

IN THE DISTRICT COURT OF APPEAL OF FLORIDA THIRD
DISTRICT

Case No.

Eleventh Judicial Circuit Court Case No.: 2024-010948-CA

BARRY SKOLNICK derivatively on
behalf of COMMUNITY-POLICE RELATIONS

FOUNDATION, INC.

Petitioner v.

ALVIN ESKANAZY

Defendants.

COMMUNITY-POLICE RELATIONS
FOUNDATION, INC.

Nominal Defendant

PETITION FOR WRIT OF PROHIBITION

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INTRODUCTION

This Petition seeks review of a September 9, 2024, Order of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. (A-004 Order). The Order denied Petitioner Barry Skolnick derivatively on behalf of Community Police Relations Foundation's September 6, 2024, Motion for Disqualification of the Hon. Migna Sanchez-Llorens. Emergency relief is needed because Judge Migna Sanchez-Llorens has set Three (3) hour and Thirty (30) minute hearing on temporary injunction motions on Tuesday September 10, 2024.

The case was assigned at the outset to Judge Migna Sanchez-Llorens. At multiple hearings during this recently filed matter¹ at a hearing on August 30, 2024, for a case management conference (the 4th case management conference) which should have been to discuss both parties competing injunction requests pending before this court. The Competing injunctions concern the management and control over Community-Police Relations Foundations, a 501

¹ This matter was filed just over 2 months ago, with notices of appearance from defense counsel filed just over 40 days ago. There have been four(4) case management conferences (CMC) held on August 8, 2024; August 15, 2024, August 27, 2024 and August 30, 2024.

(c)(3) charity with its mission to better relations between law enforcement and the South Florida communities which has been “hijacked” by defendant from founding officer, tressure, trustee and co-chairman Barry Skolnick. Hence Plaintiffs injunction request. However, the CMC encompassed the trial court addressing Defendants restraining order request and Judge Sanchez-Llorens, before hearing any evidence, prejudging the dispute. Specifically Judge Sanchez-Llorens stated, “You’re [meaning Barry Skolnick, Plaintiff], hurting the organization”; “why are those letters being sent” [referring to Plaintiff informing donors of defendants misuse of the charity funds as is his fiduciary duty, and clearly the trial judge disagreeing with Mr. Skolnick doing so]; Judge Sanchez-Llorens stating “so there is harm” the Court referring to harm to nominal defendant, Community-Police Relations Foundation being harmed due to the letters sent by Mr. Skolnick to donors informing donors of misuse of funds by defendant; “I am not going to wait for my calendar to clear, I am going to enter an order” the trial court referring to not waiting for her calendar to clear to have the mandatory evidentiary hearing on the competing injunctions and as such the trial court is “going to enter an order”, clearly indicating in

favor of defendant, not Mr. Skolnick; “something needs to be done, the organization does need to be protected” the trial court referring to Mr. Skolnick’s letters hurting the organization without hearing any evidence; “I know that the transfer calendar is in the morning. I will call over to the administrative judge, sign in and find out early on whether or not its been transferred”, the trial court clearly indicating prior to any ruling on the transfer request to complex business litigation is going to be granted or denied²; the trial judge stating further at the August 30, 2024 hearing, “I am ready to rule on what will happen”, clearly indicating the trial judge has prejudged this matter and based upon the trial judges comments as a whole, not in favor of Plaintiff, all without hearing one piece of evidence.

Judge Sanchez-Llorens comments instilled in Mr. Skolnick a reasonable fear that he will not receive before Judge Sanchez-Llorens a fair hearing on not only his emergency injunction request but also the competing restraining order filed by defendant requesting to keep Mr. Skolnick out of CPRF, the CPRF bank

² The transfer request was denied despite meeting the mandatory requirements under the CBL rules. That issue will be addressed in this brief as well.

account frozen and overall “hijack” the foundation Mr. Skolnick started, a fair hearing on other issues, or a fair trial.

This Court and other Florida appellate courts have held similar statements support disqualification. *See, e.g., Great Amer. Ins. Co. v. 2000 Island Blvd. Island Condo. Ass’n*, 153 So. 3d 384, 388-90 (Fla. 3d DCA 2014) (ordering disqualification based on comments reflecting the judge’s prejudgment of issues).

