

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2006*

**JOSEPH STANFORD,**  
Appellant,

v.

**MIRIAM STANFORD,**  
Appellee.

No. 4D06-96

[November 1, 2006]

FARMER, J.

In a pretrial order allowing husband's lawyer to withdraw, the court gave husband 60 days to obtain new counsel. Exactly 28 days after that order, and within the 60-day period allowed for the appearance of new counsel, the trial judge inexplicably proceeded to try the case in the absence of the husband or his counsel, entering a final judgment of dissolution of marriage—essentially by default. We reverse the trial judge's denial of the husband's later motion to vacate the final judgment.

We deem it a denial of due process to grant a litigant a specific period of time to obtain new counsel and then proceed to try the case before the afforded time has lapsed. So fundamental is the right of a litigant to rely on orders of the court, the refusal to vacate the judgment is a manifest abuse of discretion.

*Reversed for new trial.*

STONE and POLEN, JJ., concur.

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Appeal of a non-final order from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Art Wroble, Judge; L.T. Case No. 50 2005 DR 002155 FZ.

Richard G. Bartmon of the Law Offices of Bartmon & Bartmon, P.A., Boca Raton, for appellant.

Jan Peter Weiss, Lake Worth, for appellee.

***Not final until disposition of timely filed motion for rehearing.***