

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

GORDON RAMEY, II, on behalf
of himself and others similarly situated,

Plaintiff,

v.

CIVIL ACTION NO. 3:09-0353

COMCAST CORPORATION, et al.,

Defendants.

ORDER

This civil action is a putative class action on behalf of “all persons who purchase premium cable services” from Defendant Comcast and related corporate entities. The complaint seeks money damages and injunctive relief for federal and state antitrust violations. Because this action was filed in the Huntington Division of this District Court, it was assigned to me. Upon close review of the allegations and the statutory and administrative guidelines concerning disqualification of judges, I hereby **RECUSE** myself from this case and **DIRECT** the Clerk to promptly reassign it to another judge.

This suit proposed a class action consisting of all persons who purchase cable services from Comcast. Although I am not a named plaintiff, I assume I am a putative member of that class as I am a current subscriber of cable services from Comcast. Under 28 U.S.C. § 455, if a judge or his spouse and minor children have a financial interest, however small, in the matter in controversy, the judge is disqualified. Under the provisions of Canon 3 of the Code of Conduct for Judges, the Committee on Codes of Conduct has issued guidelines applicable to class actions. That guidance

implies that even membership in a putative class may disqualify a judge who has a contractual relationship linked to the proceeding. Out of an abundance of caution, I prefer to recuse myself.

The Clerk is **DIRECTED** to reassign this case and forward copies of the Order to counsel of record and any unrepresented parties.

ENTER: April 30, 2009

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE