

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-00848-FDW-DSC

CARGILL, INC., and CARGILL MEAT)
SOLUTIONS, CORP.,)
)
Plaintiffs,)
)
vs.)
)
WDS, INC., JENNIFER MAIER, and)
BRIAN EWERT,)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court *sua sponte* upon the filing of The Finley Group, Inc’s Motion for Order in Aid of Bankruptcy Proceeding of Diverse Label Printing, LLC. (Doc. No. 456). The Finley Group is represented by Kiah T. Ford, IV of Parker Poe Adams & Bernstein, LLP. (Doc. No. 456). Because of the undersigned’s relationship within the third degree with a partner of Parker Poe Adams & Bernstein, LLP, the Court ordered Kiah T. Ford, IV of Parker Poe Adams & Bernstein, LLP to brief the Court as to whether the undersigned’s brother has “an interest that could be substantially affected by the outcome of the proceeding[.]” 28 U.S.C. § 455(b)(5)(iii). (Doc. No. 459).

Counsel timely complied by filing a detailed response, including declarations from counsel appearing in this matter and the law firm’s managing partner regarding the firm’s limited representation in this proceeding and the minimal amount, if any, the undersigned’s brother is unlikely to, but may, receive from fees in this matter. (Doc. No. 472; Exhibits 2-3). Following

this filing, no other party to this action filed any objection or otherwise responded to this Court's order and counsel's response thereto, and the time for doing so has expired.

For the reasons stated in counsel's filing (Doc. No. 472), as well as the applicable law and supporting materials included in counsel's response (Docs. Nos. 472-1, 472-2, 472-3), the Court concludes there is no basis for recusal in this matter under 28 U.S.C. § 455(b)(5)(iii).

IT IS SO ORDERED.

Signed: September 11, 2018

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

