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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MICHAEL OWENS,
Plaintiff,

CASE NO. CV F 11-0335 LJO GSA

vs.

**ORDER TO ADDRESS COURT'S
RELATIONSHIP WITH DEFENSE COUNSEL**

STEPHEN B. CHASKO,
Defendant.

_____/

This Court has reviewed F.R.Civ.P. 12(b)(2) motion to dismiss papers signed by defense counsel Jared Marshall ("Mr. Marshall"). Although the below facts of Mr. Marshall's relationship with this Court have no bearing on the Court's decisions (i.e. actual impropriety), this Court is nonetheless concerned about the appearance of impropriety. Thus, the Court divulges the following two factors, and gives plaintiff's counsel the opportunity to indicate whether or not he and/or his client are concerned about the relationship. If so, plaintiff's counsel needs only indicate the concern in a one-line response, and this Court will recuse itself. The two factors are:

1. Mr. Marshall completed a multi-month externship with this Court which terminated in February after Mr. Marshall entered private practice; and
2. Mr. Marshall is a close friend of this Court's daughter.

This Court DIRECTS plaintiff's counsel, no later than March 11, 2011, to respond to this order.

IT IS SO ORDERED.

Dated: March 7, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE