee, Eric R.

District Judge

U.S. District Court - New York Eastern

☐ Annual, 2023 ☐ Periodic Transaction Report, Oct 2, 2023 ☐ Periodic Transaction Report, Jun 13, 2023 ☐ Annual, 2022 ☐ Periodic Transaction Report, Dec 21, 2022 ☐ Periodic Transaction Report, Dec 5, 2022 ☐ Annual, 2021



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Administrative Office of the United States Courts

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Exhibit #8

FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2021

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Komitee , Eric R.	2. Court or Organization US District Court - Eastern District of New York	3. Date of Report 5/10/2022
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) ACTIVE STATUS	5a. Report Type (check appropriate type) <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2021 to 12/31/2021
7. Chambers or Office Address 255 CADMAN PLAZA EAST BROOKLYN, NY 11201		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

I. POSITIONS. (Reporting individual only; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 345 Trustees, Executors, Administrators, and Custodians; § 350 Power of Attorney; § 355 Outside Positions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. DIRECTOR	VIKING GLOBAL FOUNDATION INC. (NON-PROFIT CHARITABLE ORGANIZATION)
2.	
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 340 Agreements and Arrangements)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 8

Name of Person Reporting

Komitee , Eric R.

Date of Report

5/10/2022

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 320 Income; § 360 Spouses and Dependent Children.)

A. Filer's Non-Investment Income



NONE (No reportable non-investment income.)

DATE

SOURCE AND TYPE

INCOME

(yours, not spouse's)

1.

2.

3.

4.

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.

(Dollar amount not required except for honoraria.)



NONE (No reportable non-investment income.)

DATE

SOURCE

1.

2.

3.

4.

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 330 Gifts and Reimbursements; § 360 Spouses and Dependent Children.)



NONE (No reportable reimbursements.)

SOURCE

DATES

LOCATION

PURPOSE

ITEMS PAID OR PROVIDED

1.

2.

3.

4.

5.

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Komitee , Eric R.	5/10/2022

V. GIFTS. (Includes those to spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 330 Gifts and Reimbursements; § 360 Spouses and Dependent Children.)

☒ NONE (No reportable gifts.)

SOURCE	DESCRIPTION	VALUE
1.		
2.		
3.		
4.		
5.		

VI. LIABILITIES. (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 335 Liabilities; § 360 Spouses and Dependent Children.)

☐ NONE (No reportable liabilities.)

CREDITOR	DESCRIPTION	VALUE CODE
1. JP MORGAN	VISA CARD	L
2. AMERICAN EXPRESS	CREDIT CARD	J
3. JP MORGAN	CREDIT CARD	J
4.		
5.		

FINANCIAL DISCLOSURE REPORT

Page 4 of 8

Name of Person Reporting

Komitee , Eric R.

Date of Report

5/10/2022

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)

☐ NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e g , div , rent, or int)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e g , buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	
1. Viking Global Equities LP	G	Dividend	P2	T					
2. Viking Global Opportunities LP	G	Dividend	P1	T					
3. D1 Capital Partners Onshore LP	H1	Dividend	P2	T					
4. Junto Capital Partners LP	H1	Dividend	P2	T	Redeemed (part)	10/01/21	O		
5. Lead Edge Capital QP II, LP	D	Dividend			Redeemed	03/11/21	K		
6. Warlander Asset Management LP	E	Dividend			Redeemed	05/31/21	O		
7. Invesco QQQ Trust	A	Dividend	P1	T					
8. Ishares Russel 2000 ETF		None	L	T					
9. Lord Abbett Floating Rate A Fund		None	K	T					
10. Schwab US TIPS ETF	D	Dividend	N	T					
11. SPDR S&P 500 ETF	D	Dividend	O	T					
12. Vanguard FTSE All World EX-US ETF		None	J	T					
13. SPDR Gold Shares ETF		None	N	T					
14. JP Morgan Unallocated Gold Fund		None	N	T					
15. iShares MSCI EAFE ETF		None	K	T					
16. SPDR Dow Jones ETF		None	K	T					
17. Invesco Diversified Dividend Fund		None	M	T					

