In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-34V
Filed: April 22, 2011

KHALIL W. EARLES, by NICOLE EARLES, His Mother and Next Friend,	)	TO BE PUBLISHED
Petitioner,	)	Motion to Recuse; bias; 28 U.S.C. § 455; judicial impartiality
v.	)	
SECRETARY OF HEALTH AND HUMAN SERVICES,	)	
Respondent.	)	

ORDER[1]

On April 19, 2011, Petitioner filed a document styled "Motion for Special Master Sandra Dee Lord to Immediately Recuse Herself for Hostility to Attorney Sharp Actual Bias, and the Appearance of Impropriety" (the "Motion"). I deny the Motion because it lacks any legal or factual merit.

I. The Motion's Allegations and Factual Inaccuracies

A summary of the allegations in the Motion followed by a factual response to each:

Allegation #1:

Elaine W. Sharp, Esq. ("Counsel" or "Ms. Sharp") alleges that, during discussions of an ethics matter that arose in a case handled by another special master, Oswalt v.

[1] The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Rules of the United States Court of Federal Claims (RCFC), Appendix B, Vaccine Rule 18(b). Otherwise, the entire ruling will be available to the public. Id.

Secretary of Department of Health & Human Services, No. 03-2153V, "Sandra Dee Lord exhibited hostility and irritation with Attorney Sharp and emphatically insisted that Attorney Sharp had violated the law." Motion at 1. The Motion continues, "SM Lord made extremely serious allegations against Attorney Sharp. The federal court of claims [sic] ethics division dismissed the matter finding no basis for SM Lord's referral." Motion at 1 (emphasis in original).

Response #1:

As then-Chief Special Master, I conducted two telephone conversations with Ms. Sharp concerning her handling of client funds. The matter had been raised in a case in which Special Master Millman presided, after the Department of Justice raised questions concerning Counsel's handling of an award to her client. See Oswalt, Tel. Conference (Conf.) Tr., Sept. 27, 2010. During the course of these telephonic conversations, I discussed with Counsel the questions that had been raised and my desire to obtain additional information in order to determine whether there should be a referral of the matter to ethics officials in the United States Court of Federal Claims. Fortunately, there is an electronic transcription of each of these conferences in the record in the Oswalt case. Oswalt, Tel. Conf. Tr., Sept. 27, 2010 (Court Ex. 1); Oswalt, Tel. Conf. Tr., Oct. 7, 2010 (Court Ex. 2).[2]

The allegation that I "emphatically insisted that Attorney Sharp had violated the law" is completely erroneous. My statements during the conferences show that, to the contrary, I was merely seeking to find the facts necessary to determine whether the matter should be investigated.

> THE COURT: Well, just to be clear, my purpose here today is to figure out whether anything improper has occurred here.
>
> MS. SHARP: Right, and I'm glad we're having the discussion.
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> * * *
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> THE COURT: . . . I'm just trying to figure out whether in light of your argument you have or have not complied with the Vaccine rules, and my purpose today is to decide whether I think that there has been any kind of substantive violation of the rules or of the ethical rules that pertain to you and to all of us. That's the reason for my participation today in this aspect of the case. . . .
>
> * * *

[2] These status conferences were recorded by the Court's Electronic Digital Recording System ("EDR"). The times noted in citations to those status conferences refer to the EDR record. I have filed transcriptions of both into the record of this case. Because the transcriptions have numbered pages, but no timestamp, I am including citations to the transcript page numbers as well.

> THE COURT: . . . I just need to decide factually whether there is sufficient information here to warrant making the referral.

Tel. Conf. Tr., Sept. 27, 2010, at 2:51:55-2:54:05 (p. 16-18).

> THE COURT: . . . I don't know if there's been any kind of wrongdoing at all; I've not made any conclusion in that respect.

Tel. Conf. Tr., Oct. 7, 2010, at 11:07:00-11:07:11 (p. 2).

> THE COURT: . . . I just don't know, as I sit here, whether the way the money was handled is the way it should have been handled.

Tel. Conf. Tr., Oct. 7, 2010, at 11:30:02-11:30:09 (p. 20).

> THE COURT: Right. I understand your position. I'm just not able to resolve it as I sit here.

Tel. Conf. Tr., Oct. 7, 2010, at 11:31:59-11:32:04 (p. 21).

The transcripts bear reading in their entirety, because they contain no corroboration whatsoever for the allegations of hostility and irritation made in the Motion; again, the transcripts directly refute Ms. Sharp's allegations. The following colloquy, which occurred near the end of the second conference, is illustrative of the absence of hostility or irritation that is evident throughout these recorded conferences.

> THE COURT: . . . I hope I have been civil.
>
> MS. SHARP: You have.
>
> THE COURT: If I am ever not civil or kind, just tell me to get with the program. Because it's never my intent to be anything other than civil and kind.
>
> MS. SHARP: No, you haven't been uncivil at all. You haven't.

Tel. Conf. Tr., Oct. 7, 2010, at 11:42:30-11:42:45 (p. 29-30).[3]

[3] In fact, I expressed sympathy with Counsel several times during the conferences. See, e.g., Tel. Conf. Tr., Sept. 27, 2010, at 3:04:05-3:04-56 (p. 28) ("I can certainly understand your impatience and your dislike of this process. I would feel the same if I were in your situation."); 3:16:50-3:16:55 (p. 38) ("I sympathize with you completely on that point. I do."); 3:23:44-3:23:51 (p. 45) ("And I appreciate your time. I'm sorry that all this has happened. I agree with you that it is extremely burdensome."); see also, Tel. Conf. Tr., Oct. 7, 2010, at 11:13:20-11:13:36 (p. 7) ("I want to say again that I understand the problem that you're raising and the need for you to get your fees promptly. And I regret the fact that this has happened."); 11:24:31-11:24:50 (p. 16) ("Because, again, I'm very sympathetic with your feeling about this, Ms. Sharp, and your

As noted above, the Motion also asserts that, "The federal court of claims [sic] ethics division dismissed the matter finding no basis for SM Lord's referral." Motion at 1. That claim is incorrect. I referred the case to the Court, as I had told Counsel I would, because the Court has procedures for handling possible ethics matters, and I thought referral would lead to the most expeditious resolution of the issue. See Tel. Conf. Tr., Oct. 7, 2010, at 11:06:01-11:07:25, 11:13:36-11:13:52 (p. 2, 7) (discussion concerning October 12 deadline). The referral was withdrawn at my request, after I received from Counsel, on November 22, 2010, an additional affidavit. In an e-mail dated November 22, 2010, Ms. Sharp was informed "that in light of the affidavit submitted to the court on November 22, 2001[sic], the referral regarding a potential disciplinary matter related to Oswalt v. HHS has been withdrawn. Disciplinary Case No. 10-1131 has therefore been closed." [4]

Allegation #2:

An order issued in this case on April 14, 2011, "rife with factual error, omission and exaggeration," was made "part of the public record" and "Federal Expressed" to Counsel's client, "to humiliate Attorney Sharp publicly on the record and to lower Attorney Sharp in the eyes of her client." Motion at 1-2. According to the Motion, this "smacks of retaliation and[] creates the impression of impropriety." Motion at 2.

Response #2:

The order in question, see infra, was not made part of the public record. Vaccine proceedings are closed to the public, except for the decisions of special masters. 42 U.S.C. § 300aa-12(d)(4). The order was sent to Counsel's client because of Counsel's pattern of disregard for deadlines, which has jeopardized the prosecution of this case.

The Office of Special Masters, to protect petitioners, serves parties or requires service directly on petitioners when counsel fails to prosecute their cases with due diligence. See, e.g., Garcia v. Sec'y of Dep't of Health & Human Servs., No. 09-817V, Order (July 20, 2010) (directing Clerk's Office to send a copy of the order to the petitioner who was represented by counsel); Maleszyk v. Sec'y of Dep't of Health & Human Servs., No. 05-1009V, Order (Mar. 6, 2009) (ordering counsel to serve a copy of the order on her client). This provides notice to a petitioner who might otherwise have

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impatience. And I am trying the best that I can to bring this whole matter to a resolution so that we can all put it behind us as soon as possible."); 11:42:46-11:42:59 (p. 30) ("So I, I totally appreciate your position. I'm sorry that this happened. I am making the best decision I can, I think, in the interest of the program, and in your interest, for reasons that I've described.").

