

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

**BIGGE CRANE AND RIGGING CO.**

**PLAINTIFF**

**v.**

**No. 4:14-cv-298-DPM**

**ENTERGY OPERATIONS INC.;**  
**and ENTERGY ARKANSAS INC.**

**DEFENDANTS**

**ORDER**

The case is stayed while I consider a recusal issue. I've been reviewing the filings. They have reminded me that, about a year ago, Charlie Schlumberger telephoned me about a personal matter and then talked about this litigation at the end of the call. I don't remember details, but he described the collapse of some equipment at Nuclear One. He said he had been very busy representing Entergy in connection with the accident and complicated litigation in an Arkansas court. I think he mentioned a Nuclear Regulatory Commission investigation. He didn't say anything about a pending federal case in Florida. I didn't comment on the litigation. I formed no conclusions about the facts or the law. And the conversation passed from my mind until I began reviewing the filings in this case, which was recently transferred here from the Middle District of Florida. I'm concerned, though, that a reasonable

person, knowing about this call last year, might question my impartiality in presiding over this related case now. 28 U.S.C. § 455(a). There must not be any cloud over this Court's rulings.

I will, therefore, recuse unless all parties inform the Clerk in writing by 9 July 2014 that they waive any basis for disqualification arising from the telephone call. 28 U.S.C. § 455(e). Do not inform me or my chambers of your client's decision; please communicate only with the Clerk of Court about this. The Clerk will file something of record after all parties have responded to him. Case stayed until further Order.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

26 June 2014