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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON STATE REPUBLICAN
PARTY, et al.,

Plaintiffs,

and

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE, et al.,

Plaintiff Intervenors,

and

LIBERTARIAN PARTY OF
WASHINGTON STATE, et al.,

Plaintiff Intervenors,

v.

STATE OF WASHINGTON,

Defendant,

and

WASHINGTON STATE GRANGE,

Defendant Intervenor.

No. C05-927Z

ORDER OF RECUSAL

THIS MATTER comes before the Court in chambers, sua sponte, to consider whether the undersigned judge should continue to handle the above-captioned case. The case is now on remand from the Ninth Circuit, after a decision by the United States Supreme Court. See

1 Wash. State Grange v. Wash. State Republican Party, 128 S.Ct. 1184 (2008); see also
2 Mandate and Order of Remand (docket no. 129). The Court concludes that recusal is
3 appropriate due to the following circumstances.

4 On September 25, 2008, while serving as a member of the Washington State Public
5 Disclosure Commission (“PDC”), Ms. Jane Noland, the undersigned’s spouse, voted to refer
6 to the Washington State Attorney General for appropriate action alleged violations by the
7 Washington State Republican Party (“WSRP”) of state laws concerning a political party’s
8 use of funds exempt from contribution limits. Prior to the vote, Ms. Noland declined the
9 request of Mr. John White, representing the WSRP, that she recuse herself “because of a
10 case pending before Judge Zilly in federal court.” PDC Meeting Minutes at 5, Sept. 25,
11 2008,
12 [http://www.pdc.wa.gov/archive/commissionmeetings/minutesmaterials/pdfs/2008/09.25.08.](http://www.pdc.wa.gov/archive/commissionmeetings/minutesmaterials/pdfs/2008/09.25.08.Minutes.September.pdf)
13 [Minutes.September.pdf](http://www.pdc.wa.gov/archive/commissionmeetings/minutesmaterials/pdfs/2008/09.25.08.Minutes.September.pdf). The WSRP subsequently filed suit against the PDC, its Executive
14 Director, and the members present when the September 25, 2008, vote was taken. In that
15 action, Ms. Noland is sued in both her official and her individual capacities for alleged
16 violation of WSRP’s constitutional rights to freedom of speech and equal protection. The
17 entire Western District of Washington bench has recused and that case is currently pending
18 before the Honorable William Fremming Nielsen, Senior District Judge for the District of
19 Eastern Washington. See Washington State Republican Party v. Washington State Public
20 Disclosure Commission, et al., Case No. 08-cv-5595-WFN.

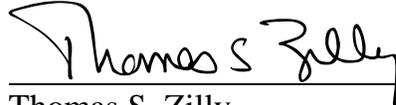
21 28 U.S.C. § 455(a) provides that a judge “shall disqualify himself in any proceeding
22 in which his impartiality might reasonably be questioned.” Because one of the plaintiffs in
23 this action, the Washington State Republican Party, is suing the undersigned’s wife in
24 another pending case, and one of the defendants in this action, the State of Washington, is
25 defending her in that case, the Court concludes that the undersigned’s impartiality could
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1 reasonably be questioned by the parties or the public in general, and that recusal is
2 appropriate.

3 The Court hereby enters this Order of Recusal and directs the Clerk of the Court to
4 randomly reassign the case to another judge in this District.

5 IT IS SO ORDERED.

6 Dated this 24th day of November, 2008.

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8 Thomas S. Zilly
9 United States District Judge

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