

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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BOARD OF EDUCATION OF SHELBY	)	
COUNTY, TENNESSEE, et al.,	)	
	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 11-2101
	)	
MEMPHIS CITY BOARD OF	)	
EDUCATION, et al.,	)	
	)	
	)	
Defendants.	)	

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AFFIDAVIT OF RICK MASSON

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I, Rick Masson, being first duly sworn, depose and state as follows:

1. My name is Rick Masson, and I am over the age of eighteen years, of sound mind, and have personal knowledge of the matters contained in my affidavit.

2. I have been approached by the Court for appointment as special master in the case of *Board of Education of Shelby County, Tennessee, et al., v. Memphis City Board of Education, et al.*, Case No. 11-2101 in the United States District Court for the Western District of Tennessee.

3. Twenty-eight U.S.C. § 455 requires disqualification where a special master: (1) has a personal bias or prejudice

concerning a party, or personal knowledge of disputed evidentiary facts about the proceeding; (2) has served as a lawyer in the matter, or a lawyer with whom he has practiced law served during their association as a lawyer concerning the matter, or the special master or the formerly associated lawyer has been a material witness concerning the matter; (3) has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion about the merits of the case; (4) knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding; (5) or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person is: (a) a party to the proceeding, or an officer, director, or trustee of a party; (b) acting as a lawyer in the proceeding; (c) known by the special master to have an interest that could be substantially affected by the outcome of the proceeding; (d) to the special master's knowledge likely to be a material witness in the proceeding.

4. Section 455 also provides that a special master shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

5. I have reviewed 28 U.S.C. § 455 and swear that there are no grounds for disqualifying me under the statute.

FURTHER AFFIANT SAYETH NOT.

Executed on March 5, 2013.

*Rick Masson*  
Rick Masson

Sworn to and subscribed before me this 5<sup>th</sup> day of March, 2013.

*Brenda Parker*

Notary Public

My Commission Expires: 12-16-13

