

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JSR MICRO, INC.,

Plaintiff,

No. C 09-3044 PJH

v.

QBE INSURANCE CORPORATION,

Defendant.

**ORDER WITHDRAWING REFERRAL
AND RE-REFERRING ACTION TO
MAGISTRATE JUDGE**

On October 7, 2010, Magistrate Judge Laporte – who has thus far presided over all discovery matters in the action – filed an order of recusal, in response to defendants’ allegations of bias on the part of the Magistrate Judge. The recusal order found defendants’ allegations to be without merit, but recusal warranted nonetheless, in an effort to avoid even the appearance of bias.

In light of the foregoing recusal order, the court hereby WITHDRAWS the January 15, 2010 order referring all discovery to Judge Laporte. Pursuant to Local Rule 72-1, this action is now RE-REFERRED to Magistrate Judge Beeler for resolution of all pending and further discovery.

As referenced by Magistrate Judge Laporte’s recusal order and the parties’ recent filings, the following specific matters are expressly included within the scope of this order and reassigned for Judge Beeler’s resolution: (1) the motion for protective order that remains pending among the parties; (2) the propriety of a continued stay on two depositions pending a ruling on the motion for protective order; and (3) plaintiff’s further motion to compel supplemental written discovery responses and deposition testimony (filed October 8, 2010). To the extent other discovery matters not listed herein remain

1 outstanding between the parties, these matters – and all future discovery matters – are
2 also referred to Judge Beeler for resolution.

3 Notwithstanding the court's re-referral of this action to a different Magistrate Judge,
4 the court duly notes – and is dismayed and displeased by – the unusually adversarial and
5 uncooperative conduct between the parties that appears to have contributed to the prior
6 Magistrate Judge's recusal, and further necessitated this court's intervention and re-referral
7 of the action.

8 The court will address both the parties' conduct and the re-referral ordered herein, at
9 the November 3, 2010 hearing to be held in conjunction with defendant's motion for leave
10 to file a first amended answer and first amended counterclaim.

11
12 **IT IS SO ORDERED.**

13 Dated: October 20, 2010



PHYLLIS J. HAMILTON
United States District Judge