

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2010

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

|                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                           |                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| <b>1. Person Reporting (last name, first, middle initial)</b><br><br>Bailey, John P.                                                                                                                   | <b>2. Court or Organization</b><br><br>Northern District of West Virginia                                                                                                                                                                                                                 | <b>3. Date of Report</b><br><br>04/15/2011                       |
| <b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b><br><br>U.S. District Judge - Active Status                                        | <b>5a. Report Type (check appropriate type)</b><br><input type="checkbox"/> Nomination, <input type="checkbox"/> Date<br><input type="checkbox"/> Initial <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Final<br><b>5b.</b> <input type="checkbox"/> Amended Report | <b>6. Reporting Period</b><br><br>01/01/2010<br>to<br>12/31/2010 |
| <b>7. Chambers or Office Address</b><br><br>U.S. Courthouse<br>P.O. Box 551<br>Wheeling, WV 26003                                                                                                      | <b>8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.</b><br><br>Reviewing Officer _____ Date _____                                                          |                                                                  |
| <b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page. |                                                                                                                                                                                                                                                                                           |                                                                  |

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☒ NONE (No reportable positions.)

| <u>POSITION</u> | <u>NAME OF ORGANIZATION/ENTITY</u> |
|-----------------|------------------------------------|
| 1. _____        | _____                              |
| 2. _____        | _____                              |
| 3. _____        | _____                              |
| 4. _____        | _____                              |
| 5. _____        | _____                              |

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

| <u>DATE</u> | <u>PARTIES AND TERMS</u>                                                                                                       |
|-------------|--------------------------------------------------------------------------------------------------------------------------------|
| 1. 2005     | Bailey, Riley, Buch & Harman Profit Sharing Plan with former firm, no control (withdrawn and transferred to TSP on 03/01/2010) |
| 2. _____    | _____                                                                                                                          |
| 3. _____    | _____                                                                                                                          |

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**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**NONE *(No reportable non-investment income.)*

| <u>DATE</u> | <u>SOURCE AND TYPE</u> | <u>INCOME</u><br>(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.)*

| <u>DATE</u> | <u>SOURCE AND TYPE</u> |
|-------------|------------------------|
| 1.          |                        |
| 2.          |                        |
| 3.          |                        |
| 4.          |                        |

**IV. REIMBURSEMENTS** – *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*NONE *(No reportable reimbursements.)*

| <u>SOURCE</u> | <u>DATES</u> | <u>LOCATION</u> | <u>PURPOSE</u> | <u>ITEMS PAID OR PROVIDED</u> |
|---------------|--------------|-----------------|----------------|-------------------------------|
| 1.            |              |                 |                |                               |
| 2.            |              |                 |                |                               |
| 3.            |              |                 |                |                               |
| 4.            |              |                 |                |                               |
| 5.            |              |                 |                |                               |

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**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

|    | <u>SOURCE</u>                                | <u>DESCRIPTION</u>       | <u>VALUE</u> |
|----|----------------------------------------------|--------------------------|--------------|
| 1. | Coach Bill Stewart, West Virginia University | Sideline pass - football | \$600.00     |
| 2. | Beyond Marketing, Inc.                       | Event tickets            | \$1,000.00   |
| 3. |                                              |                          |              |
| 4. |                                              |                          |              |
| 5. |                                              |                          |              |

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐ NONE *(No reportable liabilities.)*

|    | <u>CREDITOR</u>              | <u>DESCRIPTION</u> | <u>VALUE CODE</u> |
|----|------------------------------|--------------------|-------------------|
| 1. | United Bank                  | Credit Card        | J                 |
| 2. | United Bank                  | Personal Loan      | J                 |
| 3. | U.S. Department of Education | Loan for education | M                 |
| 4. | College Foundation, Inc.     | Loan for education | L                 |
| 5. |                              |                    |                   |

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## VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