[4] See Massachusetts Sch. of Law at Andover, Inc. v. American Bar Ass'n., 872 F. Supp. 1346, 1349 (E.D. Pa. 1994) (judge permitted to contradict allegations with facts drawn from his own personal knowledge); Moore's Federal Practice § 63.62 ("In evaluating a Section 455 motion, a judge need not accept as true its factual assertions, but may weigh the evidence and contradict the allegations with facts drawn from his or her personal knowledge").

his case dismissed for failure to prosecute without ever knowing that there was a problem, until it was too late. Certainly, I did not serve Ms. Sharp's client with the Order to embarrass her, but rather to ensure that the client was on notice that the case might be dismissed for failure to prosecute, unless there was compliance with the Order.

Allegation #3:

That I "lied" to Ms. Sharp's client, by my "exaggeration and perversion of the record" in my April 14, 2011, Order because I used the phrase "continuously missed court deadlines. . . ." Motion at 2. After noting the distinction between the terms "continuous" and "continual," the Motion alleges that I "deliberately chose to describe Attorney Sharp's" conduct with the word "continuously" instead of "continually". Motion at 3. "Let us now examine the contrast between Sandra Dee Lord's lies and the actual record of the case," the Motion adjures. Id. at 3. For such lies, "Sandra Dee Lord must go from the case at bar, and she must go now." Id. at 5.

Response #3:

A grammatical error is not grounds for recusal. See infra. Nor is a grammatical error a "deliberate" distortion of the record. Further, whether the conduct that led to the April 14, 2011, order is characterized as "continuous" or "continual" makes no significant difference. The grammatical error is so common that it is questionable whether, in this day and age, using the adjectives interchangeably even can properly be characterized as "wrong." To infer from this trifling grammatical objection a deliberate "perversion of the record" is illogical.[5]

Allegation #4:

The Motion alleges that I blamed Ms. Sharp alone, and not also counsel for Respondent, for failing to file a status report due by May 17, 2010. Motion at 5. The entire contents of the order in question are reproduced below:

> On February 16, 2010, Petitioners' counsel in the above-captioned case contacted chambers with an oral motion to suspend the case for 90 days. Respondent did not object. Accordingly,

[5] On April 13 & 14, 2011, my chambers actually issued two substantially similar orders to show cause, one in this case and another in a second case in which Ms. Sharp represents a petitioner. Fortenberry v. Sec'y of Dep't of Health & Human Servs., No. 06-693V. Upon review of the order in Fortenberry, I detected several non-substantive errors. Because one of the errors in the Fortenberry order was significant (the document lacked page numbers), it was re-issued two hours later. Since the order in Fortenberry was being re-issued anyway, I also substituted the word "continually" for "continuously," and changed what I regarded as another instance of improper word usage. In drafting the order in this case, however, similar language was used but not corrected due to administrative oversight.

(1) the deadline for Respondent's Rule 4(c) report is hereby suspended; and

(2) on or before May 17, 2010, Petitioners shall confer with Respondent and then file a joint status report proposing a new deadline for Respondent's Rule 4(c) report and three dates for a status conference.

The parties should contact chambers if any issues arise. Any questions regarding this Order shall be directed to Tom Broughan, at (202) 357-6353

Order, Feb. 19, 2010.

Response #4:

Ms. Sharp is correct that the status report was to be a joint report. Petitioner, upon whose request the case was "suspended," was ordered to confer with Respondent and agree on a new deadline for Respondent's Rule 4(c) report and on a date for a subsequent status conference. The order instructed Petitioner to contact Respondent, and Petitioner to file the joint status report.

