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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ADDIE SMITH,

9 Plaintiff,

10 v.

11 LEGACY PARTNERS INC. ET AL.,

12 Defendants.

CASE NO. 2:21-cv-00629-JHC

ORDER ON REVIEW DECLINING
TO RECUSE

13 On May 5, 2022, Judge John H. Chun issued an Order declining to recuse himself in
14 response to Plaintiff's "Motion to Disqualify and/or Recuse Judge Brian Tsuchida and Judge
15 John Chun." Dkt. #106. In accordance with this Court's Local Rules, this Order was referred to
16 the Chief Judge for review. *See* LCR 3(e).

17 A judge of the United States shall disqualify himself in any proceeding in which his
18 impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall
19 disqualify themselves in circumstances where they have a personal bias or prejudice concerning
20 a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28
21 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a
22 district court makes and files a timely and sufficient affidavit that the judge before whom the
23 matter is pending has a personal bias or prejudice either against him or in favor of any adverse
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1 party, such judge shall proceed no further therein, but another judge shall be assigned to hear
2 such proceeding.” “[A] judge's prior adverse ruling is not sufficient cause for recusal.” *United*
3 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,
4 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an
5 extrajudicial source.”).

6 The Court has reviewed Ms. Smith’s 21-page Motion. She argues Judges Tsuchida and
7 Chun are biased because they have granted Defendants’ Motions in this case. Dissatisfaction
8 with prior judicial rulings is not sufficient cause for recusal. *See Studley, supra*. She spends
9 many pages discussing frustrations with Defendants and their counsel, none of which is relevant
10 to her requested relief. She argues favoritism with the rulings because Defendants have been
11 granted more time for discovery than she has been granted. A Court’s rulings in favor of one
12 party and against another are not sufficient cause for disqualification or recusal—judicial bias
13 must stem from an extrajudicial source.

14 She does not accuse Judge Tsuchida or Judge Chun of having a financial interest in the
15 outcome of this case or of knowing Defendants personally. Instead she expresses her
16 dissatisfaction that her case was transferred from a Black judge “to several Asian judges,” *id.* at
17 2, and states that she “has had experience with Asian judges taking the side of her employers in
18 the past,” *id.* at 3. Ms. Smith is a Black woman who undoubtedly has experienced racism in her
19 life. However, her so-called “experience with Asian judges” has no rational bearing on the
20 impartiality of the judges handling this case. It is insulting to the Court to suggest that a federal
21 judge cannot be impartial solely because of their race.

22 Ms. Smith otherwise fails to otherwise set forth a basis to reasonably question Judge
23 Tsuchida or Judge Chun’s impartiality.

1 Accordingly, the Court hereby finds and ORDERS that Judge Chun's refusal to recuse
2 himself from this matter and denial of Ms. Smith's Motion is AFFIRMED. The Clerk is directed
3 to refer this case back to Judge Chun.

4 DATED this 6th day of May, 2022.

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7 RICARDO S. MARTINEZ
8 CHIEF UNITED STATES DISTRICT JUDGE
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