

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

MINING ROCK EXCAVATION AND  
CONSTRUCTION LLC

PLAINTIFF/  
COUNTER-DEFENDANT

v.

No. 3:16-cv-297-DPM


TERRAFIRM CONSTRUCTION LLC,  
A Mahan Company

DEFENDANT  
COUNTER-PLAINTIFF

ORDER

The Burlington Northern Santa Fe Railway Company is on my recusal list. My former law firm and I represented the railroad (and one of its predecessors) in many cases and matters. According to the motion papers, the railroad owns the bridge where the disputed drill is working and the railroad has interests in the project. While my disqualification could be waived, the pending TRO motion means there's no time for the parties to pause, reflect, and decide about whether to waive. I therefore recuse. The Clerk must reassign this case at random by chip exchange.

So Ordered.

  
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D.P. Marshall Jr.  
United States District Judge

21 October 2016