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 MARC J. RANDAZZA, JENNIFER RANDAZZA, and NATALIA RANDAZZA

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARC J. RANDAZZA, an individual,)	Case No. 2:12-cv-02040
JENNIFER RANDAZZA, an individual, and)	
NATALIA RANDAZZA, a minor,)	PLAINTIFFS' RESPONSE IN
)	OPPOSITION TO MOTION FOR
Plaintiffs,)	RECONSIDERATION OF
)	RECUSAL/REMOVAL OF JUDGE
vs.)	GLORIA M. NAVARRO
)	
CRYSTAL COX, an individual, and ELIOT)	
BERNSTEIN, an individual,)	
)	
Defendants.)	

Plaintiffs Marc J. Randazza, Jennifer Randazza, and Natalia Randazza, through counsel, hereby submit this response in opposition to Defendant Crystal Cox's Motion for Reconsideration of Recusal/Removal of Judge Gloria M. Navarro.

As this Court has previously noted, no legal basis supports Cox's Motion to Recuse Judge Navarro. (ECF # 41). Claims of bias or prejudice against judges must "stem from an extrajudicial source" and must be the result of an opinion on the merits that is based on something other than opinions the judge has formed from the pleadings and motions in the case. *U.S. v. Grinnel Corp.*, 384 U.S. 563, 583 (1966); *see also Liteky v. U.S.*, 510 U.S. 540 (1994), (discussing the "extrajudicial source" doctrine with regard to the disqualification of a federal district court judge).

1 Any allegations made about a judge's potential bias must contain specific facts supporting this
2 position. *U.S. v. Hernandez*, 109 F.3d 1450, 1453 (9th Cir. 1997). Citing to a judicial ruling alone
3 is never enough to constitute proof of bias or partiality. *Id.* at 1454, *quoting Liteky*, 510 U.S. at 554-
4 56. Additionally, while a judge may not act in his own case, parties may not file pleadings serving
5 the sole purpose of disqualifying a judge. *Ely Valley Mines, Inc. v. Lee*, 385 F.2d 188, 191 (9th Cir.
6 1967).

8 In her renewed motion, Cox has again failed to cite to any specific instances where Judge
9 Navarro has shown any bias or prejudice. Furthermore, as stated in ECF # 41, any allegations of
10 conflicts of interest between Judge Navarro and the parties already have been satisfied by the
11 preliminary procedures of this Court.

12 Accordingly, Plaintiffs respectfully request the Court deny Cox's Motion for
13 Reconsideration of Recusal/Removal of Judge Gloria M. Navarro.

15 Dated: January 17, 2013

Respectfully submitted,

16 /s/Ronald D. Green

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure 5(b), I hereby certify that the foregoing document was filed using this Court's CM/ECF system on January 17, 2013.

Dated: January 17, 2013

Respectfully Submitted,



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