

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action Number 06-cv-02164-RPM

JAMES FRANKLIN on behalf of the
STATE OF COLORADO,

Plaintiff,

v.

MERCK & CO., INC.,

Defendant.

ORDER OF RECUSAL

Because my wife is a stockholder of defendant Merck & Co., Inc., I must recuse myself from handling this case. It is therefore

ORDERED that the Clerk shall reassign this case to another judge.

DATED: October 30, 2006.

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge