

Judge's Recusal Wipes Slate Clean

After issuing two substantive rulings—including a motion to dismiss, partial summary judgment, and a cross-motion to amend the complaint—the CFC judge assigned to *Demodulation, Inc. v. United States* informed the parties that she intended to recuse herself from the case. The judge to whom the case was reassigned chose to vacate those decisions to avoid any appearance of partiality, wiping the slate clean of 27 months of litigation.

Demodulation, Inc., filed its lawsuit in the U.S. Court of Federal Claims on April 14, 2011. Over the ensuing 27 months, the parties proceeded along the normal course of litigating the claims. On February 29, 2012, the trial court issued an opinion and order granting and denying in part the Government's motion to dismiss, and granting Demodulation's cross-motion to amend its complaint.

About a year later, on July 12, 2013, the court issued an opinion and order granting the Government's motion for partial summary judgment. Then--two weeks after issuing that ruling--the trial judge informed the parties that she intended to disqualify herself from the case because of her acquaintance with one of Demodulation's fact witnesses.

Once the case was reassigned, Demodulation moved to vacate the prior judge's rulings under Rule 60(b)(6). The newly assigned judge readily granted the motion, although there was no evidence that the prior rulings were tainted by any bias, explaining that even "[t]he appearance of partiality carries the risk of undermining the public's confidence in the judicial process." The trial court further observed that "if the orders of the now-recused judge were allowed to stand, Plaintiff could one day wonder whether the outcome of the case was influenced by a judge who later recused herself from the case."

The trial court concluded that it "chooses to start with a clean slate."

Read the decision [here](#).