

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

**COAST TO COAST ENGINEERING
SERVICES, INC.,**)
PLAINTIFF)
v.)
ROBERT ROOP, ET AL.,)
DEFENDANTS)
CIVIL No. 2:16-cv-54-DBH

PROCEDURAL ORDER

In preparing for oral argument on the pending motions and for trial later this month and, in particular, upon reading the parties' lists of potential witnesses, I have become aware that I am somewhat acquainted with two of the witnesses. I do not believe that the level of my acquaintance requires me to recuse myself under the standards of 28 U.S.C. § 455 or the Code of Conduct. Nevertheless, I consider it best to disclose the acquaintance and determine whether any party is concerned.

1. Witness David Verrill—if this is the David Verrill who formerly lived in Cape Elizabeth and was a certified public accountant, he was my accountant in the 1970s, we had offices in the same building while I was in private practice, and we and our spouses socialized from time to time then. I do not believe I have seen him in the past 30 years except for a couple of summers ago when we found ourselves on the same Casco Bay ferry en route to Peaks Island and exchanged greetings and information about our children and grandchildren.

2. Witness Alan Mooney—he did a home inspection for our home in Cape Elizabeth in the mid-1970s, later did a home inspection for a property we purchased on Vinalhaven (around 1980) and did an engineering report about a bearing wall when we renovated our Cape Elizabeth kitchen in the late 1990s. The latter may have been under the auspices of Criterium Engineering, I do not recall. I do not believe I have had any dealings with him since that time.

Because the court was closed yesterday due to the severe snowstorm, I was unable to post this disclosure until now. Oral argument is scheduled on the pending motions for this afternoon. If any party seeks recusal after consulting with their respective clients, that party shall promptly request the Clerk's office to postpone the oral argument.

So ORDERED.

DATED THIS 14TH DAY OF FEBRUARY, 2017

/S/D. BROCK HORNBY

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE