



March 3, 2025

Special Committee
Judicial Council of the U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439
VIA EMAIL

Re: In re Complaint No. 23-90015 (Complaint Against Circuit Judge Pauline Newman)

Your Honors:

We are in receipt of the Special Committee's Order of February 26, 2025 and look forward to engaging in the process outlined in that order.

We write to respectfully request an extension of time for Dr. Aaron G. Filler to complete his rebuttal report. As the Committee is aware, its earlier order of February 7, 2025, already set April 8, 2025 as the deadline for Judge Newman to substantively respond to the expert reports attached to that order. Relying on that timeline, Judge Newman, through the undersigned counsel, requested Dr. Filler to complete his report by March 24, 2025. This is the date that Dr. Filler is currently relying on. As the Committee is also aware, Dr. Filler is a practicing physician with offices and clinics located in several states. He also has a busy expert witness practice. In light of his multitude of prior commitments to his patients and other clients, it will be exceedingly difficult for him to complete a proper rebuttal report on a shortened timeline. Accordingly, we respectfully request that the deadline for the submission of Dr. Filler's report be extended to and including March 24, 2025. We recognize that this extension likely necessitates a brief delay in depositions. *See* Feb. 26 Order at 5. At the same time, we commit to the Committee to use our best efforts to submit Dr. Filler's report as soon as practicable and possibly in advance of the presently requested date of March 24, 2025.

We also respectfully request that the Committee modify its order insofar as it requires all the depositions to occur in Washington, D.C. The New Civil Liberties Alliance's offices are now located in Arlington, Virginia, so procuring space to conduct depositions in the District of Columbia would add unnecessary expense to this process. NCLA's offices are located a mere

four miles from the border of the District of Columbia, are easily accessible by public transportation, and are near a number of garages for those who prefer to travel by car. Accordingly, conducting depositions at NCLA's offices will not result in any additional hardship or expense to any party, witness, or attorney. Moreover, we note that the Torridon Law firm also has offices in Arlington, Virginia, so modifying the Committee's order to extend to Arlington should not pose any inconvenience to counsel being retained by the Committee. In fact, it would permit some depositions to occur at Torridon's Arlington location as well.

Finally, we also wish to address the Committee's request for "Judge Newman to reconsider her refusal to comply with the Committee's decision that she should undergo a one-day, non-invasive neuropsychological evaluation." Feb. 26 Order at 2. Judge Newman agrees with the Committee that "six expert depositions will, no doubt, add considerable further time and expense to these proceedings." *Id.* In order to avoid these additional expenses, Judge Newman reiterates her long-standing offer to undergo such testing *provided that* the resolution of this matter is transferred to another judicial council. *See, e.g.,* Letter of May 25, 2023 at 2; Aug. 31, 2023 Response at 62-63; June 28, 2024 Response at 22. At this point, the Committee is no longer receiving information from court staff "in real time," so the entire matter can be resolved on the basis of the voluminous paper record compiled thus far. While it is true that any transferee judicial council would have to familiarize itself with the record, the burden to do so would be quite minimal and no different than the burden appellate judges carry every day when they have to familiarize themselves with voluminous records of various appeals heard in their courts.

Accordingly, Judge Newman once again offers a compromise that she has offered throughout these proceedings, including during the mediation session conducted before Judge Thomas B. Griffith. She is willing to undergo *yet another* (and in her view wholly unnecessary) test, if and only if the matter is transferred to a neutral adjudicatory body which is unaffected by the due process deficits and acrimony that have developed between this Committee and Judge Newman over the last two years.

We look forward to the Committee's prompt reply, and, as always, request the public release of this letter, as well as all prior unreleased materials.

Sincerely,
/s/ *Gregory Dolin, M.D.*
Senior Litigation Counsel