

#62

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEW MEXICO

BEN EZRA, WEINSTEIN AND COMPANY, INC.,

Plaintiff,

v.

Cause No. CIV 97-0485 LH/LFG

AMERICA ONLINE, INC.,

Defendant.

ORDER DENYING PLAINTIFF'S
SECOND MOTION TO DISQUALIFY COUNSEL

THIS MATTER comes before the Court upon Plaintiff's Second Motion to Disqualify Counsel for Defendant AMERICA ONLINE, INC., or, In the Alternative, to Exclude Certain Evidence ("Plaintiff's Second Motion to Disqualify Counsel"). The Court has considered the Motion, the affidavits and memoranda submitted in support thereof, the affidavits and memorandum submitted in opposition thereto, and the arguments of counsel presented at the hearing on April 17, 1998.

FOR THE REASONS that the Court set forth on the record at the conclusion of the hearing on April 17, 1998, it is hereby ORDERED that Plaintiff's Second Motion to Disqualify Counsel is DENIED.

C. LEROY HANSEN
U.S. District Court Judge

Submitted by:

WILMER, CUTLER & PICKERING

Patrick J. Carome, Esq.

Counsel for Defendant

2445 M Street, N.W.

Washington, D.C. 20037-1420

EAVES, BARDACKE & BAUGH, P.A.

By: _____

John G. Baugh

Counsel for Defendant

P. O. Box 35670

Albuquerque, New Mexico 87176

(505) 888-4300

Approved as to form:

Karen J. Meyers

ESTEBAN A. AGUILAR

Counsel for Plaintiff

1011 Lomas, N.W.

Albuquerque, New Mexico 87102

(505) 242-6677