BASIS FOR INVOKING JURISDICTION

Petitioner invokes this Court’s jurisdiction pursuant to article V, section 4(b)(3) and Florida Rule of Appellate Procedure 9.100. “[A] writ of prohibition is the proper procedure for appellate review to test the validity of a motion to disqualify.”³ The standard of review of a trial court's determination on a motion to disqualify is *de novo*.⁴

³ *Cini v. Cabezas*, 343 So. 3d 1282, 1283 (Fla. 3d DCA 2022) (citations omitted).

⁴ *Saenz v. Sanchez*, 355 So. 3d 524, 525 (Fla. 3d DCA Feb. 1, 2023) (granting petition); *Rodriguez v. Halsall*, 352 So. 3d 1286, 1286 (Fla. 3d DCA Jan. 4, 2023) (granting petition and remanding for assignment to successor judge).

FACTS ON WHICH THE PETITIONER RELIES

The Initial Pleadings

Plaintiff BARRY SKOLNICK derivatively on behalf of COMMUNITY – POLICE RELATIONS FOUNDATION, INC. filed this action on June 13, 2024, against Alvin Eskanazy alleging that he, misused funds of CPRF; forged Mr. Skolnick’s name on an alleged set of amended-bylaws; improperly voted out Mr. Skolnick from the CPRF board, being a trustee, co-chairman by failing to follow any corporate formalities and the original by-laws and wrongfully has taken sole control over CPRF bank accounts and frozen other CPRF bank accounts Mr. Skolnick is a signatory on. (See A.006, Complaint).

Alvin Eskanazy filed on July 24, 2024 his motion to dismiss (See A-032 Defendant Motion to Dismiss), but then agreed the issues raised in the motion were moot as the verification deficiency had been rectified with a notice of filing verification by Mr. Skolnick (See A-053 Plaintiff’s Verification), and the pre-suit requirements had been met.

Mr. Skolnick derivatively on behalf of CPRF filed an amended complaint on September 5, 2024. (See A-057, Amended Complaint).

The Motions for Restraining Orders

Defendant filed on July 23, 2024 a restraining order request (See A.113 Defendants Restraining Order Request); Plaintiff then filed its response in opposition to Defendants restraining order request (See A-139 Plaintiffs Opposition to Restraining Order Request).

Mr. Skolnick derivatively on behalf of CPRF filed on August 7, 2024 an injunction request against Defendant. (See A-194 Plaintiff's Injunction Request).

The restraining order filed by Defendant is predicated on a false assertion that Defendant has operational control of CPRF and Mr. Skolnick does not; that Defendant is authorized in his actions based upon an amended set of by-laws [contested by Plaintiff and contain a forged signature of Plaintiff, Mr. Skolnick], that under the amended set of by-laws Defendant and his sham crony board members properly voted out Mr. Skolnick from being on the board, a co-chairman and trustee of CPRF. Moreover that Defendant has properly frozen the CPRF account in which Mr. Skolnick is a signatory, all of which then results in Defendant seeking to stop Mr. Skolnick from acting on behalf of CPRF or conducting business on

behalf of CPRF. In essence, Defendant restraining order requests serves his own interest and not that of CPRF and to block Mr. Skolnick for the organization he started.

Mr. Skolnick derivatively on behalf of CPRF opposes the restraining order request by Defendant.

Conversely, Mr. Skolnick derivatively on behalf of CPRF and acting in the best interest of CPRF, unlike Defendant, filed on behalf of CPRF and injunction seeking to stop misuse of funds by Defendant, to force defendant to follow the original by-laws and corporate formalities and to unfreeze the CPRF bank account so Mr. Skolnick is able to conduct business on behalf of CPRF as he has done since its inception and as the largest donor.

The August 30, 2024, Hearing

The full transcript of the August 30, 2024, Zoom hearing is at pages (See A-240).

Mr. Skolnick, Mr. Eskanazy and counsel of record all attended the August 30, 2024, Zoom hearing. (A-241). At the outset of the hearing, it was clear it was Judge Sanchez-Llorens intent to only recognize and address Defendants injunction and Defendants sense of urgency on the matters before the court and did not even address

the fact that Plaintiff, who currently has an injunction request before the court to STOP MISUSE OF CPRF funds as alleged in a verified complaint and injunction, was not even on the Judge's radar screen. The trial judge simply wanted to address Mr. Montoya's urgent request, the attorney who represents the party who has misused CPRF funds for his own benefit.

