AO 10*
Rev. 1/2022

# FINANCIAL DISCLOSURE REPORT FOR CALENDAR YEAR 2022

*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) | 2. Court or Organization | 3. Date of Report |
|---|---|---|
| Heytens, Toby | United States Court of Appeals for the Fourth Circuit | 03/23/2023 |
| **4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)** | **5a. Report Type (check appropriate type)** | **6. Reporting Period** |
| Circuit Judge | ☐ Nomination Date<br>☐ Initial ☑ Annual ☐ Final<br>**5b.** ☐ Amended Report | 01/01/2022<br>**to**<br>12/31/2022 |
| **7. Chambers or Office Address** | | |
| Lewis F. Powell, Jr., United States Courthouse<br>1100 E. Main Street<br>Richmond, VA 23219 | | |

***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.)*

| | POSITION | NAME OF ORGANIZATION/ENTITY |
|---|---|---|
| 1. | Director | American Mock Trial Association |
| 2. | Coach | Collegiate Mock Trial at the University of Virginia |
| 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. | | |

## 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. | 2022 | The College Foundation of the University of Virginia |
| 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. | Collegiate Mock Trial at UVA | April 7-11, 2022 | Lancaster, PA | Mock trial tournament (coaching) | Lodging |
| 2. | NYU Law School | April 11-12, 2022 | New York, NY | Portrait dedication (speaker) | Transportation, meals, hotel |
| 3. | Macalester College | June 3-5, 2022 | St. Paul, MN | Reunion (award recipient) | Lodging |
| 4. | Institute of Judicial Administration at NYU School of Law | July 24-29, 2022 | New York, NY | New Appellate Judges Seminar (attendee) | Lodging, meals, transportation |
| 5. | Virginia CLE | August 4-5, 2022 | Charlottesville, VA | CLE (teaching) | Lodging, meals |

| | | | | | |
|---|---|---|---|---|---|
| 6. | William & Mary Law School | September 16-17, 2022 | Williamsburg, VA | Supreme Court Preview (panelist) | Lodging, meals |

## 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. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |

| Name of Person Reporting | Date of Report |
|---|---|
| **Heytens, Toby** | 03/23/2023 |

## 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 | B | | C | | D | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Description of Assets (including trust assets) | Income during reporting period | | Gross value at end of reporting period | | Transactions during reporting period | | | | |
| Place "(X)" after each asset exempt from prior disclosure | (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. Fidelity Investment Account (H) | | | | | | | | | |
| 2. -Fidelity Money Market SPAXX | A | Dividend | J | T | Buy | 12/05/22 | N | | |
| 3. | | | | | Sold (part) | 12/07/22 | N | | |
| 4. -Fidelity Freedom Index 2065 FFIJX | B | Dividend | L | T | Buy | 12/07/22 | L | | |
| 5. -Fidelity US Bond Index FXNAX | A | Dividend | L | T | Buy | 12/07/22 | L | | |
| 6. -Mizrahi Tefahot BK LTD Los Angeles CD | A | Dividend | M | T | Buy | 12/13/22 | L | | |
| 7. Fidelity Cash Management Account | A | Dividend | | | Sold | 02/23/22 | L | A | |
| 8. Roth IRA # 1 (H) | | | | | | | | | |
| 9. -Fidelity Emerging Markets Index Fund | B | Dividend | K | T | Buy (add'l) | 11/15/22 | K | | |
| 10. -Fidelity Short Term Bond Index | A | Dividend | | | Sold | 11/15/22 | J | | |
| 11. -Fidelity Large Cap Index Fund | A | Dividend | | | Sold | 11/15/22 | K | | |
| 12. -Fidelity Zero International Index | A | Dividend | | | Sold | 11/15/22 | J | | |
| 13. Fidelity Deferred Annuity (H) | | | | | | | | | |
| 14. -Fidelity VIP Equity Income Fund | | None | | | Sold | 11/15/22 | M | | |
| 15. -Fidelity VIP Growth Fund | | None | | | Sold | 11/15/22 | N | | |
| 16. -Fidelity VIP Inv Grade Bond | | None | | | Sold | 11/15/22 | K | | |
| 17. -Fidelity VIP Balanced Fund | | None | | | Sold | 11/15/22 | M | | |

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

| Name of Person Reporting | Date of Report |
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| **Heytens, Toby** | 03/23/2023 |

