

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

REGIONS BANK, an Alabama state chartered
bank, as successor-in-interest to AmSouth Bank,

Plaintiff,

v.

CASE NO: 8:13-cv-2627-T-26TBM

BING CHARLES W. KEARNEY, JR., and
TONYA NUHFER KEARNEY,

Defendants.

ORDER

UPON DUE CONSIDERATION, it is ordered and adjudged that the Defendants' Rule 1.03(d) Motion for Reassignment of Presiding Trial Judge (Dkt. 149) is denied.¹ It is not for the undersigned judge to determine whether the Honorable Elizabeth A. Kovachevich harbors an extrajudicial bias against the Defendant Bing Kearney to the extent that she could not afford him and the Defendant Tonya Kearney a fair and impartial trial in this case.² That determination rests exclusively with her. The Court notes in that regard that the Defendant Bing Kearney has filed a *pro se* motion to disqualify Judge Kovachevich in the related case of Regions Bank v. Kearney.

¹ In view of the disposition of the motion, the Court needs no response from the Defendant.

² In an effort to accommodate the parties by trying this case during the March 2015 trial month as scheduled, Judge Kovachevich graciously agreed in the spirit of judicial collegiality to preside over the trial while the undersigned was unavailable to do so.

et al, case number 8:09-cv-1841-EAK-MAP, setting forth the same arguments for her disqualification in that case that the Defendants urge upon the undersigned in support of reassignment of this case to another district judge. Should Judge Kovachevich determine to disqualify herself in the related case, then that will moot the issue raised in this motion, and the undersigned will continue this case until he is available to try it himself.

DONE AND ORDERED at Tampa, Florida, on February 27, 2015.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

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Counsel of Record