It was not until counsel for Plaintiff was provided an opportunity to speak that the issues raised in Plaintiffs injunction were even addressed. Point is, how can the judge state she is addressing Mr. Montoya's urgent request, see page 4, lines 1-20 of transcript; and completely ignore the fact that Plaintiff has its own injunction relief request with even more of a concern, that being a misuse of funds by an officer of the charity.

The Court in its zeal to provide Defendant the relief it was requesting was quick to state the following:

THE COURT:

A-255; Page 16; lines 18-25 and A-256; Page 17, lines 1.5:

17. You know, over the years **I've** [The Court saying this] belonged on

18 separate boards, and of course you hear that,

19 **you're hurting the organization. Let's start**

20 **that off. [referring to Mr. Skolnick's actions]**

21 **So why are those letters being sent?**
[referring to the letters Mr. Skolnick sent as an officer,
trustee and co-chairman of CPRF] I

22 understand his position. He's on the board.

23 He's got a responsibility, right, to the

24 donors. But at the same time, isn't it

25 premature until we find out what's actually

Page 17.

1 going on? The complaint itself, at this point,

2 are mere allegations. Nothing's been proven.

3 You've got affidavits and all that. **We know**

4 **what happens. So there is a harm.[referring**
to what Mr. Skolnick actions on behalf of CPRF]

THE COURT:

1. A-256; Page 17, line 11-18

13. **I'm not going to wait for my calendar to**

14. **clear. I'm going to enter an order.**

A-256; Page 17, Lines 22-23

THE COURT:

21. And **so something does need to be done**

22. and **the organization does need to be protected.**

A-256 Page 17, Line 25 and Page18, Lines 1-4;

The Court:

A-257; Page 18, Line 1-5: *So having said that, I know
that the*

1 *transfer calendar is in the morning. **I will***
2 ***call over to the administrative judge, sign in***
3 ***and find out early on whether or not it's***
been
4 ***transferred.***

A-261; Page 22; Lines 10-12

THE COURT:

9. I will let you know. If the transfer

10 hearing does not go forward, **I am ready to**

11 **rule, all right, on what will happen.**

12. All right. Thank you. Nothing further.

13 I'll see everyone on the 4th. I'll let you

14 know --

15 MR. BERKELEY: You're making a statement

16 about the transfer hearing not going forward.

17 Why would the transfer hearing not go
forward?

18 THE COURT: Not going forward. I

19 misspoke. I mean if the transfer hearing

20 approves of the new judge, then I have no

21 further action, no further responsibility --

22 MR. BERKELEY: Are you speaking to the

23 judge beforehand on the issue?

24 THE COURT: Mr. Berkeley, are you accusing

25 this Court of --
A-259; Page 20, lines 7-10

THE COURT: My observations.

7 No, and I understand that. **Well, we have**
8 **different points of view on that, sir.** And
9 while there are allegations, that's all it is
10 at this point, mere allegations until proven.
11 Thank you.

None of the parties were sworn as a witness, none testified, and no evidence was offered or taken. Judge Sanchez-Llorens clearly prejudged this matter in favor of defendant, was “ready to rule, alright, on what would happen” after determining the actions of Plaintiff were causing harm by stating “so there is harm” referring to the letters sent to donors by Mr. Skolnick as part of his fiduciary duty to donors; “the organization does need to be protected”, the court referring to being protected from the actions of Mr. Skolnick; and the court stating, “I am not gong to wait for my calendar to clear, I am gong to enter an order”; all without hearing one scintilla of evidence. See August 30, 2024 hearing transcript A-255-259.

Moreover, the Judge completely ignored the fact that an evidentiary hearing is necessary for her to rule, yet was ready to rule without even having an evidentiary hearing. As such, the trial judge completely ignored the *Code of Jud. Conduct*, Cannon 2.

The trial court made statements to the effect of ruling on Defendant's Motion for Temporary Restraining Order without allowing for the mandated evidentiary hearing on the matter. Such action would be in complete contravention of the law. *See, Nelson Tree Service, Inc., v. Gray*, 978 So. 2d 198 (Fla. 1DCA 2008) (Citing *Harrison v. Pal, Harbor MRI, Inc.*, 703 So. 2d 1117 (Fla. 2DCA 1997) (holding that the reasonable notice requirement of Fla. R. Civ. P. 1.610 means the ability to offer evidence and secure a record of the proceedings));

Based upon the foregoing, Plaintiff reasonably fears that he will not receive a fair trial or hearing because of the specifically described prejudice or bias of the trial judge as outlined above.

The Disqualification Motion

Mr. Skolnick moved to disqualify Judge Sanchez-Llorens on September 6, 2024,⁶ in a 198-page motion, with exhibits setting

⁶ Fla. R. of Gen'l Practice & J. Admin. 2.330(g) requires the filing of a motion for disqualification within 20 days after discovery by the party or party's counsel, whichever is earlier, of the facts constituting the grounds for the motion. Under Fla. R. of Gen'l Practice & J. Admin. Rule 2.514, the deadline for filing was Monday, July 10, 2023, so the motion was timely.

forth his specific reasons for fearing he would not receive a fair hearing or trial before Judge Sanchez-Lloren's. (See A-273-467 Plaintiff's Motion to Disqualify).

Mr. Skolnick verified, under penalty of perjury, "that the facts stated in it are true." A-288. Counsel also certified the motion had been filed in good faith.

The motion explained that Mr. Skolnick felt that "Judge Sanchez-Llorens affirmative statements that "I am ready to rule, alright on what will happen;" "you're hurting the organization" [referring to Mr. Skolnick's actions]; "There is harm" [referring to Mr. Skolnick causing the harm]; "I am not going to wait for my calendar to clear, I am going to enter an order" [without any required evidentiary hearing] are all statements leading him to fear he will not get fair trial or hearing in front this judge.

The motion stated that Judge Sanchez-Llorens comments at the August 30, 2024, hearing created a reasonable fear in Mr. Skolnick, that Judge Sanchez-Llorens had pre-judged this matter, was ready to rule without any testimony or evidence; all of which formulates the basis for disqualification as Mr. Skolnick fears he will not get a fair trial or hearing in front of Judge Sanchez-Llorens.

The motion for disqualification also asserted that Judge Sanchez-Llorens showed a clear bias in favor of Defendant as Defendant's emergency hearing requests were granted every time and Plaintiff's emergency hearing was not even acknowledged by the judge; the judge noticed and conducted hearings when Plaintiff's counsel was not available and the trial court knew of the unavailability.

Judge Sanchez-Llorens denied the motion for disqualification one day after it was filed, stating only: "The Motion is DENIED as legally insufficient." (See A-1 Order). The order was not served on counsel.

NATURE OF THE RELIEF SOUGHT

The Petitioner seeks a writ of prohibition requiring the Hon. Migna Sanchez-Llorens to disqualify herself. In addition, the petition seeks a stay of further proceedings until a successor judge has been assigned to the case.

ARGUMENT

"The test for determining the legal sufficiency of a motion for disqualification is whether 'the facts alleged (which must be taken as true) would prompt a reasonably prudent person to fear that he could

not get a fair and impartial trial.”⁷ The “focus is ‘not on what the judge intended, but rather how the message is received and the basis of the feeling.’”⁸

Judge Sanchez-Llorens comments conveyed to Mr. Skolnick that she is “I am ready to rule, alright on what will happen;” “you’re hurting the organization” [referring to Mr. Skolnick’s actions]; “There is harm” [referring to Mr. Skolnick causing the harm]; “I am not going to wait for my calendar to clear, I am going to enter an order” irrespective of the lack of any legal or factual basis for stating or doing so, would prompt a reasonably prudent person to fear that he could not get a fair and impartial trial.

⁷ *Florida Power & Light Company v. Velez*, Case No. 3D23-0712, at *3(Fla. 3d DCA June 14, 2023), (quoting *Bank of Am., N.A. v. Atkin*, 303 So. 3d 583, 587 (Fla. 3d DCA 2018) and *Molina v. Perez*, 187 So. 3d 909, 909 (Fla. 3d DCA 2016)).

⁸ *Id.* (quoting *Cisneros v. Guinand*, 314 So. 3d 682, 683 (Fla. 3d DCA 2021) (quoting *Nguyen v. Nguyen*, 229 So. 3d 407, 407 (Fla. 3d DCA 2017)); see also *In re Guardianship of O.A.M.*, 124 So. 3d 1031, 1032 (Fla. 3d DCA 2013) (“[i]n reviewing the allegations in a motion for disqualification, ‘facts must be taken as true and must be viewed from the movant’s perspective.’”) (quoting *Baez v. Koelemij*, 960 So. 2d 918, 919 (Fla. 4th DCA 2007)).

I.

The Comments Regarding Mr. Skolnick Is Hurting The Organization And Causing Harm

In *Royal Caribbean Cruise Lines v. Doe*, 767 So.2d 626, 627 (Fla. 3d DCA 2000), this Court granted a writ of prohibition where judge's "remarks suggest[ed] that the court ha[d] pre-existing unfavorable opinions about the management and litigation tactics of the cruise line industry. The remarks did not flow out of the judge's experiences in this particular case, which had just been filed."

Similarly, here, Judge Sanchez-Llorens could not have formed unfavorable opinions about Mr. Skolnick's actions on behalf of CPRF flowing from this case because it had been recently filed and no evidence of improper actions had been presented. Instead, she expressly brought into this case her experience where she [Judge Sanches-Llorens] has been on separate boards of similar organizations and she knows what Mr. Skolnick is doing would cause harm, essentially prejudging it.

II.

The Comments Regarding Ready To Rule

Judge Sanchez-Llorens also expressed a clear predisposition to make a ruling by stating, "I am ready to rule, alright on what will

happen;” and by stating “I am not going to wait for my calendar to clear, I am going to enter an order.” Judge Sanchez-Llorens was ready to make a ruling on Mr. Skolnick’s actions in operating CPRF by stating, “you’re hurting the organization” [referring to Mr. Skolnick’s actions]; “There is harm” [referring to Mr. Skolnick causing the harm]; and these issues were not even before her as the August 30, 2024 hearing was a case management conference and due to there being no evidence for Judge Sanchez-Llorens to consider as there was no testimony of any witnesses or the parties.

Those statements gave Mr. Skolnick a reasonable fear that Judge Sanchez-Llorens would not be fair in considering Mr. Skolnick’s request for injunctive relief and would be ruling in favor of Defendant with her prejudgment on the issues in the case, without any evidence.

The statement to the effect that Judge Sanchez-Llorens has been on separate boards of similar organizations and knows that the actions of Mr. Skolnick are hurting the organization are like the statement supporting disqualification in *Martin v. State*, 804 So. 2d 360 (Fla. 4th DCA 2001). In that case, the trial judge stated in a published article: “My feeling is, if I’m going to sentence someone

to state prison or county jail it should always be followed by probation.”¹⁰ Finding that the statement established a basis for disqualification, the Fourth District Court of Appeal stated:

Taken in context, as the statements appeared in the article, the judge's remarks could reasonably be interpreted as announcing a fixed intention to have probation invariably follow any jail or prison sentence that he would impose. At the very least, as the result of the trial judge's comments, Martin could reasonably fear that any argument that probation following a term of incarceration was unnecessary in his individual case would first have to overcome the judge's presumption to the contrary.¹¹

Here, the judge’s pronouncement that “I’ve been on separate boards [indicating similar to the one at issue] and you’re hurting the organization”; “it is causing harm” gave Mr. Skolnick the reasonable fear that to avoid a finding that his actions were hurting the organization and that Defendant’s injunction would be granted and Mr. Skolnick’s would not be granted he would have to overcome the judge’s presumption that Judge Sanchez-Llorens having been on separate boards and knows what hurts an organization, and the Judge having already predetermined that Mr. Skolnick’s actions are

¹⁰ *Martin*, 804 So.2d at 362.

¹¹ *Id.* at 364.

hurting the organization and that she was ready to rule without any evidence is considered “[A] judge’s announced policy or predisposition to rule in a particular manner which is grounds for disqualification.”¹²

III.

The Giving of Advice to Counsel Required Disqualification

In several of her comments, Judge Sanchez-Llorens stepped outside of her role as neutral and undertook to suggest to Mr. Skolnick how he should proceed. At one point, she questioned why Mr. Skolnick sending letters to donors and indicated that Mr. Skolnick doing so is hurting the organization. These are clear statements where Judge Sanchez-Llorens took up the role as advising Mr. Skolnick how he should operate the CPRF organization. Meaning he should not be sending letters as he is hurting CPRF in doing so. These statements are made by Judge

¹² See also *Real State Golden Invs. Inc. v. Larrain*, 278 So.3d 812, 813-14 (Fla. 3d DCA 2019) (judge’s remark that he would deny a motion to stay the proceedings if the defendant were to file one were sufficient to leave the petitioners with an objectively reasonable fear they would not receive a fair trial).

