

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION DIV: "AF"
CASE NO.: 2020CA006920AXX

JOSIE MACHOVEC, CARL HOLME,
KAREN HOLME, RACHEL EADE,
and
ROBERT SPREITZER,

Plaintiffs,

vs.

PALM BEACH COUNTY,

Defendant.

ORDER DENYING PLAINTIFFS' MOTION FOR DISQUALIFICATION

THIS CAUSE came before the Court on Plaintiffs Josie Machovec, Carl Holme, Karen Holme, Rachel Eade, and Robert Spreitzer's ("Plaintiffs") Motion for Disqualification (DE #177), filed December 18, 2020, pursuant to the Florida Rules of Judicial Administration 2.330, and the Court having reviewed the Plaintiffs Motion, the pertinent Rule and applicable case law, and being otherwise fully advised in the premises, it is hereby

ORDERED and **ADJUDGED** that the Plaintiffs' Motion is **DENIED** as legally insufficient. See Florida Rule of Judicial Administration 2.330(c) and (d); § 38.10, Fla. Stat.; *Rodriguez v. State*, 919 So. 2d 1252, 1274 (Fla. 2005) (motion to disqualify must contain facts that would create in a reasonably prudent person a well-founded fear of not receiving a fair and impartial trial); *Moore v. State*, 820 So. 2d 199, 206 (Fla. 2006) (movant's speculation insufficient to constitute basis for disqualification); see also *Erlinger v. Federico*, 242 So. 3d 1177, 1181-82 (Fla. 1st DCA 2018)

(motions to disqualify based on judge's non-verbal expressions do not provide a well founded fear of prejudice); *Krawczuk v. State*, 92 So. 3d 195, 201 (Fla. 2012) (generalized and speculative assertions about a judge's attitudes do not warrant disqualification); *Keitel v. Agostino*, 162 So. 3d 88 (Fla. 4th DCA 2014) (disqualification cannot be based on rumors or gossip concerning what trial judge said to unidentified people at unidentified times); *Barwick v. State*, 660 So. 2d 685, 693 (Fla. 1995) (same); *Polanco v. State*, 993 So. 2d 566, 567 (Fla. 4th DCA 2008) (same). See also *MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So. 2d 1332, 1338 (Fla. 1990) ("There are countless factors which may cause some members of the community to think that a judge would be biased in favor of a litigant or counsel for a litigant, e.g., friendship, member of the same church or religious congregation, neighbors, former classmates or fraternity brothers. However, such allegations have been found legally insufficient when asserted in a motion for disqualification").

DONE and ORDERED in Chambers, at West Palm Beach, Palm Beach County, Florida,
this 4 day of January, 2021.


JOHN S. KASTRENAKES
Circuit Judge

COPIES FURNISHED:

All counsel of record