

**A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS**

1. Name (Include any former names or nicknames used): Dana Baiocco (Dana Baiocco Dudek)
2. Position to which nominated: Commissioner, CPSC
3. Date of Nomination: September 28, 2017
4. Address (List current place of residence and office addresses): [REDACTED] 100 High Street, 21<sup>st</sup> Floor, Boston, Ma., 02110 (office)
5. Date and Place of Birth: Aug. 9, 1966 (Wheeling, WVa.)
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage). Andrew F. Susko, Partner, White & Williams, LLP (spouse); [REDACTED] Matthew Susko (stepson, 30 yrs); Jonathan Susko (stepson, 28 yrs).
7. List all college and graduate degrees. Provide year and school attended. Duquesne University School of Law (Juris Doctor, *cum laude*, 1997); Ohio University, E.W. Scripps School of Journalism (B.S., Journalism, 1988)
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

Professional Firms

2007-present Partner, Jones Day  
500 Grant St., Pittsburgh, Pa. 15219 (2007-2010)  
100 High St., 21<sup>st</sup> Floor, Boston, Ma. 02110 (2011-present)

1998-2006 Associate, Jones Day, 500 Grant St., Pittsburgh, Pa. 15219

Government

1996-1998 Judicial Law Clerk to The Honorable Gustave Diamond  
United States District Court for the Western District of  
Pennsylvania, Joseph F. Weis, Jr. U.S. Courthouse, 700  
Grant Street, Pittsburgh, Pa. 15219

9. Attach a copy of your resume. (Attached)
10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years. None.

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years. See Resume.
12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. (See list below). Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap. No.

### Professional

Pennsylvania Bar Association, Current Member; Chair, House of Delegates (2009-2011); Board of Governors (2009-2012); Zone 12 Representative to the House of Delegates (2005-present); Co-Chair, Commission on Women in the Profession (2006-2008); Federal Rules Committee (2006)

Massachusetts Bar Association, Current Member

Boston Bar Association, Current Member; MDL Committee Member (2016)

Member, International Aviation Women's Association (2008-2013)

### Civic

Member, Beacon Hill Civic Association and its Zoning and Licensing Committee (Boston, Ma. 2015-2016)

### Charitable

Children's Hospital of Philadelphia, Carousel Ball Fundraising Committee (2012-2017)

Emerald Necklace Conservancy, Liff Committee, Fundraising (2013-2016) (To support the care and maintenance of Boston City Parks)

Magee Women's Institute Cabinet Member (2015) (The Institute is a collaboration of scientists and world-class researchers across institutions and disciplines focused on reproductive sciences and women's health research.)

Brimmer and May School, Annual Fund Committee (2014-present)

The United Way, Young Leaders Audit Committee Volunteer (2009-2010)

### Not for Profit

Board Member, Commonwealth Institute (Mission: To assist women CEO's, entrepreneurs, and senior corporate executives by helping them grow their businesses and careers in the Boston area) (2011-2015)

### Other

International Wine and Food Society, Boston Chapter (2013-2017)

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? No. If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt. N/A
14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period. To the best of my recollection, over the past ten years, I personally contributed \$500 to Martha Coakley for Governor in 2014 and \$1000 to the Governor Charlie Baker Committee in 2017. I have not held any offices with any state or national political party, political action committee, or campaign committee in the past ten years.
15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements. Legal 500 — leading lawyer or recommended in litigation for product liability and mass tort defense: consumer products (including tobacco) (2013-2014), toxic tort (2014-2016), automotive/transport (2015-2016), and aerospace/aviation (2007, 2009-2011, and 2014); Selected by American Lawyer Media as one of 35 Pennsylvania lawyers as a "2005 Lawyer on the Fast Track;" Named a "Pennsylvania Super Lawyer, Rising Star" by Philadelphia Magazine and Law & Politics (2005-2007); Duquesne University School of Law Awards: Justice Louis Mandarino Honor Society for Achievement in Trial and Appellate Advocacy; Trial and Appellate Moot Court Honor Societies, Officer and Member; Order of Barristers; McGinley Scholarship Recipient.
16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

