

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Case No. 10-CV-00869-WDM-MJW

JENNIFER HEFFERN and DENNIS HEFFERN,

Plaintiffs,

v.

BESART NEZIRAJ,

Defendant.

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**ORDER OF RECUSAL**

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**Michael J. Watanabe, Magistrate Judge**

This case is before the court pursuant to an Order of Reference from Senior District Judge Walker Miller dated April 22, 2010. (Docket No. 2). On June 15, 2010, this court granted defendant Neziraj's request for appointed counsel to the extent that the Clerk of Court was directed to make a good faith effort to try to secure pro bono counsel for defendant Neziraj. (Docket No. 9). Thereafter, on July 13, 2010, defendant Neziraj represented himself pro se at the Rule 16 Scheduling Conference. (Docket No. 16).

In reviewing this case, this court finds that on August 12, 2010, Kevin Kuhn, Esquire, and Christopher P. Montville, Esquire, from the law firm of Wheeler Trigg O'Donnell LLP, entered an appearance as counsel for defendant, Neziraj. Kevin Kuhn, Esquire, was a former partner in the law firm of Montgomery Little Young Campbell & McGrew, P.C. n/k/a Montgomery Little & Soren, P.C. The undersigned discloses that

he was previously employed as an attorney for the law firm of Montgomery Little Young Campbell & McGrew, P.C. n/k/a Montgomery Little & Soren, P.C., and worked very closely on a number of cases with Kevin Kuhn, Esquire. Moreover, the undersigned does frequently socialize with Mr. Kuhn.

Accordingly, pursuant to 28 U.S.C. § 455, the undersigned recuses himself for services in the above-captioned matter since this court's impartiality might reasonably be questioned. This court directs that this case be returned to the Clerk of Court for reassignment by random draw for a new Magistrate Judge.

Dated this 10th day of September 2010, in Denver, Colorado.

BY THE COURT

S/ Michael J. Watanabe

Michael J. Watanabe  
U.S. Magistrate Judge