

Third District Court of Appeal

State of Florida

Opinion filed December 2, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D20-1622
Lower Tribunal No. 17-25120

VME Group International, LLC, etc., et al.,
Petitioners,

vs.

The Grand Condominium Association, Inc., etc., et al.,
Respondents.

A Case of Original Jurisdiction – Prohibition.

Law Offices of Karen J. Haas, and Karen J. Haas, for petitioners.

Roniel Rodriguez, IV, P.A., and Roniel Rodriguez, IV; Cole, Scott & Kissane, P.A., and Scott A. Cole, for respondents.

Before EMAS, C.J., and GORDO and BOKOR, JJ.

PER CURIAM.

VME Group International, LLC files a petition for writ of prohibition, seeking review of the trial court's order denying VME's motion for disqualification of the trial judge.

The petition is based upon documented activity occurring in August of 2018. The motion to disqualify was filed in September of 2020. Neither the motion nor its attachments contain any averment or allegation regarding when these facts were discovered, nor any averment or allegation (save for a conclusory statement) that the motion was filed in a timely manner. See Fla. R. Jud. Admin. 2.330(e) (providing: "A motion to disqualify shall be filed within a reasonable time not to exceed 10 days after discovery of the facts constituting the grounds for the motion . . ."). See State v. Oliu, 183 So. 3d 1161, 1163 (Fla. 3d DCA 2016) (stating: "While these allegations give rise to an objectively reasonable fear of bias or prejudice requiring disqualification of the trial judge, we are compelled to deny the petition for writ of prohibition because the motion to disqualify the trial judge was not timely filed.")

Although we are compelled to deny the petition, we note that the Florida Rules of Judicial Administration permit a judge to enter an order of disqualification on her own initiative. See Fla. R. Jud. Admin. 2.330(i) (providing: "**Judge's Initiative**. Nothing in this rule limits the judge's authority to enter an order of disqualification on the judge's own initiative"); Oliu, 183 So. 3d 1163.

Petition denied.