



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
OFFICE OF THE CLERK
500 PEARL STREET
NEW YORK, NEW YORK 10007

RUBY J. KRAJICK
CLERK OF COURT

February 25, 2022

BY ECF AND OVERNIGHT MAIL

Brendan Joseph O'Rourke
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11 Times Square
New York, NY 10036

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919 Third Avenue, 3rd Floor
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Re: 1:13-cv-01041-LJL-DCF, Tiffany and Company v. Costco Wholesale Corporation

Dear Counsel,

I have been contacted by Judge Lewis J. Liman, U.S.D.J., who presided over the above-mentioned case.

Judge Liman informed me that it has been brought to his attention that while he presided over the case, his wife owned stock in Costco Wholesale Corporation. His wife's stock ownership is imputed to Judge Liman. That ownership of stock neither affected nor impacted his decisions in this case. However, that stock ownership would have required recusal under the Code of Conduct for United States Judges, and thus, Judge Liman directed that I notify the parties of the potential conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance for addressing disqualification that is not discovered until after a judge has participated in a case:

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[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned, even though that may occur after entry of the decision. The parties may then determine what relief they may seek and a court (without the disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision.

Although Advisory Opinion 71 contemplated disqualification after a Court of Appeals oral argument, the Committee explained “[s]imilar considerations would apply when a judgment was entered in a district court by a judge and it is later learned that the judge was disqualified.”

If you wish to respond to the disclosure of a potential conflict in this matter, please file your response in the above-named case. Any response will be considered by another judge of this court without the participation of Judge Liman.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruby J. Krajick", with a stylized flourish at the end.

Ruby J. Krajick
Clerk of Court

cc: Hon. Lewis J. Liman, U.S.D.J.