

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PAUL PHILLIPS, JR.,)
)
 Plaintiff,)
)
 v.) C.A. No. 01-247 GMS
)
 DAIMLERCHRYSLER)
 CORPORATION,)
)
 Defendant.)

ORDER

On April 13, 2001, the plaintiff, Paul Phillips (“Phillips”), filed the above-captioned action alleging disability and race discrimination in violation of the Americans with Disabilities Act, Title VII and 42 U.S.C. § 1981.¹ The defendant, DaimlerChrysler Corporation (“DaimlerChrysler”), filed a motion for summary judgment on June 3, 2002. In response to this motion, Phillips’ counsel, Jeffrey K. Martin (“Martin”), requests that the court recuse itself from this case. Martin additionally requests that the court recuse itself from all other matters in which he is counsel. The court will now grant these requests.

Although the court notes that Martin’s July 8, 2002 affidavit sets forth numerous alleged bases for his request, the court concludes that only one allegation warrants its recusal. Specifically, in paragraph fifteen of the affidavit, regrettably, Martin states that, “although these cases are supposedly randomly assigned to the Judges of the District Court, each employment discrimination case filed by this counsel since January 2000, has been assigned to this Court.” Due to the inflammatory nature of this allegation, and the serious charge Martin has leveled against the United States District Court, the court concludes that the only appropriate action is its recusal.

¹Phillips has also alleged a state law claim based on detrimental reliance.

For these reasons, IT IS HEREBY ORDERED that:

1. The court shall recuse itself from the above-captioned action, as well as any other matters currently pending, or brought in the future by Jeffrey K. Martin; and
2. The above-captioned action shall be referred to the Chief Judge of the United States District Court for the District of Delaware for reassignment and whatever other action she deems appropriate.

Date: July 17, 2002

Gregory M. Sleet
UNITED STATES DISTRICT JUDGE