

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2009

E.I. DuPONT de NEMOURS AND COMPANY, INC.,
Petitioner,

v.

**AQUAMAR S.A., MOLINOS DEL ECUADOR S.A., and DESARROLLO
INDUSTRIAL BIOACUATICO S.A.,**
Respondents.

No. 4D09-2871

[September 30, 2009]

PER CURIAM.

We deny DuPont's petition for writ of prohibition which sought review of its motion to disqualify the trial court judge, the fifth such motion DuPont has filed in this case. An attorney's legal campaign contributions within the statutorily permitted amount are not a legally sufficient ground for disqualification. *MacKenzie v. Super Kids Bargain Store, Inc.*, 565 So. 2d 1332 (Fla. 1990). None of the other allegations raised in the motion set forth an objectively reasonable basis for DuPont to fear the judge is biased.

The contributions from attorneys in the firms representing the plaintiffs in this case were all within the statutorily permitted amounts, and the cumulative total of \$4650 which the attorneys in the firms contributed to the judge's reelection campaign does not approach the \$3 million contribution at issue in *Caperton v. A.T. Massey Coal Co.*, 129 S. Ct. 2252 (2009). Contrary to DuPont's argument, the circumstances of this case are not equivalent, or anywhere close, to those presented in *Caperton*.

POLEN, HAZOURI and CIKLIN, JJ., concur.

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Petition for writ of prohibition to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Charles M. Greene, Judge; L.T. Case Nos. 97-20375 26 and 98-14192 26.

Edward A. Moss of Shook, Hardy & Bacon, L.L.P., Miami, for petitioner.

No appearance required for respondents.

Not final until disposition of timely filed motion for rehearing.