

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED TECHNOLOGIES CORP.	:	
	:	
v.	:	CIVIL ACTION NO.
	:	3:10 CV 1523 (SRU)
ROLLS-ROYCE PLC	:	

NOTICE AND ORDER

In the late 1990s, I was one of several lawyers at Day, Berry & Howard LLP who represented Pratt & Whitney, a subsidiary of United Technologies Corp. (which may also have been a party), in a lawsuit brought by Chromalloy Gas Turbine Corp. Lawyers from the Bartlit, Beck firm served as co-counsel representing Pratt & Whitney. In essence, Chromalloy alleged that Pratt & Whitney sought to squeeze it out of the market for the repair of JT8D jet engines by, among other things, eliminating repair specifications from engine repair manuals and, as I recall, restricting use by Chromalloy of a special coating process used to maintain and repair fan blades in jet engines. I believe that the lawsuit was still pending when I left private practice to take the bench in September 1999.

Because this case involves claims involving Pratt & Whitney jet engines and because of the involvement of the Bartlit, Beck firm, I decided to disclose my prior role. I note that I did not develop a long-lasting relationship with anyone working at Pratt & Whitney or with any lawyer at Bartlit, Beck. Indeed, I do not recall speaking with anyone from Pratt & Whitney or Bartlit, Beck since becoming a judge. Having made an examination of the particular circumstances of this case, I do not believe that my prior representation of Pratt & Whitney along with Bartlit, Beck warrants my recusal from this case. Accordingly, I do not intend to recuse myself.

This Notice is intended to provide all parties in the case with sufficient information to evaluate whether to move for my disqualification from this case, and to permit the early filing of any such motion, thereby avoiding the waste of judicial resources that would result from disqualification after I had devoted significant time and attention to this case. Any party wishing to file such a motion based on the facts set forth in this Notice should do so within twenty days from the docketing of this Notice. Any party wishing to bring to my attention facts that I have overlooked or about which I may be unaware may do so at any time, but should do so promptly after learning those facts. Upon receipt of any such motion or additional facts, I will consider the question of recusal anew.

So ordered this 12th day of November 2010 at Bridgeport, Connecticut.

/s/ Stefan R. Underhill

Stefan R. Underhill
United States District Judge