The February 19, 2010, Order, was intended to ensure that, at some point after the 90-day suspension, the case actually would progress. Having granted extraordinary relief under extraordinary circumstances (I would not normally grant a 90-day "suspension" of any case), I needed to ensure that the suspension would come to an end. Because it was granted at the request of Ms. Sharp to enable her to recover from the devastating events leading to her husband's death, the obligation was placed on her to resume the case once the 90 days had expired. For this reason, she was ordered to contact counsel for Respondent after the expiration of the 90 days to arrange dates for resumption of the litigation, and to file a joint status report. On the record before me, Petitioner did not comply with the Order. Moreover, Counsel filed nothing by way of explanation for the failure to file a joint status report. In addition to all of the above, it is not Respondent's duty to prosecute the case, it is Petitioner's. Tsekouras v. Sec'y of Dep't of Health & Human Servs., 26 Cl. Ct. 439 (1992), aff'd per curium, 991 F.2d 819 (Fed. Cir. 1993); see Vaccine Rule 21(b)(1). Holding Petitioner responsible for non-prosecution of the case does not indicate bias, absent any showing that Respondent caused or contributed to the failure of this case to progress in a timely fashion.

In addition, two subsequent orders to file status reports, addressed solely to Petitioner, also were not complied with. See Order, July 20, 2010; Order, Sept. 22, 2010. In the Order dated September 22, 2010, Petitioner was warned that failure to file a status report in accordance with that order could result in an order to show cause why the case should not be dismissed. Order, Sept. 22, 2010. Notwithstanding, no status report was filed.

Allegation #5:

The Motion alleges that I "insidiously" omitted from my order the circumstances concerning the death of Ms. Sharp's husband and law partner on February 13, 2010. Motion at 5-6. In support of this allegation, Ms. Sharp attached as exhibits to the Motion a photograph of her husband "in his hospice bed" on February 13, 2010, and a copy of his obituary. Motion at 6.

Response #5:

A dreadful event precipitated the 90-day suspension of this case requested by Ms. Sharp in February 2010. Nearly a year has passed since that suspension expired, however, during which there has been a failure by Counsel to prosecute this case diligently. I do not doubt that Counsel has had many difficulties resulting from the death of her spouse. As a human being, I sympathize with Counsel's misfortune and her struggle to continue her practice. As a special master, however, I have duties to the court and to the petitioners who seek compensation under the Vaccine Act. I cannot and will not permit cases to languish on my docket, without appropriate progress toward resolving them.

Accordingly, I require adherence to orders and to deadlines contained in orders. I do not extend deadlines without adequate cause. The record in this case since the 90-day suspension was granted to Petitioner in February 2010 demonstrates Ms. Sharp has not complied with my orders. She has not timely requested extension of deadlines or shown good cause for extending deadlines. I will continue to conduct these proceedings without any bias toward Petitioner or Petitioner's counsel, but I also will insist on compliance with my orders, consistent with the principles of sound case management.

Allegation # 6:

Counsel alleges that I now have accused her wrongfully of ethics violations for "the second time." Motion at 7-11. Counsel alleges the first wrongful accusation occurred in the Oswalt case, described above. Counsel claims that, in that case, I reported her to the Court of Federal Claims's ethics division without investigating the facts, without an evidentiary hearing, and without giving her the benefit of counsel. Motion at 7.

Response #6:

In Oswalt, I informed Ms. Sharp at two separate conferences that my role was to determine factually whether her actions warranted a referral for a possible ethics violation. I expressed my concern about the lack of contemporaneous records to explain Counsel's handling of client funds. Tel. Conf. Tr., Sept. 27, 2010, at 2:53:53-2:54:43 (p. 18). I informed Ms. Sharp on the record that she should submit additional documentation by October 12, 2010, and then I would decide whether the matter should

be referred. Tel. Conf. Tr., Sept. 27, 2010, at 3:06:02-3:07:40 (p. 29-30). When she requested an enlargement of the date specified, I referred the matter to the Court for investigation. My referral contained no allegation of wrongdoing. Counsel's contention -- that I did not advise her that I intended to refer the matter to the Court if she did not file the requested documentation -- simply is untrue.

> MS. SHARP: I'm wondering why this has to go to the Court of Federal Claims. . . . Why do I now have to go through the Court of Federal Claims?
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> * * *
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> THE COURT: You asked for an extension. What I was hoping to be able to do when I issued my order is look at the material that you sent to me on October 12, and come to a decision.
>
> MS. SHARP: Okay.
>
> THE COURT: If you're going to ask for an extension, then I can't do that.
>
> MS. SHARP: Fine.
>
> * * *
>
> THE COURT: . . . And I'm not saying that you don't have a good reason for an extension. I'm just saying I don't want this process to be any more protracted than it needs to be. And at the end of the day, I think what will shorten this process is to send it to the folks who are charged with handling matters like this. Not to keep it here, in the Office of Special Masters, with people who are not charged with handling these types of matters.