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

| A.<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B.<br>Income during<br>reporting period |                                               | C.<br>Gross value at end<br>of reporting period |                                           | D.<br>Transactions during reporting period      |                         |                                 |                                |                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------|-------------------------------------------------|-------------------------------------------|-------------------------------------------------|-------------------------|---------------------------------|--------------------------------|-------------------------------------------------------------------|
|                                                                                                                             | (1)<br>Amount<br>Code 1<br>(A-H)        | (2)<br>Type (e.g.,<br>div., rent,<br>or int.) | (1)<br>Value<br>Code 2<br>(J-P)                 | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) | (1)<br>Type (e.g.,<br>buy, sell,<br>redemption) | (2)<br>Date<br>mm/dd/yy | (3)<br>Value<br>Code 2<br>(J-P) | (4)<br>Gain<br>Code 1<br>(A-H) | (5)<br>Identity of<br>buyer/seller<br>(if private<br>transaction) |
|                                                                                                                             |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 1. IRA #1                                                                                                                   | A                                       | Dividend                                      | K                                               | T                                         |                                                 |                         |                                 |                                |                                                                   |
| 2. - Federated Prime Obligation Fd. 396                                                                                     |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 3. - CVS/Caremark (com)                                                                                                     |                                         |                                               |                                                 |                                           | Sold                                            | 02/01/10                | J                               |                                |                                                                   |
| 4. - Home Depot, Inc. (com)                                                                                                 |                                         |                                               |                                                 |                                           | Sold                                            | 02/01/10                | J                               |                                |                                                                   |
| 5. - Live Nation (com)                                                                                                      |                                         |                                               |                                                 |                                           | Sold                                            | 02/01/10                | J                               |                                |                                                                   |
| 6. - Time Warner, Inc. (com)                                                                                                |                                         |                                               |                                                 |                                           | Sold                                            | 02/01/10                | J                               |                                |                                                                   |
| 7. - Time Warner Cable (com)                                                                                                |                                         |                                               |                                                 |                                           | Sold                                            | 02/01/10                | J                               |                                |                                                                   |
| 8. - AOL, Inc. (com)                                                                                                        |                                         |                                               |                                                 |                                           | Sold                                            | 02/01/10                | J                               |                                |                                                                   |
| 9. - Medco Health Solutions (com)                                                                                           |                                         |                                               |                                                 |                                           | Sold                                            | 02/01/10                | J                               |                                |                                                                   |
| 10. - Merck & Co. (com)                                                                                                     |                                         |                                               |                                                 |                                           | Sold                                            | 02/01/10                | J                               |                                |                                                                   |
| 11. - Barclays US TIPS Fund                                                                                                 |                                         |                                               |                                                 |                                           | Buy                                             | 02/04/10                | J                               |                                |                                                                   |
| 12. - Diversified Alternatives Trust                                                                                        |                                         |                                               |                                                 |                                           | Buy                                             | 02/04/10                | J                               |                                |                                                                   |
| 13. - MSCI EAFE Index Fund                                                                                                  |                                         |                                               |                                                 |                                           | Buy                                             | 02/04/10                | J                               |                                |                                                                   |
| 14. - MSCI Emerging Mkt Index Fd ETF                                                                                        |                                         |                                               |                                                 |                                           | Buy                                             | 02/04/10                | J                               |                                |                                                                   |
| 15. - SPDR S&P 500 ETF                                                                                                      |                                         |                                               |                                                 |                                           | Buy                                             | 02/04/10                | J                               |                                |                                                                   |
| 16. - SPDR S&P Midcap 400 ETF                                                                                               |                                         |                                               |                                                 |                                           | Buy                                             | 02/04/10                | J                               |                                |                                                                   |
| 17. - Russell 2000 Value Index Fd                                                                                           |                                         |                                               |                                                 |                                           | Buy                                             | 02/04/10                | J                               |                                |                                                                   |

### 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

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|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|-------------------------------------------------|------------------------------------|--------------------------------------------|------------------|--------------------------|-------------------------|------------------------------------------------------------|
|                                                                                                                             | (1)                                     | (2)                                    | (1)                                             | (2)                                | (1)                                        | (2)              | (3)                      | (4)                     | (5)                                                        |
|                                                                                                                             | Amount<br>Code 1<br>(A-H)               | Type (e.g.,<br>div., rent,<br>or int.) | Value<br>Code 2<br>(J-P)                        | Value<br>Method<br>Code 3<br>(Q-W) | Type (e.g.,<br>buy, sell,<br>redemption)   | Date<br>mm/dd/yy | Value<br>Code 2<br>(J-P) | Gain<br>Code 1<br>(A-H) | Identity of<br>buyer/seller<br>(if private<br>transaction) |
| 18. Bailey, Riley, Buch & Harman Profit Sharing Plan                                                                        | E                                       | Dividend                               |                                                 |                                    | Distributed                                | 03/01/10         | M                        |                         |                                                            |
| 19. Mass Mutual Life Ins.                                                                                                   | A                                       | Dividend                               | J                                               | T                                  |                                            |                  |                          |                         |                                                            |

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(See Columns B1 and D4)

### 2. Value Codes

(See Columns C1 and D3)

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

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

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### 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/ John P. Bailey**

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY 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  
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Washington, D.C. 20544