

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 4/2/12

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MONIQUE DA SILVA MOORE, et al., :

Plaintiffs, :

-against- :

PUBLICIS GROUPE & MSL GROUP, :

Defendants. :

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11 Civ. 1279 (ALC) (AJP)

ORDER

ANDREW J. PECK, United States Magistrate Judge:

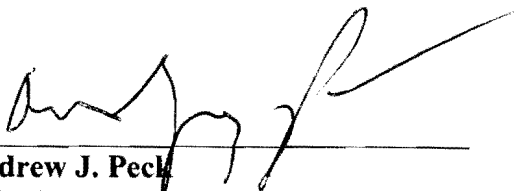
The Court is in receipt of plaintiffs' March 28, 2012 letter requesting my recusal. Plaintiffs shall advise as to whether they wish to file a formal motion or for the Court to consider the letter as the motion (in which case defendants will have 14 days to respond, from the date of plaintiffs' confirmation that the letter constitutes their motion).

The Court notes that my favorable view of computer assisted review technology in general was well known to plaintiffs before I made any ruling in this case, and I have never endorsed Recommind's methodology or technology, nor received any reimbursement from Recommind for appearing at any conference that (apparently) they and other vendors sponsored, such as Legal Tech. I have had no discussions with Mr. Losey about this case, nor was I aware that he is working on the case. It appears that after plaintiffs' counsel and vendor represented to me that they agreed to the use of predictive coding, plaintiffs now claim that my public statements approving generally of computer assisted review make me biased. If plaintiffs were to prevail, it would serve to discourage

judges (and for that matter attorneys) from speaking on educational panels about ediscovery (or any other subject for that matter). The Court suspects this will fall on deaf ears, but I strongly suggest that plaintiffs rethink their "scorched earth" approach to this litigation.

SO ORDERED.

Dated: New York, New York
April 2, 2012



Andrew J. Peck
United States Magistrate Judge

Copies **by ECF** to: All Counsel
Judge Andrew L. Carter, Jr.