1 Income Gain Codes: (See Columns B1 and D4)	A =\$1,000 or less F =\$50,001 - \$100,000	B =\$1,001 - \$2,500 G =\$100,001 - \$1,000,000	C =\$2,501 - \$5,000 H1 =\$1,000,001 - \$5,000,000	D =\$5,001 - \$15,000 H2 =More than \$5,000,000	E =\$15,001 - \$50,000
2 Value Codes (See Columns C1 and D3)	J =\$15,000 or less N =\$250,001 - \$500,000 P3 =\$25,000,001 - \$50,000,000	K =\$15,001 - \$50,000 O =\$500,001 - \$1,000,000	L =\$50,001 - \$100,000 P1 =\$1,000,001 - \$5,000,000 P4 =More than \$50,000,000	M =\$100,001 - \$250,000 P2 =\$5,000,001 - \$25,000,000	
3 Value Method Codes (See Column C2)	Q =Appraisal U =Book Value	R =Cost (Real Estate Only) V =Other	S =Assessment W =Estimated	T =Cash Market	

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)

☐

 NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	
	Amount Code 1 (A-H)	Type (e g , div , rent, or int)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e g , buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	
18. iShares S&P 500 Index Fund		None	M	T					
19. Clearbridge Large Cap Growth Fund		None	L	T					
20. iShares Russell Mid Cap Index Fund		None	L	T					
21. Delaware Small Cap Core Fund		None	L	T					
22. Invesco Asia Pacific Growth Fund		None	L	T					
23. Nuveen Real Estate Securities Fund		None	L	T					
24. Lehman Bros HLD VAR 2XXX	A	Distribution	J	T					
25. Vanguard S/T Investment - VFSTX		None	K	T					
26. iShares MSCI Emerging Markets - EEM	A	Dividend	J	T					
27. NY 529 Developed Markets Index Portfolio		None	L	T					
28. NY 529 Mid-Cap Stock Index Portfolio		None	M	T					
29. NY 529 Small-Cap Stock Index Portfolio		None	M	T					
30. NY 529 Inflation Protected Securities Portfolio		None	L	T					
31. iShares MSCI China ETF	D	Dividend	O	T					
32. Tesla (TSLA) stock		None	J	T					
33. US Treasury Bonds	D	Interest	O	T					
34. FINE TONY OUNCES OF UNALLOCATED GOLD		None	O	T	Buy (add'l)	05/06/21	O		

1 Income Gain Codes:
(See Columns B1 and D4)

2 Value Codes
(See Columns C1 and D3)

3 Value Method Codes
(See Column C2)

A =\$1,000 or less
F =\$50,001 - \$100,000
J =\$15,000 or less
N =\$250,001 - \$500,000
P3 =\$25,000,001 - \$50,000,000
Q =Appraisal
U =Book Value

B =\$1,001 - \$2,500
G =\$100,001 - \$1,000,000
K =\$15,001 - \$50,000
O =\$500,001 - \$1,000,000
R =Cost (Real Estate Only)
V =Other

C =\$2,501 - \$5,000
H1 =\$1,000,001 - \$5,000,000
L =\$50,001 - \$100,000
P1 =\$1,000,001 - \$5,000,000
P4 =More than \$50,000,000
S =Assessment
W =Estimated

D =\$5,001 - \$15,000
H2 =More than \$5,000,000
M =\$100,001 - \$250,000
P2 =\$5,000,001 - \$25,000,000
T =Cash Market

E =\$15,001 - \$50,000

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)

☐

 NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	
	Amount Code 1 (A-H)	Type (e g , div , rent, or int)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e g , buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	
35. GAMESTOP CORP - CLASS A		None	J	T					
36. JPM MANGAED INCOME FUND		None	O	T					
37. JPM FLOAT RATE INC.		None	L	T					
38. APPLE INC.	A	Dividend	J	T					
39. NOVOZYMES INC.		None	K	T					
40. TENCENT MUSIC ENTERTAINMENT		None	N	T					
41. BITCOIN (BTC)		None	N	T	Buy	02/15/21	M		
42.									
43.									
44.									
45.									

1 Income Gain Codes: (See Columns B1 and D4)	A =\$1,000 or less F =\$50,001 - \$100,000	B =\$1,001 - \$2,500 G =\$100,001 - \$1,000,000	C =\$2,501 - \$5,000 H1 =\$1,000,001 - \$5,000,000	D =\$5,001 - \$15,000 H2 =More than \$5,000,000	E =\$15,001 - \$50,000
2 Value Codes (See Columns C1 and D3)	J =\$15,000 or less N =\$250,001 - \$500,000 P3 =\$25,000,001 - \$50,000,000	K =\$15,001 - \$50,000 O =\$500,001 - \$1,000,000	L =\$50,001 - \$100,000 P1 =\$1,000,001 - \$5,000,000 P4 =More than \$50,000,000	M =\$100,001 - \$250,000 P2 =\$5,000,001 - \$25,000,000	
3 Value Method Codes (See Column C2)	Q =Appraisal U =Book Value	R =Cost (Real Estate Only) V =Other	S =Assessment W =Estimated	T =Cash Market	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting	Date of Report
Komitee , Eric R.	5/10/2022

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

FINANCIAL DISCLOSURE REPORT

Page 8 of 8

Name of Person Reporting

Komitee , Eric R.

Date of Report

5/10/2022

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ **Eric R. Komitee**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite G-330
One Columbus Circle, N.E.
Washington, D.C. 20544

EXHIBIT #9

**FINANCIAL DISCLOSURE REPORT
FOR CALENDAR YEAR 2022**

*Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 13101-13111)*

1. Person Reporting (last name, first, middle initial) Komitee , Eric R.	2. Court or Organization US District Court - Eastern District of New York	3. Date of Report 7/07/2023
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) ACTIVE STATUS	5a. Report Type (check appropriate type) <input type="checkbox"/> Nomination <input type="checkbox"/> Date <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2022 to 12/31/2022
7. Chambers or Office Address 255 CADMAN PLAZA EAST BROOKLYN, NY 11201		
IMPORTANT NOTES: <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</i>		

I. POSITIONS. *(Reporting individual only; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 345 Trustees, Executors, Administrators, and Custodians; § 350 Power of Attorney; § 355 Outside Positions.)*

☐ NONE *(No reportable positions.)*

POSITION

NAME OF ORGANIZATION/ENTITY

1. DIRECTOR	VIKING GLOBAL FOUNDATION INC. (NON-PROFIT CHARITABLE ORGANIZATION)
2.	
3.	
4.	
5.	

II. AGREEMENTS. *(Reporting individual only; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 340 Agreements and Arrangements)*

☒ NONE *(No reportable agreements.)*

DATE

PARTIES AND TERMS

1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 10

Name of Person Reporting

Komitee , Eric R.

Date of Report

7/07/2023

III. NON-INVESTMENT INCOME. (Reporting individual and spouse; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 320 Income; § 360 Spouses and Dependent Children.)

A. Filer's Non-Investment Income



NONE (No reportable non-investment income.)

DATE

SOURCE AND TYPE

INCOME
(yours, not spouse's)

1.		
2.		
3.		
4.		

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.

(Dollar amount not required except for honoraria.)



NONE (No reportable non-investment income.)

DATE

SOURCE

1.	
2.	
3.	
4.	

IV. REIMBURSEMENTS -- transportation, lodging, food, entertainment.

(Includes those to spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 330 Gifts and Reimbursements; § 360 Spouses and Dependent Children.)



NONE (No reportable reimbursements.)