### Written Works

No Summer Vacation for Device Regulators: An Overview of Recent Legislation and FDA Activity, Part I (November 2012) [PDF available at:

[www.jonesday.com/dbaiocco/](http://www.jonesday.com/dbaiocco/)]

No Summer Vacation for Device Regulators: An Overview of Recent Legislation and FDA Activity, Part II (November 2012) [PDF available at: [www.jonesday.com/dbaiocco/](http://www.jonesday.com/dbaiocco/)]

Aviation Crisis Management: Are You Really Ready? *Jones Day Practice Perspectives: Product Liability & Tort Litigation* (Winter 2012) [PDF available at: [www.jonesday.com/dbaiocco/](http://www.jonesday.com/dbaiocco/)]

The Americanization of Aviation Claims, *Jones Day Practice Perspectives: Product Liability & Tort Litigation* (Summer 2007) [PDF available at [www.jonesday.com/dbaiocco/](http://www.jonesday.com/dbaiocco/)]

Runway Safety and Airport Operations: Are You Responsible, *The Public Record* (December 2006) [PDF available at: [www.jonesday.com/dbaiocco/](http://www.jonesday.com/dbaiocco/)]

Implementing the Montreal Accord: Practical Implications of the Aviation Liability Treaty, *Airline Business Report White Paper 2004: Charting a Course to Meet Today's Market Challenges* [PDF available at: [www.jonesday.com/dbaiocco/](http://www.jonesday.com/dbaiocco/)]

The Significance of Other Accidents in Aviation Trials, *Aviation Litigation Quarterly* (July 2004) [PDF available at: [www.jonesday.com/dbaiocco/](http://www.jonesday.com/dbaiocco/)]

Excluding NTSB Final Aircraft Accident Reports and FAA Airworthiness Directives at Trial, *Air and Space Lawyer* (Spring 2003) [PDF available at [www.jonesday.com/dbaiocco/](http://www.jonesday.com/dbaiocco/)]

#### Relevant Speaking Roles

Pennsylvania Bar Institute Presents: The Preparation and Trial of the Products Liability Case: A Course for the Experienced Practitioner Pittsburgh (May 11, 2011), Philadelphia (May 20, 2011) (Instructor/Panel Member)

Boston Bar Association CLE Presenter, "Preparing Expert Witnesses for Deposition" (with written materials) (March, 2011)

PBI Fundamentals of Products Liability Law, Pittsburgh (November 11, 2010) (Speaker)

Proven Strategies For Successfully Managing the Demands of a Law Practice and Personal Life, Pennsylvania Bar Institute CLE Program, Pittsburgh (January 31, 2007) (Speaker)

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony. None

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position? Over the past 19 years, I developed a diverse litigation practice, which involved, in part, consumer and other products. I assisted clients who chose to participate in the CPSC's voluntary recall program, and have participated in other federal agency enforcement proceedings and safety related programs. I also obtained various administrative and staffing experiences at my firm. For example, I assisted the firm in opening its Boston office, and I served as the hiring partner for two years in that office. I oversaw the Pittsburgh office Speaker Series and served on the Firm's web committee. In addition, during my tenure as Chair of the Pennsylvania Bar Association House of Delegates, (2009-2011), I presided over all discussions, debates, votes, and the adoption of resolutions by this policy making arm of the Association. I anticipate that all of these experiences, coupled with my commitment to the Rule of Law, the applicable statutes and relevant case law, will allow me to contribute to the overall vitality of the Agency.
19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization? As one of five Commissioners, I believe my responsibilities will include working collaboratively to advance the mission of the Commission. This necessarily will include working with Staff, testifying before Congress on the progression and status of Agency initiatives and directives, overseeing and participating in hearings and meetings with stakeholders, and applying all applicable laws and regulations governing the Commission's authority and charge.
20. What do you believe to be the top three challenges facing the department/agency, and why? I believe that three challenges facing the CPSC are: (1) keeping up with technology and the new and unique types of consumer products coming onto the market; (2) protecting the American public from unreasonable risks of harms while balancing the American public's right to have access to a range of affordable product choices and recreational activities; and (3) facilitating programs that promptly and effectively address all stakeholder issues.

