

# **Third District Court of Appeal**

**State of Florida, July Term, A.D. 2009**

Opinion filed September 23, 2009.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D09-1815  
Lower Tribunal No. 08-37827

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**Graciela Catusus,**  
Petitioner,

vs.

**Andrew Tabone, Imperial House Condominium Association, Inc.,  
and Miriam Alonso,**  
Respondents.

A Case of Original Jurisdiction – Prohibition.

Billbrough & Marks and G. Bart Billbrough, for petitioner.

Angones, McClure & Garcia and Francisco Angones; Steven J. Lachterman,  
for respondents.

Before GERSTEN and CORTIÑAS, JJ., and SCHWARTZ, Senior Judge.

SCHWARTZ, Senior Judge.

Having agreed to recuse himself in a related proceeding because of a  
voluntarily-revealed personal relationship with parties in the lawsuit, the trial judge

should have granted a motion for disqualification in this separate case involving those same parties.<sup>1</sup> See *Steinhorst v. State*, 636 So. 2d 498 (Fla. 1994); *Houck v. State*, 669 So. 2d 1131 (Fla. 3d DCA 1996). The present application for prohibition requiring his disqualification is therefore granted. We are certain that issuance of the formal writ will not be necessary.

Prohibition granted.

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<sup>1</sup> While it is a fact that the two cases involve very similar subject matter, the same result would follow even if this were not the case. This is because the reason for the initial disqualification was the court's relationship with the parties, not the issues in the case. See *Walls v. State*, 910 So. 2d 432 (Fla. 5th DCA 2005).