

FILED

AUG 21 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CLAUDIA J. LARSON,

Plaintiff,

v.

GRANITE STATE INSURANCE
COMPANY, a New Hampshire
Corporation, and JOHN DOES,
NOS. 1 AND 2,

Defendants.

CV 18-98-M-DWM

ORDER

Defendant Granite State Insurance Company moves for recusal and reassignment pursuant to 28 U.S.C. § 455. The motion is unopposed.

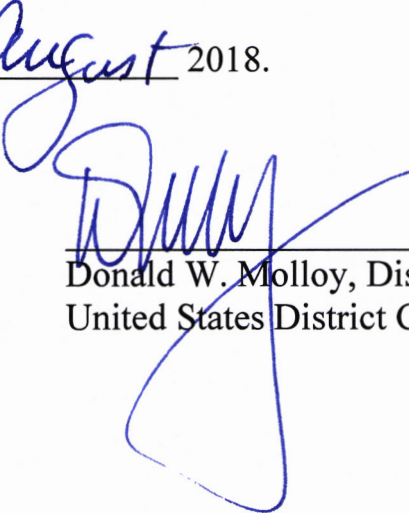
Section 455(b)(5)(iv) provides that a federal judicial officer shall recuse himself from any proceeding in which “a person within the third degree of relationship to [him], or the spouse of such a person . . . [i]s to the judge’s knowledge likely to be a material witness in the proceeding.” *See also Mangini v. United States*, 314 F.3d 1158, 1161–62 (9th Cir. 2003).

The attorney who represented Plaintiff Claudia Larson in the underlying personal injury action may be a material witness in this case, in which Larson has alleged that Granite State violated Montana’s Unfair Trade Practices Act, Montana Code Annotated §§ 33–18–201 *et seq.* The attorney is the spouse of “a person

within the third degree of relationship to” the undersigned. Consequently, 28 U.S.C. § 455(b)(5)(iv) requires recusal and reassignment of this matter to another judge of the District. Accordingly,

IT IS ORDERED that the motion (Doc. 10) is GRANTED. Pursuant to 28 U.S.C. § 455(b)(5)(iv), the undersigned hereby recuses himself from the above-captioned matter. The Clerk of Court is directed to provide a copy of this order to Chief United States District Court Judge Dana L. Christensen upon filing, so that Judge Christensen may re-assign the matter in accordance with Standing Order DLC-40 or as otherwise appropriate.

DATED this 21st day of August 2018.


Donald W. Molloy, District Judge
United States District Court

11:46 A.M.