

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

TALLAHASSEE MEMORIAL
HEALTHCARE, INC.,

Petitioner,

v.

MARTHA ALEXANDER, R.N.,

Respondent.

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

CASE NO. 1D10-6377

Opinion filed January 24, 2011.

Petition for Writ of Prohibition -- Original Jurisdiction.

Cynthia S. Tunncliff, Brandice D. Dickson, and Gerald Bryant of Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., Tallahassee, for Petitioner.

Steven R. Andrews and Stephen G. Webster of the Law Offices of Steven R. Andrews, P.A., Tallahassee; Stephen S. Dobson, III, of Dobson, Davis & Smith, Tallahassee; W. Scott Newbern of W. Scott Newbern, P.L., Tallahassee, for Respondent.

PER CURIAM.

This court concludes that the defendant's motion for disqualification, which was based upon comments by the trial judge at a hearing on plaintiff's motion for sanctions that she had faith "as long as my fingernail" that the defendant had

produced documents sought by the plaintiff, was both timely and legally sufficient. See Brown v. St. George Island Ltd., 561 So. 2d 253 (Fla. 1990); Campbell Soup Co. v. Roberts, 676 So. 2d 435 (Fla. 2d DCA 1995); Owens Corning Fiberglas Corp. v. Parsons, 644 So. 2d 340 (Fla. 1st DCA 1994). We grant the petition for writ of prohibition and remand the cause to the circuit court with directions that the motion for disqualification be granted and a new judge assigned to preside over the cause.

PETITION GRANTED.

VAN NORTWICK, LEWIS, and ROBERTS, JJ., CONCUR.