## **B. POTENTIAL CONFLICTS OF INTEREST**

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts. If confirmed, I will withdraw from the Jones Day's partnership. Pursuant to my partnership agreement, following my withdrawal, I will receive reimbursement of my capital contribution paid to me in a lump sum within 30 days of withdrawal. However, the firm may withhold a portion of my capital account as a reserve for account reconciliations and tax payments the firm makes on behalf of its partners. I will also receive my final partnership share distribution, less any payments necessary to satisfy open personal lines of credit, in a lump sum within 30 days of withdrawal from the firm. I will continue to participate in the firm's qualified defined benefit plan and the defined contribution plan. The plan sponsor will not make further contributions after my separation from the firm. My retirement funds are invested in the following types of accounts: American Funds Growth Fund of America, Dodge & Cox Stock and Income Fund, Hotchkis & Wiley Mid Cap Value I, Vanguard Institutional Index Instl Pl, PIMCO All Asset Institutional Fund, Wells Fargo Stable Value E, Morgan Stanley Inst. International Equity Fund, T. Rowe Price Instl. High Yield and Mid-Cap Growth funds, Putnam Dynamic Risk Allocation, U.S. Treasury Bonds, and various Jones Day Funds (Jones Day Real Estate Fund, Jones Day 2020, 2025, 2035, 2040 Funds, Jones Day Fixed Income Fund, Jones Day Income Research TIPS Fund, Jones Day Emerging Markets Fund). All parent and child funds are listed in detail on my Executive Branch Personnel Public Financial Disclosure Report.
2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? No. If so, please explain. N/A
3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. None known at this time.
4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. During the nomination process, I consulted with the Office of Government Ethics and the CPSC's Designated Agency Ethics Official to identify potential conflicts of interest. Any conflicts will be resolved in accordance with the terms of the Ethics Agreement that I have entered into with the CPSC's Ethics Official (a copy of which has been provided to the Committee). I am not aware of any other conflicts of interest at this time.
5. Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public

policy. During my tenure as Chair of the Pennsylvania Bar Association House of Delegates, (2009-2011), an elected position, I presided over all discussions, debates, votes, and the adoption of resolutions by this policy making arm of the Association. The Minutes of those meetings (October 19, 2009, December 4, 2009, November 19, 2010, May 14, 2010, May 6, 2011) are available at the Pennsylvania Bar Association, 100 South St., Harrisburg, Pa. 17101.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. Any potential conflicts will be resolved in accordance with the terms of the Ethics Agreement that I have entered into with the Commission's Designated Ethics Official (a copy of which has been provided to the Committee). If any other potential conflict arises, I will seek the advice and counsel of the CPSC's Designated Ethics Official and, if faced with a legitimate conflict of interest, I will recuse myself and/or divest as necessary.

### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? No. If yes:
  - a. Provide the name of agency, association, committee, or group;
  - b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
  - c. Describe the citation, disciplinary action, complaint, or personnel action;
  - d. Provide the results of the citation, disciplinary action, complaint, or personnel action. N/A
2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? No. If so, please explain. N/A
3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? Yes. If so, please explain. N/A

*Dana Baiocco Dudek v. Joseph A. Dudek* (Case No. FD-96-9837) is a civil divorce action filed in the Court of Common Pleas of Allegheny County, Pennsylvania (Family Division). In conjunction with this action, I also filed and was granted an Election to Resume Prior Name (*i.e.*, Dana Baiocco Dudek to Dana Baiocco).

*David C. Bruening v. Dana Baiocco* (Case No. FD11-006582-016) is a civil divorce and custody action filed in the Court of Common Pleas of Allegheny County, Pennsylvania (Family Division).

