

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02765-WJM-MJW

DALIP BASANTI,

Plaintiff,

v.

JEFFREY METCALF, M.D., JASON ROZESKI, M.D. AND PLATTE VALLEY MEDICAL
CENTER,

Defendants.

ORDER OF RECUSAL

Michael J. Watanabe, Magistrate Judge

This case is before the Court pursuant to an Order of Reference from District Judge William J. Martinez dated October 26, 2011. In reviewing this case, this Court finds that one of the named defendants, Jason Rozeski, M.D., is now being represented by Kevin Kuhn, Esquire, from the law firm of Wheeler Trigg O'Donnell, LLP. Mr. Kuhn entered his appearance in this case on December 14, 2011. See docket no. 14.

Magistrate Judge Michael J. Watanabe discloses that he and Mr. Kuhn were previously employed as attorneys 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 each other. Moreover, Magistrate Judge Watanabe does frequently socialize with Kevin Kuhn. The Court further notes that at the time this Court entered its Minute Order Setting Scheduling/Planning Conference, Mr. Kuhn had not entered his appearance on behalf of defendant, Jason Rozeski, M.D.

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. The Rule 16 Scheduling Conference set on January 27, 2012, at 9:00 a.m. before Magistrate Judge Watanabe is VACATED. 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 15th day of December 2011 in Denver, Colorado.

BY THE COURT

S/Michael J. Watanabe
Michael J. Watanabe
U.S. Magistrate Judge