

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Iconic Mars Corp. v. Kaotica Corp.

Iconic Mars · No. 3:22-cv-0092-CAB-DEB · Decided July 28, 2025

SUMMARY

The United States District Court for the Southern District of California denied Iconic Mars Corporation’s motion to recuse the presiding judge under 28 U.S.C. §§ 144 and 455. The court held that the motion was presumptively untimely because it followed the trial, judgment, and adverse post-trial rulings, and further concluded that the asserted grounds reflected judicial rulings and observations arising from the proceedings rather than extrajudicial bias. The court also declined to refer the matter to another judge and ordered that the motion be denied.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 28, 2025
DOCKET	3:22-cv-0092-CAB-DEB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under 28 U.S.C. §§ 144 and 455 for recusal of the district judge and requested referral of the motion to another judge. Defendant opposed the motion.
STANDARD OF REVIEW	Recusal is committed to the sound discretion of the district court; the moving party bears a substantial burden. The test is whether a reasonable, well-informed person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned.
PRECEDENTIAL VALUE	Unknown
PARTIES	Iconic Mars Corp. v. Kaotica Corp.

TOPICS

- civil procedure
- sanctions
- attorney fees
- commercial litigation

PRACTICE AREAS

civil procedure

judicial disqualification

sanctions

attorney fees

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for recusal under 28 U.S.C. §§ 144 and 455 was timely.
2. Whether the judge's trial conduct, adverse rulings, sanctions order, comments concerning counsel's performance, and alleged communications with judicial colleagues established disqualifying bias, prejudice, or an appearance of partiality.
3. Whether the motion should be referred to another judge under 28 U.S.C. § 144.

HOLDINGS

1. A recusal motion based on facts known during trial or post-trial proceedings is presumptively untimely when filed after judgment and substantial delay, absent good cause for the delay.
2. The motion did not establish disqualifying bias, prejudice, or an objectively reasonable appearance of partiality because the challenged rulings, comments, and conduct arose from the judge's participation in the case and did not demonstrate deep-seated favoritism or antagonism.
3. Referral was not required because the motion was untimely and substantively insufficient.

KEY QUOTATIONS

“The standard for recusal under 28 U.S.C. §§ 144 and 445 is “whether a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.”” (at 1)

““Opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible.”” (at 2)

“The Court will not recuse or refer this matter because, in response to the Court having found Plaintiff’s (and counsel’s) conduct sanctionable, Plaintiff now contends that finding is based on a personal bias or prejudice against him. The motion is denied.” (at 6)

FACTUAL BACKGROUND

The case was tried to a jury, and the court later resolved equitable claims, attorney-fee requests, and sanctions proceedings. The court sanctioned Plaintiff and Plaintiff's counsel based on findings that the litigation had been pursued in bad faith and that positions asserted before and during trial were meritless, intentionally misleading, and contrary to court orders. Plaintiff relied on the judge's trial and post-trial rulings, comments concerning counsel's performance, and alleged inquiries into counsel's reputation as grounds for recusal. The court found that counsel had himself invited the judge to consult other judges about his reputation and that the challenged comments and rulings arose from conduct observed during the litigation rather than an extrajudicial personal bias.

PROCEDURAL HISTORY

The case was tried to a jury, which returned a verdict on June 13, 2024. The court resolved the remaining equitable claims and post-trial proceedings, including sanctions, in an order issued February 5, 2025. Plaintiff filed the recusal motion on June 2, 2025, after adverse rulings and entry of final judgment. The court denied both recusal and referral.

DISPOSITION

other

CASES CITED

- U.S. v. Studley, 783 F.2d 934, 939-40 (9th Cir.)
- United States v. Mikhel, 889 F.3d 1003, 1027 (9th Cir.)
- United States v. Holland, 519 F.3d 909, 913 (9th Cir.)
- U.S. v. Bell, 79 F. Supp. 2d 1169, 1171-73 (E.D. Cal.)
- Wood v. McEwen, 644 F.2d 797, 802 (9th Cir.)
- United States v. Grinnell Corp., 384 U.S. 563, 583 (1966)
- Liteky v. United States, 510 U.S. 540, 549, 555-56 (1994)
- Charron v. United States, 200 F.3d 785, 789 (Fed. Cir.)
- United States v. Bigley, No. CV-14-00729-PHX-HRH, 2017 WL 3432370, at *3 (D. Ariz. Aug. 10, 2017)
- E. & J. Gallo Winery v. Gallo Cattle Co., 967 F.2d 1280, 1295 (9th Cir.)
- Toth v. Trans World Airlines, Inc., 862 F.2d 1381, 1388 (9th Cir.)