

IN THE CIRCUIT COURT OF THE FIFTH
JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR LAKE COUNTY

CASE NO. 35-2015-CA-001693-AXXX-XX

LEONARD POZNER,
Plaintiff,

v.

WOLFGANG HALBIG
Defendant,

ORDER ON MOTION TO RECUSE

The Plaintiff Leonard Pozner has filed a Motion to Recuse in this case. To remain on a case, Judges are not permitted to comment on Motions to Recuse, but rather are required to determine whether the motion is legally sufficient and if so then the Court is required to recuse itself. This motion, however, is quite curious and demands a response.

The chief basis for the motion is that the Plaintiff has filed a complaint with the Florida Judicial Qualifications Commission based upon a hearing which took place on November 7, 2017. No specific complaints are stated in the motion. Both parties were represented by counsel at that hearing and although it was some time ago, it is the Courts distinct recollection that the Plaintiff Mr. Pozner, was not present at the hearing.

Despite not being at the hearing, Mr. Pozner has signed an affidavit indicating that he

does not believe he can obtain a fair and impartial trial and rulings before this Court. Since he was not at the hearing it is somewhat curious that Plaintiffs' counsel has solicited an affidavit from him. The Court can only speculate about what Mr. Pozner would know about a hearing he did not attend.


Perhaps the most curious part of this whole process is that the Plaintiff voluntarily dismissed this case after the hearing. Ordinarily the Court would have no jurisdiction to act upon the motion to recuse but when the plaintiff filed the motion the Clerk reopened the case. The Court notes that the defendant has filed motions for sanctions in the case. Perhaps it is the motions for sanctions that the Plaintiff does not wish the undersigned to hear.

This Court has no understanding of why Mr. Pozner feels he cannot receive a fair trial or hearings or why he believes that the Courts conduct violated any rules established by the Code of Judicial Conduct. The Court ruled on the motions, granting some, denying some, and orders were prepared memorializing those rulings.

The Court considers it inappropriate to solicit an affidavit from a client who did not appear at a hearing and thus has no personal knowledge of what occurred at the hearing. The affidavit appears to be a subterfuge to support the motion and the complaint filed against the undersigned.

For the foregoing reasons, the Motion to Recuse is granted and the Clerk of the Circuit Court is hereby directed to reassign this case to another Circuit Judge in the event further proceedings are required.

DONE AND ORDERED in chambers at Tavares, Lake County, Florida on March 19, 2018.




Don F. Briggs
Circuit Judge

Copies provided to:

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