

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D24-966
Lower Tribunal No. 2020-CA-005088-O

MARY HOLT,

Petitioner,

v.

WILLIAM NELSON,

Respondent.

Petition for Writ of Prohibition to the Circuit Court for Orange County.

June 17, 2024

PER CURIAM.

We grant Mary Holt's petition for writ of prohibition that sought review of the order denying, as moot, her motion to disqualify the trial judge who was presiding over the proceedings below at the time the motion and the instant petition were filed. *See Pilkington v. Pilkington*, 182 So. 3d 776, 778 (Fla. 5th DCA 2015). The motion was not moot, and the judge's effort in his order to thereafter refute some

of the facts alleged in the motion compels disqualification. *See Brinson v. State*, 789 So. 2d 1125, 1126 (Fla. 2d DCA 2001).¹

PETITION GRANTED.

TRAVER, C.J., and BROWNLEE, J., and LAMBERT, B.D., Associate Judge, concur.

Ryan Christopher Rodems, of Morgan & Morgan, P.A., Orlando, for Petitioner.

Ashley R. Leasure, Jeremy T. Palma, Aaron E. Eagan, and Paula S. Morrell, of Rissman, Barrett, Hurt, Donahue, McLain & Mangan, P.A., Orlando, for Respondent.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF TIMELY FILED

¹ To be clear, we specifically take no position as to whether the motion was legally sufficient under Florida Rule of General Practice and Judicial Administration 2.330(c) for the disqualification of the trial judge. We also note that the trial judge in question has now rotated out of the civil division where this case was tried.