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

| A | B | | C | | D | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Description of Assets (including trust assets) | Income during reporting period | | Gross value at end of reporting period | | Transactions during reporting period | | | | |
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| 18. -Fidelity VIP Value Strategies Fund | | None | | | Sold | 11/15/22 | K | | |
| 19. -Fidelity VIP Strategic Income Fund | | None | | | Sold | 11/15/22 | K | | |
| 20. -Fidelity VIP Overseas Fund | | None | | | Sold | 11/15/22 | K | | |
| 21. -Fidelity VIP Bond Index | | None | N | T | Buy | 11/15/22 | N | | |
| 22. -Fidelity VIP Total Market Index | | None | M | T | Buy | 11/15/22 | M | | |
| 23. -Fidelity VIP International Index | | None | M | T | Buy | 11/15/22 | M | | |
| 24. Virginia Retirement System ORP Blackrock Target 2040 | | None | | | Sold | 12/13/22 | L | D | |
| 25. VA 457 Retirement Plan (H) | | None | | | | | | | |
| 26. -Blackrock US Bond Fund | | None | M | T | Buy | 11/15/22 | M | | |
| 27. -Blackrock US Stock Fund | | None | M | T | Buy | 11/15/22 | M | | |
| 28. -Blackrock International Stock Fund | | None | L | T | Buy | 11/15/22 | L | | |
| 29. -Blackrock Target Date 2040 | | None | | | Sold | 11/15/22 | N | E | |
| 30. VA Ret. System 401(a) cash match plan Blackrock Target 2040 | | None | | | Sold | 11/08/22 | J | A | |
| 31. Fidelity Rollover 1 (H) | | | | | | | | | |
| 32. -Fidelity Freedom 2040 FFFFX | | None | | | Sold | 11/14/22 | N | G | |
| 33. -Fidelity Govt Cash Reserves FDRXX | A | Dividend | | | Buy | 11/14/22 | N | | |
| 34. | | | | | Sold | 11/14/22 | N | | |

| | | | | | |
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| 35. Virginia 529 Plan Target Date 2027 Portfolio | | None | K | T | | | | | |
| 36. Health Equity Trust Company Health Savings Account (H) | | | | | | | | | |
| 37. -Vanguard Total Intl Stock VTABX | | None | | | Sold | 12/30/22 | J | | |
| 38. -Vanguard Emerging Markets Index VEMIX | | None | | | Sold | 12/30/22 | J | | |
| 39. -Vanguard Total Intl Stock IndexVTPSX | | None | | | Sold | 12/30/22 | J | | |
| 40. -Vanguard Inst Index Plus VIIIX | | None | | | Sold | 12/30/22 | K | | |
| 41. - Vanguard Total Bond Market Fund VBMPX | | None | K | T | Buy | 12/30/22 | K | | |
| 42. -Cash Balance Account Health Equity Trust HSA | | None | J | T | | | | | |
| 43. Fidelity Rollover 2 (H) | | | | | | | | | |
| 44. -Fidelity Govt Money Market SPAXX | A | Dividend | J | T | Sold (part) | 12/29/22 | L | | |
| 45. | | | | | Sold (part) | 12/30/22 | M | | |
| 46. -Fidelity Freedom Index 2065 FFIJX | B | Dividend | N | T | Buy | 12/29/22 | L | | |
| 47. | | | | | Buy (add'l) | 12/30/22 | M | | |
| 48. Fidelity Rollover 3 (H) | | | | | | | | | |
| 49. -Fidelity Freedom Index 2065 FFIJX | | None | N | T | Buy | 12/29/22 | L | | |
| 50. | | None | | | Buy (add'l) | 12/30/22 | M | | |
| 51. -Fidelity Freedom Index 2040 | D | Dividend | | | Sold (part) | 12/29/22 | L | C | |

| | | | | | |
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| 52. | - | | | | | Sold | 12/30/22 | M | C | |
| 53. | Fidelity Rollover 4 Fidelity Money Market SPAXX | | None | M | T | Buy | 12/30/22 | M | | |
| 54. | Fidelity Roth 2 (H) | | | | | | | | | |
| 55. | -Fidelity Emerging Markets Index Fund | A | Dividend | K | T | Buy | 12/28/22 | K | | |
| 56. | -Fidelity Zero Large Cap Index Fund | A | Dividend | | | Sold | 12/28/22 | K | | |
| 57. | -Fidelity Short Term Bond Index | A | Dividend | | | Sold | 12/28/22 | J | | |
| 58. | -Fidelity Zero International Index | A | Dividend | | | Sold | 12/28/22 | J | | |
| 59. | John Hancock 401(k) Washington Mutual Growth Fund | | None | J | T | | | | | |
| 60. | Bank of America Checking Account | | None | J | T | | | | | |
| 61. | Capital One Savings Account | A | Interest | M | T | Open | 12/03/22 | M | | |
| 62. | Rollover IRA 5 FDIC Insured Cash Sweep Account | A | Interest | J | T | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
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| | U =Book Value | V =Other | W =Estimated | | |

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

| Name of Person Reporting | Date of Report |
|---|---|
| **Heytens, Toby** | 03/23/2023 |

## 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. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.**

**Signature: s/ Toby Heytens**

**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