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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BURT XAVIER and JAMES FRANKLIN,
individually and on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

PHILIP MORRIS USA INC., a Virginia
corporation,

Defendant.

No. C 10-02067 WHA

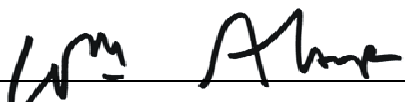
**ORDER RE DEFENDANT'S
REQUEST FOR RECUSAL**

On April 1, defendant filed a motion for recusal of the undersigned judge (Dkt. No. 91). Any response from plaintiffs is due at **NOON ON APRIL 8, 2011**. After that time, the clerk shall refer the motion to another judge for decision.

In the interests of full disclosure, the assigned judge's mother died in 1974 from lung cancer caused by smoking. She smoked mainly Salems. The assigned judge mentioned this as a disclosure but is certain it will have no influence on his decisions in this matter.

IT IS SO ORDERED.

Dated: April 2, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE