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THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KATHERINE MOUSSOURIS, HOLLY  
MUENCHOW, and DANA PIERMARINI,  
on behalf of themselves and a class of those  
similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 15-cv-1483 JLR

**RULE 53 DECLARATION OF  
MICHELLE PETERSON**

I declare under penalty of perjury that the following is true and correct:

1. Federal Rule of Civil Procedure 53(b)(3) requires that, prior to the entry of an order appointing a master, the master must file (a) “an affidavit disclosing whether there is any ground for disqualification under 28 U.S.C. § 455; and (b) if a ground is disclosed, the parties, with the court's approval, waive the disqualification.”

2. 28 U.S.C. § 455 provides, in part:

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

1. Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

- 1 2. Where in private practice he served as lawyer in the matter in  
2 controversy, or a lawyer with whom he previously practiced law served  
3 during such association as a lawyer concerning the matter, or the judge  
4 or such lawyer has been a material witness concerning it;
- 5 3. Where he has served in governmental employment and in such capacity  
6 participated as counsel, adviser or material witness concerning the  
7 proceeding or expressed an opinion concerning the merits of the  
8 particular case in controversy;
- 9 4. He knows that he, individually or as a fiduciary, or his spouse or minor  
10 child residing in his household, has a financial interest in the subject  
11 matter in controversy or in a party to the proceeding, or any other interest  
12 that could be substantially affected by the outcome of the proceeding;
- 13 5. He or his spouse, or a person within the third degree of relationship to  
14 either of them, or the spouse of such a person:
- 15 (i) Is a party to the proceeding, or an officer, director, or trustee of a  
16 party;
  - 17 (ii) Is acting as a lawyer in the proceeding;
  - 18 (iii) Is known by the judge to have an interest that could be  
19 substantially affected by the outcome of the proceeding;
  - 20 (iv) Is to the judge's knowledge likely to be a material witness in the  
21 proceeding.

22 3. I am not aware of any ground under § 455 that would disqualify me from  
23 serving as special master in this matter.

24 Executed on April 19, 2017 in Seattle, Washington.

25 MICHELLE PETERSON LAW, PLLC

26 By 

27 Michelle Peterson, WSBA No. 33598  
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