

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE PREMISES AND REAL PROPERTY
WITH ALL BUILDINGS, APPURTENANCES,
AND IMPROVEMENTS, LOCATED AT
6715 GOLF VIEW RISE, VICTOR,
NEW YORK, et al.,

Defendants.

ORDER

10-cv-06308 EAW

SECURITIES & EXCHANGE COMMISSION,

Plaintiff,

v.

CHRISTOPHER WHEELER,
OTCSTOCKEXCHANGE.COM, and
NORTH COAST ADVISORS, LLC,

Defendants.

11-cv-06169 EAW

WHEREAS, the above-captioned matters were transferred to the undersigned by United States District Judge Siragusa on February 18, 2014; and

WHEREAS, the parties have informed the Court that Defendant Christopher Wheeler was previously represented by Wolford & Leclair LLP, a law firm with which the undersigned was a partner through November 1, 2007, and that said prior representation involved an

investigation by the Securities & Exchange Commission in 2006 (hereinafter “2006 SEC investigation”); and

WHEREAS, the parties have further informed the Court that the 2006 SEC investigation involved conduct that was allegedly similar to the conduct at issue in one or more of the above-captioned matters but involving different securities; and

WHEREAS, the parties have further informed the Court that statements made by Mr. Wheeler during the 2006 SEC investigation are being relied upon to pursue relief against Mr. Wheeler in one or more of the above-captioned matters; and

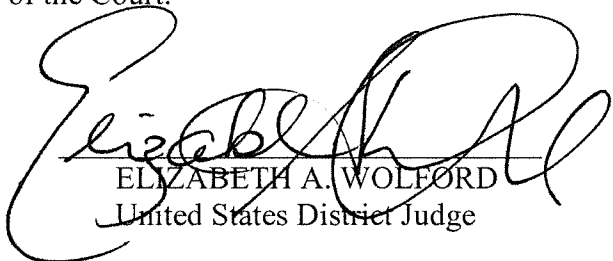
WHEREAS, 28 U.S.C. § 455(b)(2) requires a judge of the United States to recuse himself if “a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter . . .”; and

WHEREAS, the Committee on Codes of Conduct, *Judicial Ethics Compendium* § 3.6-5 provides that if a former client is a party and the “former representation is in any way related to the current litigation, recusal is mandatory no matter how long ago the representation ended . . . ,” (*id.*, §3.6-5(a)) (emphasis added), it is hereby

ORDERED that the undersigned will recuse herself from the above-captioned matters pursuant to 28 U.S.C. § 455(b)(2) and the cases shall be transferred to a judge of the Western District of New York to be selected by the Clerk of the Court.

SO ORDERED.

Dated: February 21, 2014
Rochester, New York


ELIZABETH A. WOLFORD
United States District Judge