SOURCE

DATES

LOCATION

PURPOSE

ITEMS PAID OR PROVIDED

1.	RODEL INSTITUTE	September 15 - 19, 2022	Sun Valley, Idaho	Seminar on Judicial Leadership	Transportation & Hotel
2.					
3.					
4.					
5.					

FINANCIAL DISCLOSURE REPORT

Name of Person Reporting	Date of Report
Komitee , Eric R.	7/07/2023

V. GIFTS. (Includes those to spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 330 Gifts and Reimbursements; § 360 Spouses and Dependent Children.)

☒ NONE (No reportable gifts.)

SOURCE	DESCRIPTION	VALUE
1.		
2.		
3.		
4.		
5.		

VI. LIABILITIES. (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 335 Liabilities; § 360 Spouses and Dependent Children.)

☐ NONE (No reportable liabilities.)

CREDITOR	DESCRIPTION	VALUE CODE
1. JP MORGAN	VISA CARD	L
2.		
3.		
4.		
5.		

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)

☐

 NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	
	Amount Code 1 (A-H)	Type (e g , div , rent, or int)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e g , buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	
1. Viking Global Equities LP	A	Dividend	P2	T	Distributed (part)	04/01/22	O		
2. Viking Global Opportunities LP	G	Dividend	P1	T					
3. D1 Capital Partners Onshore LP	A	Dividend	P2	T	Distributed (part)	01/28/22	P1		
4.					Distributed (part)	04/26/22	P1		
5.					Distributed (part)	07/25/22	N		
6. Junto Capital Partners LP	G	Dividend	P2	T					
7. 151 Baltic ST JV LLC	A	Dividend	L	T	Buy	08/16/22	L		
8. Invesco QQQ Trust	D	Dividend	O	T	Buy (add'l)	05/11/22	L		
9.					Sold (part)	05/18/22	L	A	
10. Ishares Russel 2000 ETF		None	L	T					
11. Lord Abbett Floating Rate A Fund		None	K	T					
12. Schwab US TIPS ETF	E	Dividend	M	T					
13. SPDR S&P 500 ETF	D	Dividend	P1	T	Buy (add'l)	02/23/22	K		
14.					Sold (part)	05/18/22	L	D	
15. Vanguard FTSE All World EX-US ETF		None	J	T					
16. SPDR Gold Shares ETF		None	N	T					
17. JP Morgan Unallocated Gold Fund		None	N	T					

1 Income Gain Codes:
(See Columns B1 and D4)

2 Value Codes
(See Columns C1 and D3)

3 Value Method Codes
(See Column C2)

A =\$1,000 or less
F =\$50,001 - \$100,000
J =\$15,000 or less
N =\$250,001 - \$500,000
P3 =\$25,000,001 - \$50,000,000
Q =Appraisal
U =Book Value

B =\$1,001 - \$2,500
G =\$100,001 - \$1,000,000
K =\$15,001 - \$50,000
O =\$500,001 - \$1,000,000
R =Cost (Real Estate Only)
V =Other

C =\$2,501 - \$5,000
H1 =\$1,000,001 - \$5,000,000
L =\$50,001 - \$100,000
P1 =\$1,000,001 - \$5,000,000
P4 =More than \$50,000,000
S =Assessment
W =Estimated

D =\$5,001 - \$15,000
H2 =More than \$5,000,000
M =\$100,001 - \$250,000
P2 =\$5,000,001 - \$25,000,000
T =Cash Market

E =\$15,001 - \$50,000

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)

