

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

STRANAHAN HOUSE, INC., a Florida not-for-profit corporation, and
FRIENDS OF THE PARK AT STRANAHAN HOUSE, INC., a Florida not-
for-profit corporation,
Petitioners,

v.

CITY OF FORT LAUDERDALE, a Florida municipal corporation, and
COOLIDGE-SOUTH MARKETS EQUITIES, L.P., a Foreign Limited
Partnership,
Respondents.

No. 4D05-1515

[December 7, 2005]

PER CURIAM.

We deny the petition for writ of prohibition seeking removal of the trial judge. Taken in context, the trial court's comments at the hearing on the motion to transfer were merely the judge thinking out loud about the relationship between an earlier case, involving a settlement in an eminent domain proceeding, and this case, which is a petition for certiorari seeking to quash the City of Fort Lauderdale's approval of the settlement in the first case. The trial judge's presiding over the certiorari petition here is similar to a judge who hears a rule 1.540(b) motion seeking to undo a settlement and final judgment based on fraud. The trial court's approval of the settlement in the first case does not disqualify it from presiding over the certiorari petition.

WARNER, KLEIN and GROSS, JJ., concur.

* * *

Petition for writ of prohibition to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Robert Lance Andrews, Judge; L.T. Case No. 04-19591 02.

W. Tucker Gibbs of W. Tucker Gibbs, P.A., Coconut Grove, Kendall Coffey, and Mark Journey of Coffey & Wright, L.L.P, Miami, for petitioners.

Robert H. Schwartz and Alain E. Boileau of Adorno & Yoss, LLP, Fort Lauderdale, for respondent City of Fort Lauderdale.

Amy Brigham Boulris of Brigham Moore, LLP, Miami, Jack J. Aiello, and Robert Hackleman of Gunster, Yoakley & Stewart, P.A., West Palm Beach, for respondent Coolidge-South Markets Equities, L.P.

Charles J. Crist, Jr., Attorney General, Tallahassee, and David J. Glantz, Assistant Attorney General, Fort Lauderdale, for respondent Robert Lance Andrews.

Not final until disposition of timely filed motion for rehearing.