

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION  
CASE NO. 00-2750CI-20

CHURCH OF SCIENTOLOGY FLAG  
SERVICE ORGANIZATION, INC.,

Plaintiff,

vs.

DELL LIEBREICH, individually and as  
Personal Representative of the Estate of  
Lisa McPherson,

Defendants.

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**ORDER DENYING DEFENDANTS' MOTION TO DISQUALIFY**

**THIS CAUSE** came on without hearing upon the Motion to Disqualify. A copy of the motion was provided to the Court on January 21, 2003. This Motion to Disqualify is brought pursuant to Florida Statute §38.10 and Rule 2.160, Florida Rules of Judicial Administration. This statutory provision provides that upon the filing of a suggestion of disqualification of the trial judge, the Court can proceed no further and the Court is prohibited from making any findings whatsoever as to the truth or falsity of the sworn allegations contained in the suggestion of disqualification. Accordingly, this Court makes no findings whatsoever as to the truth or falsity of the allegations contained in the motion. In determining the legal sufficiency of the motion, all of the facts alleged by the moving party are taken as true. Deren v. Williams, 521 So2d 150 (Fla. 5<sup>th</sup> DCA), rev. denied, 531 So2d 169 (Fla. 1988). The issue of the legal sufficiency of the motion and affidavits is purely a question of law. Larimer v. State, 50 Fla. Supp.2d 13, (Fla. 5<sup>th</sup> CIR. Ct. 1991).

The motion fails to comply with the requirements of Florida Statute §38.20 and/or Rule 2.160, Florida Rules of Judicial Administration. Opinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a motion to disqualify unless they display a deep-seated

*Karen F. Desjardis*  
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Clerk Circuit/County Court

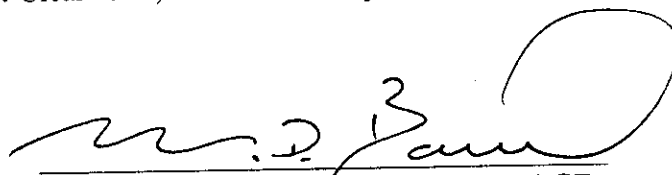
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favoritism or antagonism that would make fair judgment impossible. *Liteky v. United States*, 114 S.Ct. 1147, 127 L.Ed.2d 474 (1994). Adverse judicial rulings alone may not be the basis for disqualification of a judge for bias or prejudice. *Gieseke v. Grossman*, 418 So2d 1055 (Fla. 4<sup>th</sup> DCA 1982). Additionally, subjective fears that a party would not receive a fair trial are insufficient to require the disqualification of a judge. *Fischer v. Knuck*, 497 So2d 240 (Fla. 1986). Accordingly,

**IT IS ORDERED** that the Defendants' Motion to Disqualify is **DENIED**.

**DONE AND ORDERED** in Chambers at Clearwater, Pinellas County, Florida this 21<sup>st</sup> day of January, 2003.

  
W. DOUGLAS BAIRD, CIRCUIT JUDGE

cc: F. Wallace Pope, Jr., Esq.  
Samuel Rosen, Esq.  
Luke Lirot, Esq.