

IN THE CIRCUIT COURT OF THE  
FOURTH JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NO.: 2016-CA-003471  
DIVISION: CV-E

CAROL ELIZABETH SCOTT;  
PAUL BREMER; JENNIE BENNETT;  
and ELIZABETH W. WILLIAMS,  
Plaintiffs,

and

MIKE HOGAN, as Supervisor of Elections for  
Duval County, Florida; CHRIS H. CHAMBLESS,  
as Supervisor of Elections for Clay County,  
Florida; VICKI P. CANNON, as Supervisor of  
Elections for Nassau County, Florida;  
ALEXANDER PANTANAKIS, Individually; and  
DANIEL KENNETH LEIGH, Individually;  
Defendants.

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**DEFENDANT'S, DANIEL KENNETH LEIGH, VERIFIED MOTION TO  
DISQUALIFY TRIAL JUDGE**

COMES NOW, Defendant, DANIEL KENNETH LEIGH, by and through undersigned attorney, pursuant to Florida Statute 38.10, hereby files this Verified Motion to Disqualify Trial Judge, and states as follows:

1. On or about May 20, 2016 a Complaint was filed against Mike Hogan, as Supervisor of Elections for Duval County, Florida; Chris H. Chambless, as Supervisor of Elections for Clay County, Florida, Vicki P. Cannon, as Supervisor of Elections for Nassau County, Florida; Alexander Pantanakis, Individually; and, Daniel Kenneth Leigh, Individually.

2. Defendants, Daniel Kenneth Leigh and Alexander Pantanakis, each filed a Motion to Dismiss regarding said complaint in which a hearing was immediately scheduled on Tuesday, May 31, 2016, at 8:15 a.m, before the Honorable James Daniel.

3. Thereafter, on Friday, June 3, 2016, Judge Daniel scheduled a telephonic status conference with the attorneys for that day at 4:30 p.m., and sent an email to the attorneys as to his questions for the status conference.

4. During the status conference, Judge Daniel, responding to an argument from Defendant Leigh, said, "I do not care about your rights." Moments later, Judge Daniel attempted to clarify by saying, "I meant that your rights are not relevant as to this issue." At that point, the toothpaste was already out of the container as to how the judge felt. Defendant Leigh's rights are as equally important as the Plaintiffs in this case, but the undersigned does not believe that Judge Daniel agrees and therefore fears he will not get a fair trial.

5. Section 38.10, Florida Statutes, grants the right of a litigant to seek disqualification of a trial judge for prejudice or for a fear that he or she will not receive a fair trial in the court where the action is pending. Further, Section 38.10 requires that once a party raises a fear via affidavit that "he or she will not receive a fair trial in the court where the suit is pending on account of the prejudice of the judge of that court against the applicant or in favor of the adverse party, the judge *shall proceed no further.*"

6. Disqualification is required when litigants demonstrate a reasonable, well-grounded fear that they will not receive a fair and impartial trial or that the judge has pre-judged the case. Williams v. Balch, 897 So. 2d 498, 498 (Fla. 4th DCA 2005). In that case, during the course of hearings regarding child custody modification that the trial judge made comments signaling a predisposition against one of the parties. Id. at 499. These comments went beyond the role of a neutral arbiter. Id.

7. The trial judge's comments in the instant case likewise went beyond the role of a neutral arbiter. Defendant fears the ruling from the Court on the pending Motions to Dismiss will be nothing more than a ratification of the Court's already formed position. This fear is

based solely on Judge Daniel's verbal statements that Defendant Leigh's rights do not matter in this cause. This entire case is about the rights of Defendant Leigh to be a write in candidate, which he has been qualified by the State of Florida to do so. Therefore, Defendant Leigh's rights as a "qualified" write-in candidate are *equally* as important as Plaintiff's rights in this instant action.

**WHEREFORE**, Defendant respectfully requests that this honorable Court grant the relief requested by this motion and enter an order of disqualification requesting a new judge be appointed by the Chief Judge.

Respectfully submitted,

By: /s/ Stefani K. Nolan

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#### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of this document was sent via the Florida Courts e-Filing Portal to the registered participant(s) listed below on June 5, 2016.

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