

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
THIRD DISTRICT
January Term 2011

**LISA M. DETOURNAY, BRENDA RANDOL, and THE RIVIERA
NEIGHBORHOOD ASSOCIATION, INC.,** a Florida Not-For-Profit
Corporation,
Petitioners,

v.

CITY OF CORAL GABLES, a Florida Municipal Corporation and **AMACE
PROPERTIES, INC.,**
Respondents.

No. 3D11-886

[June 29, 2011]

PER CURIAM.

By this petition for writ of prohibition, petitioner seeks to disqualify the trial judge after a final hearing and the trial judge's oral ruling in favor of the opposing parties. While the grounds alleged for disqualification occurred during the trial, the petitioners did not move to disqualify at that time. The trial court orally ruled and requested that the respondent furnish a proposed final judgment. Ten days later, petitioner moved to disqualify the trial judge. Based upon *Fischer v. Knuck*, 497 So. 2d 240 (Fla. 1986), the motion to disqualify was untimely when delayed until after the final judgment. *See also Lawson v. Longo*, 547 So. 2d 1279 (Fla. 3d DCA 1989). Even if it were timely, the grounds raised were legally insufficient. *See Fla. Code Jud. Conduct Canon 3(B)(7)(d)* ("A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to mediate or settle matters pending before the judge."); *Polanco v. State*, 993 So. 2d 566 (Fla. 4th DCA 2008) (legally sufficient motion for disqualification must have some first-hand knowledge upon which to swear to truth of allegations).

WARNER, LEVINE and CONNER, Associate Judges, concur.

* * *

Petition for writ of prohibition to the Circuit Court for the Eleventh

Judicial Circuit, Miami-Dade County; Ellen Leesfield, Judge; L.T. Case No. 07-29458-CA-13.

Andrew W. J. Dickman of Law Office of Andrew Dickman, P.A., Naples, for petitioners.

Gerald B. Cope, Jr., Elizabeth Hernandez and Jennifer Cohen Glasser of Akerman Senterfitt, Miami, for respondent City of Coral Gables.

Santiago D. Echemendia and Maria P. Gonzalez of Tew Cardenas LLP, Miami, for respondent AMACE Properties, Inc.

Not final until disposition of timely filed motion for rehearing.