

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA**

**ESTATE OF LISA MCPHERSON, by and
through the Personal Representative,
DELL LIEBREICH
Plaintiff,**

vs.

**UCN: 52-2000CA005682XXCI
REF:00-005682CI-11**

**CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, INC., JANIS
JOHNSON, ALAIN KARTUZINSKI, and
DAVID HOUGHTON, D.D.S,
Defendants.**

**CHURCH OF SCIENTOLOGY FLAG
SERVICE ORGANIZATION, INC.
Counter-claimant,**

vs.

**ESTATE OF LISA MCPHERSON, by and
through the Personal Representative,
DELL LIEBREICH, and ROBERT MINTON,
Counter-defendants.**

**CHIEF JUDGE'S ORDER ON
REASSIGNMENT OF CASE**

THIS COURT has reviewed the trial judge's "Order Reviving Counterclaim for the Sole Purpose of Granting Robert Minton's Renewed Verified Motion to Disqualify Trial Judge and Suggestion of Disqualification and Request for Permission to File Motion." The court has also reviewed the "Defendant Church of Scientology Flag Service Organization's Notice of Motion and Memorandum of Law for Reassignment of this Entire Action by Random Selection by the Clerk of the Court."

The court makes the following findings concerning the reassignment:

1. It is unnecessary to extend to all of the parties an opportunity to respond to the motion of the Defendant Church of Scientology Flag Service Organization because the court finds the suggestions to be without merit, it will unnecessarily delay resolution of this case, and litigants do not have a right to be heard regarding assignment and reassignment of cases. *Kruckenberg v. Powell*, 422 So.2d 994 (Fla.5th DCA 1982).

2. The disqualification only applies to the counterclaim action and does not disqualify the trial judge in the wrongful death action.

3. The court accepts the trial judge's recommendation as to reassignment of the wrongful death action. The wrongful death action and the counterclaim action should be reassigned to one judge.

4. Local Rule 3 and Administrative Order 97-24 PI/CIR do not limit the discretion of the chief judge to assign or reassign matters. The chief judge may assign these proceedings to any other judge or any additional assigned judge of the same court. Rule of Judicial Administration 2.050(b)(4). See also *Kruckenberg v. Powell*, 422 So.2d 994 (Fla.5th DCA 1982).

5. These actions need to be resolved and will require a significant commitment of time. The Honorable Robert Beach is a senior judge assigned to service in the Sixth Judicial Circuit and has the time available to devote to these matters.

ACCORDINGLY, it is hereby,

ORDERED AND ADJUDGED:

A. For purposes of case assignment, the Clerk of the Court is directed to randomly assign these matters to one of the three remaining civil sections in St. Petersburg.

B. Senior Judge Robert Beach is appointed to preside over the wrongful death claim action and the counterclaim action. To set hearing or to contact Judge Beach please call Amy Walsh (Primary Contact) at (727) 582-7223, if Ms. Walsh is unavailable please contact Dennis Briggs (Alternate Contact) at (727) 582-7882.

DONE AND ORDERED at St. Petersburg, Pinellas County, Florida, this 16th day of April 2003.



DAVID A. DEMERS, CHIEF JUDGE

ORIGINAL SIGNED
TRUE COPY

APR 16 2003

DAVID A. DEMERS
Circuit Judge

Copies to: Anthony S. Battaglia, Esquire
Kenneth G. Dandar, Esquire
William T. Drescher, Esquire
Ronald P. Hanes, Esquire
Luke Lirot, Esquire
Kendrick L. Moxon, Esquire
Samuel D. Rosen, Esquire
Douglas J. Titus, Esquire