

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

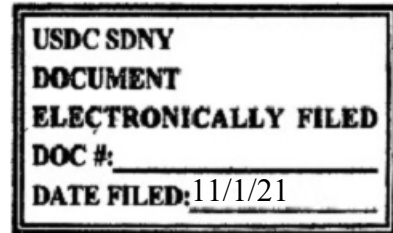
U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

-against-

TRIAXX ASSET MANAGEMENT LLC,
et al.,

Defendants.



18-CV-4044 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

On October 18, 2021, my newest law clerk, Michael Ardeljan, commenced his term. Mr. Ardeljan graduated from law school in 2017 and joined the Court from Cravath, Swaine & Moore LLP, where he was employed for approximately four years as an associate. Shortly before assuming his duties for the Court, Mr. Ardeljan advised me that for approximately six months in 2015 he worked for 1/0 Capital LLC (1/0 Capital), an affiliate of Triaxx Asset Management, LLC and Phoenix Real Estate Solutions, Ltd. (collectively the TAM Parties), and that during this period his supervisor was Nicholas Calamari. In light of his work history, Mr. Ardeljan was screened from the above-entitled action, meaning that it was assigned to a different clerk, who was instructed not to discuss it with Mr. Ardeljan (and vice versa). Other than as necessary to put these arrangements into place, I have not discussed this action with Mr. Ardeljan and will not.

Recently, while finalizing my Order re Trustee's Letter-Motion to Compel (Dkt. No. 386), I noticed, for the first time, that Mr. Ardeljan's name appears in the TAM Parties' privilege logs (Dkt. Nos. 378-1, 315-1).

I do not know whether Mr. Adeljan is a potential witness in this action. On the assumption that he is not, I do not believe that his work history could cause any party to reasonably question my impartiality in this matter, but nonetheless wished the parties to be aware of these circumstances. If any party believes that I should disqualify myself pursuant to 28 U.S.C § 455 (in which event this action would be assigned to a different Magistrate Judge, the parties having consented pursuant to 28 U.S.C. § 636(c)), that party is directed to file its motion papers within two weeks of the date of this Order.

Dated: New York, New York
November 1, 2021

SO ORDERED.

BARBARA MOSES
United States Magistrate Judge