

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

**CLEO WATKINS; PYLES FAMILY FARMS
LLC; VICTOR HUTCHERSON; ALVELLA
HUTCHERSON; HELEN KNIGHT;
MICHAEL WATKINS; BETTY WATKINS;
and GEORGE CARNEY**

PLAINTIFFS

v. No. 3:17-cv-272-DPM

**LAWRENCE COUNTY, ARKANSAS;
JOHN THOMISON, in his official capacity
as County Judge of Lawrence County,
Arkansas; and WILLIAM POWELL, DONALD
RICHEY, LLOYD CLARK, HEATH DAVIS,
ERNEST BRINER, RONALD INGRAM,
TRACY MOORE, KENNY JONES, and
ALEX LATHAM, all in their official
capacities as members of the Lawrence
County Quorum Court**

DEFENDANTS

ORDER

This week I started work on the pretrial motions and have hit an embedded recusal issue. The recent filings make clear that the farmers' expert, Jim Grisham, is an important witness. The County seeks to exclude his proposed damages testimony, which also figures in other pending motions.

I know Jim. His wife, Frankie, and I served together on the board of directors of the Jonesboro Church Health Center from 1999 to 2007.

She was secretary for many years; I was president in 2005–2006. In the early 2000s, I was the chair of the JCHC’s annual peach drive fundraiser. Frankie and Jim were involved. I continued to help on peach delivery day until four or five years ago. Jim has helped on delivery day for as long as I can remember. Frankie has volunteered at JCHC for decades and still does. I see them at the grocery store regularly. We chat, and Frankie periodically gives me a JCHC update. I don’t recall ever socializing with the Grishams. Our connection through JCHC, though, is longstanding.

I conclude that I could be impartial on the Grisham-related issues in this case. But, an informed observer—a person on the street corner who is neither overly suspicious nor overly trusting—could reasonably question my impartiality in these circumstances. 28 U.S.C. § 455(a).

Therefore, unless all parties waive any Grisham-related conflict by 1 November 2019, I will recuse and the Clerk will reassign this case at random. Do not file any waiver on the docket or otherwise communicate your decision to me. Instead, write directly to the Clerk of Court.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

24 October 2019