

alleged “bias” which formed the basis for his motion. The appellate court found the trial judge had properly refused to recuse himself from the second criminal trial of a defendant even after learning that his name appeared on the defendant’s “hit list” created after the first trial. The court found that such recusal would have simply rewarded the defendant for manipulating the judicial process and using the list as a “judge-shopping device.” *Id.* at pp. 32-33; *see also Chitimacha*, 690 F.2d at 1164 (noting that if motion to amend had been filed for purposes of creating a basis for disqualification, the plaintiffs would not be allowed to use that basis to seek recusal).

IV. CONCLUSION

In sum, Eaton, having created the current situation, cannot now claim that it is entitled to recuse judges because they might be prejudiced as a result of Eaton’s misconduct. Further, the motion lacks any legal basis or evidentiary support whatsoever to suggest that Judge Weill cannot be fair and impartial in this matter. Based on the foregoing, the motion should be summarily denied.

RESPECTFULLY SUBMITTED, this the 7th day of January, 2011.

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