

**United States District Court  
District of Utah**

**D. Mark Jones**  
Clerk of Court



**Louise S. York**  
Chief Deputy Clerk

**NOTICE CONCERNING WAIVER OF JUDICIAL DISQUALIFICATION**

FROM: Louise S. York, Chief Deputy Clerk                      Date: June 23, 2011  
TO: Counsel of Record/Parties  
RE: 2:11-cv-507 Isys Technologies v. Google, et al.

Canon 3D of the Code of Conduct provides (with exceptions not pertinent to this case) that when a judge is disqualified in a proceeding because “the judge’s impartiality might reasonably be questioned”, the judge may participate in the proceeding if all the parties and lawyers, after notice of the basis for the disqualification, agree in writing to waive the disqualification under a procedure independent of the judge’s participation.

Unless a waiver is obtained from all parties and all counsel, Judge Clark Waddoups intends to disqualify in this proceeding because of these circumstances:

The above referenced case has been reassigned to Judge Clark Waddoups. Because Judge Waddoups’ nephew, Jon E. Waddoups, is an equity partner in the law firm of Kirton & McConkie, Judge Waddoups will not hear cases with counsel participating from that firm, unless all parties and all attorneys consent to his continued participation in the case.

If you and your client(s) wish to waive the judge’s disqualification, responses (*form attached*) to that effect from you and from your client(s) must be sent to me within 14 days of the date of this Notice. The responses should not be sent to the judge and copies should not be sent to other counsel. If all parties and all counsel submit such responses, this Notice and all responses will be made part of the record, as required by Canon 3D, and the judge will continue participation in the proceeding. If a waiver is not received from all parties and all counsel, this Notice and any responses will be kept under seal by the clerk and not shown to the judge, nor will the judge be informed of the identity of any party or lawyer who declined to waive the disqualification. If the disqualification is not waived, the case will be reassigned to another judge.

**Consent to Proceed or Request For Reassignment by the Clerk of Court**  
United States District Court  
District of Utah

Isys Technologies v. Google, et al.  
2:11-cv-507

As attorney of record for \_\_\_\_\_  
(party name(s))

\_\_\_ plaintiff (s) or \_\_\_ defendant (s) in the above-entitled matter, having been informed of his relationship with his nephew, Jon E. Waddoups, who is an equity partner in the law firm of Kirton & McConkie, select the following option:

\_\_\_\_\_ agree to have the matter remain assigned to Judge Clark Waddoups, waiving any objections due to conflict of interest

\_\_\_\_\_ request that the clerk reassign the case

\_\_\_\_\_  
Attorney signature

\_\_\_\_\_  
Print attorney name

If any party or attorney does not consent, the matter will be reassigned. The identity of the parties or attorneys so requesting will not be communicated to Judge Clark Waddoups.

This completed form should not be filed in the case but sent by email to [Louise\\_York@utd.uscourts.gov](mailto:Louise_York@utd.uscourts.gov) or by postal delivery or courier in a sealed envelope addressed to:

Louise York, Chief Deputy Clerk  
US District Court  
District of Utah  
350 South Main Street Room 150  
Salt Lake City, Utah 84101

Forms should be returned by **July 8, 2011**. Notice of the judicial reassignment, if any, will be docketed and sent to the parties.