Tel. Conf. Tr., Oct. 7, 2010, at 11:32:19-11:34:00 (p. 22-23).

It is clear from my statements throughout the hearings that I was not accusing Ms. Sharp of misconduct, that I was gathering information to determine whether an investigation was warranted. See supra. The matter was referred to the Court of Federal Claims to obtain timely consideration by the appropriate officials. My memorandum transmitting the referral expressly stated, "I do not know whether any impropriety has occurred in this instance." Ms. Sharp's contention that under these circumstances she should have been represented by counsel lacks any merit.

Allegation # 7:

Counsel alleges my second wrongful accusation arises from my April 14, 2011, Order, based on her own inference that she "was lying about her availability to

participate in a status conference." Motion at 7. The Motion further states that my order contained "scurrilous insinuation" and was "meant to serve as some sort of Star Chamber 'judicial' fiat." Id. at 7-8. Ms. Sharp alleges that I "improper[ly] attempt[ed] to malign the integrity and honesty of Attorney Sharp on the public record and also in the eyes of Attorney Sharp's client." Id. at 9.

Response # 7:

My order dated April 14, 2011, contained no "scurrilous insinuation" of unethical conduct. Motion at 7. It simply recited the facts concerning Ms. Sharp's failure to notify the court that she would be unable to appear for the scheduled status conference. If she was unable because of illness to participate, notice of that fact should have been provided in advance. The following statement does not, as alleged in the Motion, "constitute a hostile, injudiciously biased and improper insinuation against Attorney Sharp:"

> Since it appeared from my chambers' contact with counsel's assistant that counsel was in touch with her office, it is unclear why she was unavailable to participate in the status conference.

Motion at 9 (quoting Order, Apr. 14, 2011). This sentence made no "insinuation;" it simply stated that if counsel was available to her legal assistant, it was unclear why she could not be available to discuss the status of the case on the telephone.

Allegation # 8:

Ms. Sharp alleges that I again "attempt[ed] to malign [her] by calling her a liar" in an order issued on April 18, 2011. Motion at 10. In that order, I asked Respondent to comment on Ms. Sharp's statement to my law clerk that Respondent's counsel had cancelled the April 14, 2011, status conference. Ms. Sharp now contests that she claimed Respondent's counsel had cancelled the status conference.[6]

Response # 8:

On April 15, 2011, Ms. Sharp called my chambers regarding the April 14, 2011, order to show cause. Instead of limiting her discussion to ministerial or administrative matters, she chastised my law clerk concerning perceived errors in the order and her perception that the court was biased against her. During the discussion, Ms. Sharp stated that she thought Respondent's counsel had cancelled the status conference, and because the court had called her in advance to confirm her availability, the court thought

[6] Counsel has attached to her Motion as Exs. 1 & 2 communications between her and counsel for Respondent concerning the April 14, 2011, status conference. The relevance of these exhibits is questionable, but I note that they confirm that the status conference had not been cancelled by Respondent's counsel.

the conference may have been cancelled as well. At the time, counsel for Respondent was unavailable, and she did not participate in the discussion.

Following Ms. Sharp's conversation with my law clerk, I ordered counsel for Respondent to file a statement regarding whether she had cancelled the April 14, 2011, status conference. Order, April 18, 2011 (ECF Doc. 18). Such an order was necessary to give counsel for Respondent notice of Ms. Sharp's statements, which were made to my chambers outside the presence of opposing counsel, and to give counsel for Respondent an opportunity to respond. See Order, April 18, 2011 (ECF Doc. 17) (reminding counsel of the appropriate purpose of communications with my staff).

