

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

JAN 15 2009

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

INTERNATIONAL WOMEN'S DAY )  
MARCH PLANNING COMMITTEE, *et* )  
*al.* )  
 )  
Plaintiffs, )  
 )  
VS. )  
 )  
CITY OF SAN ANTONIO, *et al.* )  
 )  
Defendants. )

Civil Action No. SA-07-CA-971-XR

**ORDER**

On January 14, 2009, Defendants moved to strike Plaintiffs' pretrial disclosures on various grounds. In their response, filed January 15, 2009, Plaintiffs sought leave to file a corrected disclosure list and to add two additional witnesses to their proposed trial witness list, one of whom is Assistant City Attorney Veronica Zertuche. Ms. Zertuche and I have known each other since childhood, and our families are related. On the same day that I received Plaintiffs' amended pretrial disclosures, I held a hearing in which I disclosed this information to the parties and raised the issue of recusal.

Title 28 U.S.C. § 455 requires disqualification in any proceeding in which the Judge's impartiality might reasonably be questioned. This case is set for bench trial and will require the presiding judge to assess the credibility of each witness and to make findings of fact that will affect the disposition of this case. Under the circumstances, one might reasonably question my impartiality as to Ms. Zertuche's testimony. Accordingly, I recuse myself from further participation in this cause.

It is therefore ORDERED that the above numbered and styled cause is removed from the docket of the undersigned and returned to the Clerk's office for random reassignment to another

Judge.

SIGNED this 15<sup>th</sup> day of January, 2009.



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XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE