

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

WHITESELL CORPORATION,

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Plaintiff,

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v.

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CV 103-050

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ELECTROLUX HOME PRODUCTS, INC.,

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HUSQVARNA, A.B., and HUSQVARNA

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OUTDOOR PRODUCTS, INC.,

*

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Defendants.

ORDER

Presently before the Court is Plaintiff Whitesell Corporation's motion to recuse the undersigned judge from this case and have the case transferred out of the Southern District of Georgia. The grounds set forth by Whitesell in support of its motion are wholly without merit, and in some respects, misleading. The Court will not indulge the motion any more than is necessary to dispose of it.

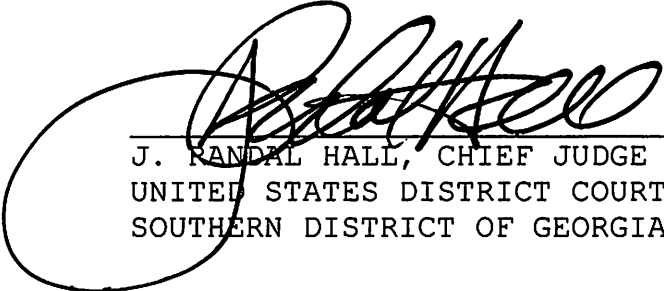
The majority of Whitesell's motion focuses on the events that occurred while the Honorable Dudley H. Bowen, Jr. presided over the case over six years ago. The Court found no error in the prior conduct of the case when it denied Whitesell's motion to vacate all substantive Orders entered by Judge Bowen on October 21, 2015. (Doc. No. 728.) Whitesell has brought nothing new to bear on this subject in its current motion.

The remainder of its motion focuses on the presiding judge's management of the case and certain substantive rulings, principal among them its recent Order striking Whitesell's lost profits claim. The Court's extensive and attentive involvement in this case is reflected in the record. Moreover, "[a]dverse rulings alone do not provide a party with a basis for holding that the court's impartiality is in doubt." Byrne v. Nezhat, 261 F.3d 1075, 1102-03 (11th Cir. 2001), abrogated on other grounds by Douglas Asphalt Co. v. QORE, Inc., 657 F/3d 1146 (11th Cir. 2011); see also Johnson v. Monaco, 350 F. App'x 324, 327 (11th Cir. 2009) ("[A]dverse rulings alone . . . are insufficient to demonstrate a court's impartiality absent a showing of pervasive bias.").

Finally, Whitesell's implication that the undersigned judge is in a conspiracy with Judge Bowen to deny Whitesell due process is simply beyond the pale.

Upon due consideration, Plaintiff Whitesell Corporation's motion to recuse (doc. no. 1226) is **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 6th day of August, 2019.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA