

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 09-20756-CIV-SEITZ/TURNOFF

UNITED STATES OF AMERICA,  
*ex rel.* CARLOS URQUILLA DIAZ, *et al.*,

Plaintiffs,

v.

KAPLAN UNIVERSITY, *et al.*,

Defendants.

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**ORDER DENYING MOTION FOR DISQUALIFICATION**

THIS MATTER is before the Court on Relator Jude Gillespie's Motion for Disqualification of District Court Pursuant to 28 U.S.C. § 144 and 28 U.S.C. § 455 [DE-530]. Gillespie, apparently dissatisfied with many of the Court's rulings in this matter, seeks to have the undersigned recuse herself from this case. Gillespie appears to raise three arguments in favor of disqualification: (1) he is dissatisfied with the Court's rulings on his recent motions; (2) more than 30 years ago the undersigned represented the former parent company of Defendants, The Washington Post Co.; and (3) the undersigned and her husband have a personal and professional relationship with Senator Bob Graham, the half-brother of the father of the current CEO and chairman of The Washington Post.

First, the Court notes that "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion. . . . Almost invariably, they are proper grounds for appeal, not for recusal." *Liteky v. United States*, 510 U.S. 540, 555 (1994). Gillespie has appealed the summary judgment order, which was affirmed, and is free to appeal the Court's order denying his Renewed Rule 60 Motion to Vacate Summary Judgment and to Reopen Case or any other unfavorable

orders. However, as the Supreme Court has made clear, mere dissatisfaction with a court's orders are not a basis for recusal or disqualification.

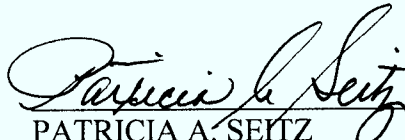
Furthermore, under 28 U.S.C. § 144, any affidavit in support of recusal filed pursuant to this section must be "timely." The undersigned's past representation of The Washington Post Co. and her decades long relationship with Senator Graham are public knowledge, easily discoverable. If Gillespie felt that either, or both, of these situations created a potential conflict of interest, he should have raised them seven years ago when this case was first filed, not after an unfavorable summary judgment decision and affirmance by the Court of Appeals.

Finally, the undersigned's representation of The Washington Post Co. more than 30 years ago and her relationship with Senator Graham are both so far removed from the issues in this matter that they do not and cannot be considered to create any lack of impartiality or bias.

Accordingly, it is

ORDERED that Relator Jude Gillespie's Motion for Disqualification of District Court Pursuant to 28 U.S.C. § 144 and 28 U.S.C. § 455 [DE-530] is DENIED.

DONE and ORDERED in Miami, Florida, this 13<sup>TH</sup> day of September, 2016.

  
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PATRICIA A. SEITZ  
UNITED STATES DISTRICT JUDGE

cc: All counsel of record