*Members of the Board of Trustees of 33 Brimmer Street Condominium Trust, Dana Baiocco and Katherine Wright v. Geoffrey O. Hills and Elise Hills a/k/a Elise Larner* (Case No. 15-CV-03200) is a civil action for declaratory, injunctive and other relief filed in the Massachusetts Superior Court by me and Katherine Wright, in our capacities as trustees, on behalf of the board of trustees of a three-unit condo building to enforce compliance with the documents governing the administration of the condominium.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? No. If so, please explain. N/A
5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? No. If so, please explain. N/A

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. Please see resume for any additional information.

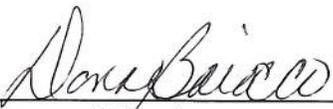
#### **D. RELATIONSHIP WITH COMMITTEE**

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees? Yes.
2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.
3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.
4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

(Nominee is to include this signed affidavit along with answers to the above questions.)

**F. Affidavit**

DAVID R. MANN being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

  
\_\_\_\_\_  
Signature of Nominee

Subscribed and sworn before me this 24 day of Oct., 2017.

  
\_\_\_\_\_  
Notary Public



DAVID R. MANN  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires March 31, 2022

# DANA BAIocco

## LEGAL CAREER

<b>Jones Day</b> Partner	Boston Office: 100 High St., 21 <sup>st</sup> Floor, Boston, Ma. 02110	2010-Present
	<ul style="list-style-type: none"><li>• Boston Office Hiring and Recruiting Partner (2011-2013)</li><li>• Boston Office Business Development Partner (2011-2013)</li></ul>	
	Pittsburgh Office: 500 Grant St., Pittsburgh, Pa. 15219	1998-2010
<b>United States District Court for the Western District of Pennsylvania</b> Judicial Law Clerk to The Honorable Gustave Diamond		1996-1998

## COURT ADMISSIONS

## ADMISSION DATE

U.S. Court of Appeals for the Third Circuit	June, 1998
U.S. Court of Appeals for the Ninth Circuit	December, 2006
U.S. Court of Appeals for the First Circuit	March, 2015
U.S. District Court for the Western District of Pennsylvania	December, 1997
U.S. District Court for the District of Massachusetts	April, 2012
U.S. District Court for the Eastern District of Pennsylvania	October, 2014
Courts of the Commonwealth of Pennsylvania	January, 1998
Courts of the State of Massachusetts	February, 2012

## EDUCATION

<b>Duquesne University School of Law, J.D., <i>cum laude</i></b>	1997
<ul style="list-style-type: none"><li>• Justice Louis L. Manderino Honor Society for Achievement in Appellate &amp; Trial Advocacy</li><li>• McGinley Scholarship Recipient</li><li>• National Order of Barristers-Excellence in Courtroom Advocacy</li><li>• Appellate Moot Court Honor Society, Co-Chair</li><li>• Trial Moot Court Honor Society, Vice-Chair</li><li>• ATLA Trial Moot Court Competition-Finalist</li><li>• Law Faculty (Professor Kellen McClendon) Research Assistant for Duty of Care in Managed Health Care and Restatement (Second) §402A</li></ul>	
<b>Cambridge University Summer Law Program (via Valparaiso University School of Law)</b>	
<ul style="list-style-type: none"><li>• The United States Supreme Court with Chief Justice William H. Rehnquist (Summer, 1995)</li><li>• Gender Discrimination with Justice Ruth Bader Ginsburg (Summer, 1994)</li></ul>	
<b>Ohio University, E.W. Scripps School of Journalism, B.S., Journalism</b>	1988

## **LEGAL HONORS AND AWARDS**

- **Legal 500:** Leading lawyer in litigation for products liability and mass tort defense: consumer products (including tobacco) (2013-2014), toxic tort (2014-2016), automotive/transport (2015-2016), and aerospace/aviation (2007, 2009-2011, 2014)
- **American Lawyer Media:** Pennsylvania Lawyer on the Fast Track (2005)
- **Philadelphia Magazine/Law & Politics:** Pennsylvania Super Lawyer, Rising Star (2005-2007)