Sanchez-Llorens without having any evidence before her.

In *Florida Power & Light Company v. Velez*, Case No. 3D23-0712 slip op., at *2 (Fla. 3d DCA June 14, 2023), the trial judge made statements on the record regarding damages and damage models when that issue was not before the court. The Third District also noted that “[t]he trial judge further compared the instant class action—in which liability and damages have yet to be determined—with a wholly unrelated tobacco case he presided over that involved distribution of a settlement fund” *Id.* at 5. FPL moved to disqualify, and the motion was denied as legally insufficient. *Id.* at 6. In reversing, this Court stated:

“A trial judge crosses the line when he becomes an active participant in the adversarial process, i.e., gives ‘tips’ to either side.” *Great Am. Ins. Co. v. 2000 Island Blvd. Condo. Ass’n, Inc.*, 153 So. 3d 384, 388 (Fla. 3d DCA 2014).

* * *

Although the trial judge may have intended his comments to be helpful suggestions for a discussion of damages down the road, we do not evaluate the legal sufficiency of FPL’s motion from the perspective of the trial judge but rather from the perspective of the party seeking

disqualification. *See Great Am. Ins. Co.*, 153 So. 3d at 390 (“We acknowledge some of the trial court’s comments may have been intended as expressions of wit or erudition on his part. However, the question of disqualification focuses not on what the judge intended, but rather how the message is received and the basis of the feeling.”).

We therefore conclude that the trial judge’s comments would place a reasonably prudent person in fear of not receiving a fair and impartial trial. “We do not imply that the trial judge would actually be unfair or has an actual prejudice, we simply hold that under these circumstances,” FPL’s motion for disqualification is legally sufficient. *See Cisneros*, 314 So. 3d at 683.

Id. at 8-9.

Great American Insurance Company v. 2000 Island Blvd. Condo. Ass’n, Inc., 153 So. 3d 384, 388 (Fla. 3d DCA 2014), provides an example of another case, like this case, in which the trial judge, conducted an early hearing before evidence had been presented or discovery had been conducted, yet formed and expressed opinions about the case and how it should be handled by the counsel and the parties. The Court explained that “While a trial judge may form mental impressions and opinions during the course of the case, the judge is not permitted to pre-judge the case.” *Id.* at 386 (quoting *Kates v. Seidenman*, 881 So.2d 56, 58 (Fla. 4th DCA 2004); and citing

Minaya v. State, 118 So.3d 926, 929 (Fla. 5th DCA 2013); *State v. Ballard*, 956 So.2d 470, 473 (Fla. 2d DCA 2007)).

This Court also held in *Great American Insurance Company* that disqualification was required by “[t]he court's unsolicited legal advice to plaintiff's counsel.” 153 So. 3d at 388. “A trial judge crosses the line when he becomes an active participant in the adversarial process, i.e., gives ‘tips’ to either side. *Id.* Yet, that is precisely what happened here when Judge Sanchez-Llorens made comments concerning Mr. Skolnick sending letters to donors of the organization and suggested in doing so it was hurting the organization. In essence telling Mr. Skolnick to stop sending letters which is an instruction on how to operate the organization.

Here, Mr. Skolnick reasonably believes that the trial judge was no longer acting as a neutral judge dispassionately addressing the matters brought before her by the parties. Whether she intended her comments as a helpful discussion or not, like the FPL matter, those “comments place a reasonably prudent person in fear of not receiving a fair and impartial trial.” *Velez*, slip op. at 6.

CONCLUSION

The Court should grant this petition and remand the case for reassignment to a successor judge.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Petition was furnished by email on September 9, 2024, to:

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The Hon. Migna Sanchez-Llorens
73 West Flagler Street - Room DCC 505
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/s/ Lorne E. Berkeley
Lorne E. Berkeley

CERTIFICATE OF COMPLIANCE

I hereby certify that this Petition complies with the applicable font and word count limit requirements. The total number of words is 4,919 (limit is 13,000).

/s/ Lorne E. Berkeley
Lorne E. Berkeley