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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 RYAN CORLEY, et al.,
8 Plaintiffs,
9 v.
10 GOOGLE, INC.,
11 Defendant.

Case No. [5:16-cv-00473-LHK](#)

**ORDER GRANTING REQUEST FOR
RECUSAL**

(Re: Docket No. 95)

12
13 A short while ago, I announced my intention to resign on June 3 to take a position at
14 Facebook, Inc. Since then, I have been touched by the many emails, phone calls, and yes,
15 Facebook posts offering me warm congratulations and good wishes. One congratulatory note,
16 however, stands out—a letter from Plaintiffs’ counsel asking that I consider recusing myself from
17 this case.¹

18 I want to be clear that I bear Mr. Gallo no ill will for his request. On the contrary, I
19 commend him as a lawyer committed to his primary responsibility of protecting the interests of his
20 clients. But as much as I respect Mr. Gallo, I struggle to understand the basis for his request. The
21 letter articulates no basis other than the fact that my new employer may hold certain views about
22 protecting confidential information in cases such as this.² And yet Facebook is not the defendant
23 in this case—Google is. In fact, Facebook is not a party of any kind. The most that can be said of
24 my future employer is that, like, Google, it provides a global social network with a certain public

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26 ¹ See Docket No. 95.

27 ² See id.

1 profile and a certain litigation experience. Those similarities by themselves come nowhere close
2 to meeting the requirement under 28 U.S.C. § 455(a) that my impartiality might reasonably be
3 questioned.

4 Still, I am mindful that the goal of Section 455 is “to avoid even the appearance of
5 partiality,” even where no partiality exists.³ Put another way, parties appearing before this or any
6 other court deserve reasonable assurances that, when ruling on even the least significant
7 procedural matter, their judge is not thinking even one bit of anything other than the merits of their
8 positions under the law. And so at the risk of erring on the side of caution and unnecessarily
9 burdening my already overburdened colleagues on this bench, I GRANT Mr. Gallo’s request,
10 recuse myself from this matter and ORDER that the Clerk reassign discovery matters in this case
11 without delay.

12 I must indulge in a final word to whichever magistrate judge colleague finds this pile
13 dropped on his desk. Under ordinary circumstances, I would buy you lunch for this inconvenience
14 as a small token of my appreciation. But the present circumstances suggest that even such a
15 limited gesture might be misinterpreted. So rather than giving you lunch, I give you something far
16 more modest, but just as heartfelt: my thanks.

17 **SO ORDERED.**

18 Dated: May 23, 2016

19 
20 PAUL S. GREWAL
21 United States Magistrate Judge

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26 _____
27 ³ Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 860 (1988) (internal quotations
28 omitted).