☐

 NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	
	Amount Code 1 (A-H)	Type (e g , div , rent, or int)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e g , buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	
18. iShares MSCI EAFE ETF		None	K	T	Sold (part)	05/27/22	J		
19. SPDR Dow Jones ETF		None	K	T					
20. Invesco Diversified Dividend Fund		None	M	T					
21. iShares S&P 500 Index Fund		None	M	T					
22. Clearbridge Large Cap Growth Fund		None	L	T					
23. iShares Russell Mid Cap Index Fund		None	L	T					
24. Delaware Small Cap Core Fund		None	L	T					
25. Invesco Asia Pacific Growth Fund		None	L	T					
26. Nuveen Real Estate Securities Fund		None	L	T					
27. Lehman Bros HLD VAR 2XXX	A	Distribution	J	T					
28. Vanguard S/T Investment - VFSTX		None	K	T					
29. iShares MSCI Emerging Markets - EEM	A	Dividend	J	T					
30. NY 529 Developed Markets Index Portfolio		None	L	T					
31. NY 529 Mid-Cap Stock Index Portfolio		None	M	T					
32. NY 529 Small-Cap Stock Index Portfolio		None	M	T					
33. NY 529 Inflation Protected Securities Portfolio		None	L	T					
34. iShares MSCI China ETF	D	Dividend	O	T					

1 Income Gain Codes:

(See Columns B1 and D4)

2 Value Codes

(See Columns C1 and D3)

3 Value Method Codes

(See Column C2)

A =\$1,000 or less

F =\$50,001 - \$100,000

J =\$15,000 or less

N =\$250,001 - \$500,000

P3 =\$25,000,001 - \$50,000,000

Q =Appraisal

U =Book Value

B =\$1,001 - \$2,500

G =\$100,001 - \$1,000,000

K =\$15,001 - \$50,000

O =\$500,001 - \$1,000,000

R =Cost (Real Estate Only)

V =Other

C =\$2,501 - \$5,000

H1 =\$1,000,001 - \$5,000,000

L =\$50,001 - \$100,000

P1 =\$1,000,001 - \$5,000,000

P4 =More than \$50,000,000

S =Assessment

W =Estimated

D =\$5,001 - \$15,000

H2 =More than \$5,000,000

M =\$100,001 - \$250,000

P2 =\$5,000,001 - \$25,000,000

T =Cash Market

E =\$15,001 - \$50,000

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)

☐

 NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	
	Amount Code 1 (A-H)	Type (e g , div , rent, or int)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e g , buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	
35. US Treasury Bonds	D	Interest	O	T					
36. FINE TONY OUNCES OF UNALLOCATED GOLD		None	O	T					
37. GAMESTOP CORP - CLASS A		None	J	T	Buy (add'l)	01/05/22	L		
38.					Sold (part)	01/05/22	L	D	
39.					Buy (add'l)	01/18/22	L		
40.					Sold (part)	01/18/22	M	F	
41.					Buy (add'l)	03/11/22	M		
42.					Sold (part)	03/11/22	M	D	
43.					Buy (add'l)	03/14/22	M		
44.					Sold (part)	03/14/22	M	F	
45.					Buy (add'l)	03/28/22	L		
46.					Sold (part)	03/28/22	L		
47.					Buy (add'l)	05/25/22	N		
48.					Sold (part)	05/25/22	N	D	
49.					Buy (add'l)	07/19/22	M		
50.					Sold (part)	07/19/22	M		
51.					Buy (add'l)	12/05/22	M		

1 Income Gain Codes:
(See Columns B1 and D4)

2 Value Codes
(See Columns C1 and D3)

3 Value Method Codes
(See Column C2)

A =\$1,000 or less
F =\$50,001 - \$100,000
J =\$15,000 or less
N =\$250,001 - \$500,000
P3 =\$25,000,001 - \$50,000,000
Q =Appraisal
U =Book Value

B =\$1,001 - \$2,500
G =\$100,001 - \$1,000,000
K =\$15,001 - \$50,000
O =\$500,001 - \$1,000,000
R =Cost (Real Estate Only)
V =Other

C =\$2,501 - \$5,000
H1 =\$1,000,001 - \$5,000,000
L =\$50,001 - \$100,000
P1 =\$1,000,001 - \$5,000,000
P4 =More than \$50,000,000
S =Assessment
W =Estimated

D =\$5,001 - \$15,000
H2 =More than \$5,000,000
M =\$100,001 - \$250,000
P2 =\$5,000,001 - \$25,000,000
T =Cash Market

E =\$15,001 - \$50,000

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)

☐

 NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	
	Amount Code 1 (A-H)	Type (e g , div , rent, or int)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e g , buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	
52.					Sold (part)	12/05/22	L		
53.					Buy (add'l)	12/08/22	L		
54.					Sold (part)	12/08/22	M	E	
55.					Buy (add'l)	12/16/22	M		
56.					Sold (part)	12/16/22	M	G	
57. JPM MANGAED INCOME FUND	B	Dividend	O	T					
58. JPM FLOAT RATE INC.	B	Dividend	M	T					
59. APPLE INC.	A	Dividend	J	T					
60. NOVOZYMES INC.	A	Dividend	J	T					
61. TENCENT MUSIC ENTERTAINMENT		None	N	T					
62. ISHARE MSCI WORLD ETF	C	Dividend	M	T	Buy	12/01/22	M		
63. BITCOIN (BTC)		None	M	T	Buy (add'l)	02/07/22	K		
64.					Sold (part)	02/14/22	L	D	
65.					Buy (add'l)	07/08/22	L		
66. ETHEREUM (ETH)		None	L	T	Buy	02/07/22	L		
67.					Buy (add'l)	02/14/22	L		
68.									

1 Income Gain Codes:
(See Columns B1 and D4)

2 Value Codes
(See Columns C1 and D3)

3 Value Method Codes
(See Column C2)

A =\$1,000 or less
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P3 =\$25,000,001 - \$50,000,000
Q =Appraisal
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V =Other

C =\$2,501 - \$5,000
H1 =\$1,000,001 - \$5,000,000
L =\$50,001 - \$100,000
P1 =\$1,000,001 - \$5,000,000
P4 =More than \$50,000,000
S =Assessment
W =Estimated

D =\$5,001 - \$15,000
H2 =More than \$5,000,000
M =\$100,001 - \$250,000
P2 =\$5,000,001 - \$25,000,000
T =Cash Market

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VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see Guide to Judiciary Policy, Volume 2D, Ch. 3, § 310 Reporting Thresholds for Assets; § 312 Types of Reportable Property; § 315 Interests in Property; § 320 Income; § 325 Purchases, Sales, and Exchanges; § 360 Spouses and Dependent Children; § 365 Trusts, Estates, and Investment Funds.)

☐

 NONE (No reportable income, assets, or transactions.)

A Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B Income during reporting period		C Gross value at end of reporting period		D Transactions during reporting period			
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)
	Amount Code 1 (A-H)	Type (e g , div , rent, or int)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e g , buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)
69.								
70.								
71.								

1 Income Gain Codes: (See Columns B1 and D4)	A =\$1,000 or less F =\$50,001 - \$100,000	B =\$1,001 - \$2,500 G =\$100,001 - \$1,000,000	C =\$2,501 - \$5,000 H1 =\$1,000,001 - \$5,000,000	D =\$5,001 - \$15,000 H2 =More than \$5,000,000	E =\$15,001 - \$50,000
2 Value Codes (See Columns C1 and D3)	J =\$15,000 or less N =\$250,001 - \$500,000 P3 =\$25,000,001 - \$50,000,000	K =\$15,001 - \$50,000 O =\$500,001 - \$1,000,000	L =\$50,001 - \$100,000 P1 =\$1,000,001 - \$5,000,000 P4 =More than \$50,000,000	M =\$100,001 - \$250,000 P2 =\$5,000,001 - \$25,000,000	
3 Value Method Codes (See Column C2)	Q =Appraisal U =Book Value	R =Cost (Real Estate Only) V =Other	S =Assessment W =Estimated	T =Cash Market	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting Komitee , Eric R.	Date of Report 7/07/2023
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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

The Gamestop position was a short position

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Komitee , Eric R.

Date of Report

7/07/2023

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 13141 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ **Eric R. Komitee**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 13106)

Committee on Financial Disclosure
Administrative Office of the United States Courts
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Washington, D.C. 20544