

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00859-WJM-KLM

AMERICAN TRADITION INSTITUTE,  
AMERICAN TRADITION PARTNERSHIP, and  
ROD LUECK,

Plaintiffs,

v.

THE STATE OF COLORADO,  
JOHN HICKENLOOPER, individually and in his official capacity as Governor of Colorado,  
BARBARA J. KELLEY, individually and in her official capacity as the Executive Director of  
the Colorado Department of Regulatory Agencies,  
JOSHUA EPEL, individually and in his official capacity as Chairman of the Colorado Public  
Utilities Commission,  
JAMES TARPEY, individually and in his official capacity as a Commissioner of the  
Colorado Public Utilities Commission,  
MATT BAKER, individually and in his official capacity as a Commissioner of the Colorado  
Public Utilities Commission, and  
DOUG DEAN, individually and in his official capacity as Director of the Colorado Public  
Utilities Commission,

Defendants.

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**ORDER OF RECUSAL**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This case was drawn and subsequently referred [Docket No. 10] to me by District Judge William J. Martínez for pretrial case management. Although I am fully confident that I am able to fairly, impartially, and disinterestedly adjudicate any issues that may come before me in this matter, 28 U.S.C. § 455(a) instructs that a Magistrate Judge “shall disqualify [her]self in any proceeding in which [her] impartiality might reasonably be questioned.” In view of my new career law clerk Nicole Salamander’s longstanding friendship with Attorney Erin Overturf, counsel of record for Defendants, see *Notice of Entry of Appearance* [Docket No. 14], and in order to avoid the appearance of impropriety, I hereby recuse myself from this matter. Accordingly,

IT IS **ORDERED** that the Clerk of the Court shall assign another Magistrate Judge to this case.

Dated at Denver, Colorado, this 29th day of August, 2011.

BY THE COURT:

s/ Kristen L. Mix  
Kristen L. Mix  
United States Magistrate Judge