## **BAR ASSOCIATION SERVICE AND MEMBERSHIPS**

- **Boston Bar Association,** MDL Committee Member (2016)
- **Pennsylvania Bar Association,** Chair, House of Delegates (2009-2011); Board of Governors (2009-2011); Zone Representative to the House of Delegates (2005-2011), Co-Chair of the Commission on Women in the Profession (2007-2009)
- **Pennsylvania Bar Institute,** Faculty Member - Continuing Legal Education
  - The Preparation and Trial of the Products Liability Case* (Pittsburgh/Philadelphia, 2010)
  - PBI Fundamentals of Products Liability Law* (Pittsburgh, 2010)
  - Proven Strategies for Successfully Managing the Demands of a Law Practice and Personal Life* (Pittsburgh, 2007)
  - Keys to Effective Motions Practice in the Civil Case and Preparing for and Taking Depositions* (2001)
- **American Inns of Court** (Pittsburgh Chapter), Program Committee Co-Chair, Executive Board Member (2002-2004), Program Committee Member (2004-2005), Group Leader for "Tripped Up: Electronic Surveillance in the Workplace" \*Awarded Fifth Place at the American Inns of Court National Conference (1999-2001)

## **BOARDS AND COMMITTEES**

- Commonwealth Institute Board Member (Boston, 2011-2015)
- Beacon Hill Civic Association Zoning and Licensing Committee (Boston, 2015-2016)
- The Executive Women's Council of Pittsburgh (2000-2006)
- Wagner Family Charities Board Member (1998-2002)

## **CHARITIES AND FUNDRAISING**

- Children's Hospital of Philadelphia, Carousel Ball Fundraising Committee (2014-present)
- Emerald Necklace Conservancy, Liff Committee (Boston, 2013-2016)
- Magee Women's Institute Cabinet Member (Pittsburgh/Boston, 2015)
- Brimmer and May School, Annual Fund Committee (2014-present)
- International Wine and Food Society, Boston Chapter (2013-present)
- The United Way, Young Leaders Audit Committee Volunteer (2009-2010)

## **CERTIFICATIONS AND RELATED MEMBERSHIPS**

- Private pilot certificate, VFR rating
- Member, International Aviation Women's Association (2008-2013)

## **PUBLICATIONS**

- American Bar Association Litigation Section, Mass Torts Committee Treatise - *Mass Torts In The United States: Strategy and Practice: Recalls: Automobiles, Medical Devices, Consumer Products* (not yet published, in editing stage)
- *No Summer Vacation for Device Regulators: An Overview of Recent Legislation and FDA Activity*, Parts I and II (November, 2012)
- Jones Day Practice Perspectives: Product Liability & Tort Litigation: *Aviation Crisis Management: Are You Really Ready?* (Winter, 2012)
- Jones Day Practice Perspectives: Product Liability & Tort Litigation: *The Americanization of Aviation Claims* (Summer, 2007)
- The Public Record: *Runway Safety and Airport Operations: Are You Responsible?* (November, 2006)
- *Implementing the Montreal Accord: Practical Implications of the Aviation Liability Treaty, Airline Business Report White Paper 2004: Charting a Course to Meet Today's Market Challenges*
- Aviation Litigation Quarterly: *The Significance of Other Accidents in Aviation Trials* (July, 2004)
- Air and Space Lawyer: *Excluding NTSB Final Aircraft Accident Reports and FAA Airworthiness Directives at Trial* (Spring, 2003)

## **SPEAKING ENGAGEMENTS**

- The Commonwealth Institute Strategies for Success (Keynote Speaker, 2012)
- American Conference Institute's 3rd Annual Forum on Defending and Managing Aviation Litigation (Boston, 2011)
- The Changing Legal Climate Surrounding Ownership Structuring, Use, and Operation of Corporate Jets (Cleveland and Columbus, 2007)
- IATA Legal Symposium: The Americanization of Aviation Claims (Istanbul, Turkey, 2007)