

# HUSCH BLACKWELL

Jason C. Smith  
Partner

901 St. Louis Street, Suite 1800  
Springfield, MO 65806  
Direct: 417.268.4131  
Fax: 417.268.4040  
jason.smith@huschblackwell.com

March 27, 2014

***Via Email: [TLB\\_info@arwd.uscourts.gov](mailto:TLB_info@arwd.uscourts.gov)  
and U.S. Mail***

The Honorable Timothy L. Brooks  
John Paul Hammerschmidt Federal Building  
35 East Mountain, Suite 510  
Fayetteville, AR 72701

***Re: Tracy Ramthun et al. v. Bryan Career College-Incorporated d/b/a Bryan  
College et al.; Case No. 5:13-cv-05039***

Dear Judge Brooks:

This case was assigned to you on March 13, 2014. I represent the defendant, along with Virginia Fry, Derek Ankrom, and Steve Gombos. Alan Lane, Matt Lindsay, and Monte Sharits, with the Odom Law Firm, are counsel of record for the plaintiffs. The case involves claims made by three former Bryan University students requesting, among other things, reimbursement of all tuition they paid to Bryan University. Plaintiffs seek certification of a class of all former Bryan University students for the period commencing five years prior to the date of filing their Complaint. Plaintiffs also seek a declaratory judgment relating to enforceability of the arbitration agreement they each signed. While we dispute the plaintiffs' claims, this case subjects my client to substantial legal expenses as well as significant - and potentially ruinous - financial exposure.

We understand that prior to your appointment to the bench, you practiced law with the firm of Taylor Law Partners, LLP in Fayetteville. Plaintiffs' counsel has advised us that they consulted with Stevan Vowell and William Putman of Taylor Law Partners about this case on four occasions while you practiced law there. During those consultations, Taylor Law Partners apparently provided substantive feedback concerning the plaintiffs' Complaint, the causes of actions alleged therein, and the enforceability of the arbitration agreement at issue. Taylor Law Partners advised plaintiffs' counsel that they would like to participate in this litigation on behalf of the plaintiffs. Plaintiffs' counsel and Taylor Law Partners discussed that Taylor Law Partners would assist with motion practice, while plaintiffs' counsel would be responsible for all discovery. Plaintiffs' counsel has indicated that Taylor Law Partners analyzed the Complaint

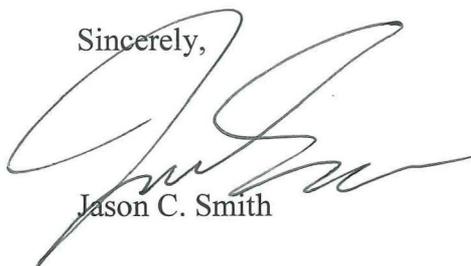
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and plaintiffs' Initial Disclosures, and also that Mr. Vowell met with plaintiff Tracy Ramthun prior to her deposition.

I do not write to suggest that you would act inappropriately or without impartiality. However, there is much at stake for both sides in this case, and even the appearance of impartiality should be avoided if possible. As a result of Taylor Law Partners' involvement in this case, we request on behalf of our client that you recuse on the Court's own motion, pursuant to 28 U.S.C. § 455(a) and (b)(2).

Sincerely,

A handwritten signature in black ink, appearing to read "Jason C. Smith", is written over the typed name.

Jason C. Smith

JCS/kjg

c: Client  
M. Sharits  
A. Lane  
M. Lindsay