

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

2009 DEC -9 AM 8: 33

CLERK, U.S. DISTRICT COURT
OCALA, FLORIDA

MARIBETH SCHONBERG,)
STEVEN E. SCHONBERG,)

Plaintiffs,)

v.)

Case No. 5:09-cv-534-Oc-10GRJ

Civil Officer BERNIE SANDERS, Agent of the)
U.S. Senator Bernie Sanders Principal)
Campaign Committee, A/K/A "Friends of)
Bernie Sanders," et al,)

Defendants)

Plaintiffs' Emergency Motion for Recusal and to Withdraw Order

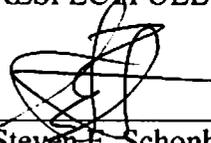
Plaintiffs hereby move the Honorable Wm. Terrell Hodges to immediately recuse himself from presiding over this matter. Grounds for this Motion are:

1. The Court lists Bank of America as his sole financial interest. See Exhibit I attached hereto.
2. Bank of America has six committees (PACs) listed on the FEC.gov website which contribute to campaigns of federal candidates, including many or all of the "six legislators" who are defendants in this matter.
3. The Bank of America PACs are authorized by the FECA Law, 2 U.S.C. §432, §434, §439, and §441i which Plaintiffs' Complaint alleges is unconstitutional.
4. Bank of America stock (ticker symbol BAC on the New York Stock Exchange) is traded in tandem with WELLPOINT (WLP) stock in at least two large holding companies, e.g. Berkshire Hathaway (ticker symbols BRK-A, BRK-B) and IVV, an exchange traded fund. Plaintiffs' Complaint claims WELLPOINT as the source of bribes to three or more of the "six legislators" who are Defendants in this matter. The Court's rulings with regard to WELLPOINT are likely to have an impact on the share prices of Bank of America.
5. The Plaintiffs filed their initial pleadings on December 3, 2009. Those filings were entered into the Court's electronic case filing system at 1:04 p.m. on that

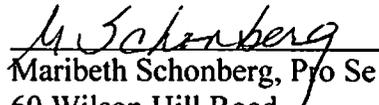
day. On the same day the Court entered its Order denying Plaintiffs emergency requests. Included in the Order was a prejudicial characterization of Plaintiffs' Complaint, to wit: "...it does not appear...(2) that the Plaintiffs have demonstrated a likelihood of ultimate success on the merits."

Because of the apparent conflict of interest and an appearance of impropriety, Plaintiffs also ask the Court to withdraw its Order of December 3, 2009. Concurrence of opposing counsel is not possible since they have not yet entered an appearance.

RESPECTFULLY SUBMITTED BY:



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Mailing Certification:

I hereby certify that a copy of this pleading was mailed by First Class Postage to all Defendants on December 9, 2009.



Pro Se Plaintiff Steven E. Schonberg

**Senior United States District Judge William Terrell Hodges
List of Financial Interests**

Bank of America

Exhibit I