II. The Motion Provides No Grounds for Recusal

In support of her Motion, Ms. Sharp cites the Model Code of Judicial Conduct Canon 2, which requires judicial integrity and impartiality. "Lying about an attorney to the attorney's client, twisting the record by omitting critical facts, and casting counsel in the worse [sic] light possible neither promotes integrity of the judiciary, nor demonstrates impartiality." Motion at 13. She cites 28 U.S.C. § 455(a) regarding disqualification of judges where "impartiality might reasonably be questioned," and the Rules for Judicial Conduct and Judicial Disability Proceedings regarding treatment of attorneys "in a demonstrably egregious and hostile manner." Motion at 13-14. Ms. Sharp cites no case authority in support of her contention that the allegations in the Motion warrant recusal. The case law establishes without any doubt that recusal is not appropriate here.

The Supreme Court has held that a judge's "ordinary efforts at courtroom administration" do not constitute grounds for recusal. Liteky v. United States, 510 U.S. 540, 556 (1994). Nor do "judicial rulings, routine trial administration efforts, and ordinary admonishments (whether or not legally supportable) to counsel . . . ." Id. The judicial actions complained of by Ms. Sharp constituted exactly such efforts: to manage the cases on my docket in a timely, efficient, and equitable manner. Ms. Sharp has failed on numerous occasions to comply with orders, or to seek timely relief from the orders, not only in this case, but in others. See Fortenberry v. Sec'y of Dep't of Health & Human Servs., No. 06-693V, Order to Show Cause (Apr. 13, 2011).[7] The law is clear that I am permitted to manage my docket efficiently without running afoul of the rules requiring impartiality. Any attorney who appears before me and conducts himself or herself as Ms. Sharp has done will be treated by me in the same manner. See Newell v. Dep't of Mental Retardation, MICV-95-06556D, 2000 Mass. Super. Lexis 199 (Mar. 3, 2000) (state court judge denying motion for recusal filed by Ms. Sharp).[8]

[7] In 2009, Petitioner's counsel filed a similarly meritless motion for recusal in a case assigned to a different special master, after that special master issued an order to show cause. See Maleszyk v. Sec'y of Dep't of Health & Human Servs., No. 05-1009V, Order (Mar. 6, 2009).

[8] The judge accused by Ms. Sharp of bias in the Newell case explained that the court's admonitions "were directed toward counsel in her role as an officer of the court, rather than

In rejecting an allegation of "subtly manifested animosity" in the context of intrajudicial behavior, the Court in Liteky explained that "manifestations of animosity must be much more than subtle to establish bias." Liteky, 510 U.S. at 556 n.3. Many of the Motion's allegations fall into the category of subtle manifestations of supposed bias. Such allegations of subtle animosity are legally insufficient to constitute grounds for recusal, as stated in Liteky. Regarding overt hostility, I find such a complete absence of corroborating evidence in the records that I must conclude that Ms. Sharp simply has erred in alleging mistreatment by me.

Reluctance to grant recusal based on a movant's perception of bias reflects the standard for determining disqualification under § 455(a), which is that of a "reasonable person." Hewlett Packard Co. v. Bausch & Lomb, Inc., 882 F.2d 1556, 1568 (Fed. Cir. 1989) (citing Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847 (1988)); see also Addams-More v. United States, 79 Fed. Cl. 578, 580 (2007) (using reasonable person standard). A reasonable person would not be convinced of bias, or detect even the appearance of bias, see Liteky, 510 U.S. at 548, based on the unsubstantiated allegations in the Motion, which are contradicted by the evidence of record. Accordingly, the Motion is **DENIED**.[9]

IT IS SO ORDERED.

s/ Dee Lord
Dee Lord
Special Master

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toward her personally. Moreover, this Court would have similarly admonished any other attorney who showed disrespect for the court." 2000 Mass. Super. LEXIS at *5.

In Newell, Ms. Sharp not only sought recusal of the judge but reported her to the Judicial Conduct Commission in a letter of complaint. 2000 Mass. Super. Lexis 199 at *3-*5. In denying recusal, the court in Newell held that Ms. Sharp's "disrespectful behavior" and letter of complaint did not affect the judge's impartiality. Id.

[9] In telephonic conferences scheduled at counsel's request following the filing of the Motion, and in subsequent filings in her cases, counsel has continued to make unsupported allegations against me as a special master. In addition, as in the Newell case, Ms. Sharp has made a formal complaint of judicial misconduct against me. Like the judge in Newell, I am able to conduct these proceedings without bias, notwithstanding Ms. Sharp's complaint.