

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Robert E. Blackburn, Judge**

Civil Case No. 08-cv-02648-REB-KMT

CRESSA SULLIVAN

Plaintiff,

v.

I-FLOW CORPORATION,
DJO, INCORPORATED, f/k/a DJ ORTHOPEDICS, INC.,
REABLE THERAPEUTICS, LLC,
ASTRAZENECA PHARMACEUTICALS, LP,
ASTRAZENECA LP, nd
ZENECA HOLDINGS, INC.,

Defendants.

ORDER OF RECUSAL

Blackburn, J.

This matter comes before me *sua sponte*. To eschew the appearance of impropriety, I conclude that I must recuse myself from this case.

As a general rule, recusal is required when "a reasonable person armed with the relevant facts would harbor doubts about the judge's impartiality." ***Maez v. Mountain States Telephone & Telegraph, Inc.***, 54 F.3d 1488, 1508 (10th Cir. 1995). Pursuant to 28 U.S.C. § 455, a judge should recuse himself from a case when his participation in the case creates an appearance of impropriety. ***See United States v. Pearson***, 203 F.3d 1243, 1264 (10th Cir. 2000). However, a "judge should not recuse himself on

unsupported, irrational, or highly tenuous speculation.” *Hinman v. Rogers*, 831 F.2d 937, 939 (10th Cir. 1987).

AstraZeneca Pharmaceuticals, LP, AstraZeneca LP, and Zeneca Holdings, Inc., defendants in this lawsuit, are represented by the law firm of Faegre & Benson, LLP-Denver. I have a personal business relationship with an attorney of that firm. Given these circumstances, I am constrained to conclude that I should recuse myself from further participation this case, in an effort to avoid any appearance of impropriety.

THEREFORE, IT IS ORDERED as follows:

1. That under 28 U.S.C. § 455(a), I **RECUSE** myself from this case; and
2. That pursuant to D.C.COLO.LCivR 40.1, the Clerk of the Court shall randomly draw another district judge to be assigned to this case.

Dated January 20, 2009 at Denver, Colorado.

BY THE COURT:

s/ Robert E. Blackburn
Robert E. Blackburn
United States District Judge