

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge William J. Martinez**

Civil Action No. 1:16-cv-0154-WJM-KLM

CHOICE GENETICS USA, LLC, an Iowa limited liability company,

Plaintiff,

v.

THE PEETZ CO-OPERATIVE COMPANY, a Colorado cooperative,

Defendant.

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**AMENDED<sup>1</sup> ORDER**

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This matter comes before the Court *sua sponte*. Attorney Jeffrey S. Pagliuca, of the law firm Haddon, Morgan and Foreman, P.C. (the “Haddon Firm”), has entered his appearance in this case, representing Plaintiff Choice Genetics USA, LLC. It is the Court’s understanding that Attorney Jamie Hubbard is employed as an Associate Attorney with the Haddon Firm. Ms. Hubbard was the undersigned’s Career Law Clerk from May 2011 through February 2015. Given how recently Ms. Hubbard was a law clerk in the undersigned’s Chambers, and in an effort to avoid even the appearance of any possible bias or prejudice on the part of the undersigned in favor of any party to this case, the Court Orders as follows:

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<sup>1</sup> The Court’s original Order is amended to extend the time within which the Defendant may file a Suggestion of Recusal, given that it has to date not been served with service of process. The Court notes that this action was filed three months ago, and the record reflects no effort on the part of Plaintiff to effect service during this period. In the view of the undersigned, as she manages the future deadlines to be imposed during the pretrial phase of this litigation, the Magistrate Judge would do well to take into account the not insignificant delay in the prosecution of this case already occasioned by the Plaintiff.

1. On or before April 22, 2016, Attorney Pagliuca shall file with this Court a Report summarizing in detail all steps the Haddon Firm has taken, or in the immediate future will take, to eliminate to the fullest extent practicable any grounds upon which the undersigned should reasonably consider his recusal from this case. The steps to be implemented by the Haddon Firm must include, at a minimum, procedures which will preclude Ms. Hubbard from: (a) having any access to any information about this case; (b) assisting in the representation of Choice Genetics USA, LLC; and (c) being involved in or consulted with in regards to any tactical or strategic decision the Haddon Firm may make in the course of its representation of Choice Genetics USA, LLC.

2. Notwithstanding any Report filed by the Haddon Firm in compliance with this Order, the Defendant has up to seven days after any counsel first files an entry of appearance on its behalf, within which to suggest the appropriateness of my recusal from this case, to include the factual grounds and law, if any there be, in support of such a suggestion.

Dated this 20<sup>th</sup> day of April, 2016.

BY THE COURT:



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William J. Martinez  
United States District Judge