

**DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH
DISTRICT**

Sergio Alberto Castillo v. Marlen Castillo

150 So. 3d 1255 (Fla. 4th DCA 2014) · No. No. 4D14-2522 · Decided November 19, 2014

SUMMARY

The Florida Fourth District Court of Appeal granted Sergio Alberto Castillo's petition for a writ of prohibition based on his allegation that the trial court failed to provide a fair opportunity to present argument or additional evidence concerning temporary support. The court directed reassignment to a successor judge and vacated the order granting temporary relief and attorney's fees entered after the motion to disqualify was filed.

OPINION

PER CURIAM.

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FOURTH DISTRICT July Term 2014 SERGIO ALBERTO CASTILLO, Petitioner, v. MARLEN CASTILLO, Respondent. No. 4D14-2522 [November 19, 2014] CORRECTED OPINION Petition for writ of prohibition to the Seventeenth Judicial Circuit, Broward County; Laura M. Watson, Judge; L.T. Case No. FMCE 12-07321 3598. Gary Kollin of Gary Kollin, P.A., Fort Lauderdale, for petitioner.

Gregory F. Betancourt of Gregory F. Betancourt, P.A., Miami Lakes, for respondent. PER CURIAM. We grant petitioner's petition for writ of prohibition, based on his sworn allegation that the trial court failed to allow him to present argument or additional evidence prior to ruling on respondent's motion for temporary support in this post-dissolution proceeding.

We find that this allegation is sufficient to place a reasonably prudent person in fear of not receiving a fair hearing on his legal claims. See *Keating v. State*, 110 So. 3d 538, 539-40 (Fla. 4th DCA 2013); *Wade v. Wade*, 123 So. 3d 697, 698 (Fla. 3d DCA 2013).

We direct this case to be reassigned to a successor judge. *Swida v. Raventos*, 872 So. 2d 413, 415 (Fla. 4th DCA 2004). We further vacate the trial court's order granting respondent's May 14, 2014 motion for temporary relief and attorney's fees, as that order was entered subsequent to petitioner's motion to disqualify the trial judge. *Peterson v. Asklepious*, 833 So.

2d 262, 264 (Fla. 4th DCA 2002). Petition for writ of prohibition granted. DAMOORGIAN, C.J., CIKLIN and CONNER, JJ., concur. * * * Not final until disposition of timely filed motion for rehearing. 2

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