

Third District Court of Appeal

State of Florida, January Term, A.D. 2010

Opinion filed May 5, 2010.

Not final until disposition of timely filed motion for rehearing.

No. 3D10-936

Lower Tribunal No. 09-94392

Kendall 162 Avenue Corporation, d/b/a Sedano's Supermarket #29,
Petitioner,

vs.

Carol Pineda,
Respondent.

A Case of Original Jurisdiction – Prohibition.

Angones, McClure & Garcia, and Frank Angones; Billbrough & Marks, and G. Bart Billbrough, for petitioner.

Friedland Law Group, and Jonathan R. Friedland, for respondent.

Before SUAREZ, LAGOA, and SALTER, JJ.

PER CURIAM.

Petitioner seeks a writ of prohibition to disqualify the trial court from continuing to preside over this action. The petitioner's motion to disqualify the

trial judge rested on the fact that petitioner's counsel had sued the trial judge during the course of a recent judicial election.

As the record demonstrates, and as the respondent's counsel has appropriately agreed, the motion to recuse should have been granted. See Siegel v. State, 861 So. 2d 90 (Fla. 4th DCA 2003). As such, we grant prohibition.

Prohibition granted.