

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

McCONNAUGHAY, DUFFY,
COONROD, POPE & WEAVER, P.A.,

Petitioner,

v.

LUTHERAN SERVICES,
FLORIDA, INC.,

Respondent.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED.

CASE NO. 1D07-6486

Opinion filed March 18, 2008.

Petition for Writ of Prohibition -- Original Jurisdiction.

Mary L. Wakeman, Victoria E. Heuler, and Ashley Richardson of McConnaughay,
Duffy, Coonrod, Pope & Weaver, P.A., Tallahassee, for Petitioner.

Lois B. Lepp of Lois B. Lepp, P.A., Pensacola; James C. Taylor of Taylor & Van
Matre, P.A., Pensacola, for Respondent.

PER CURIAM.

Petitioner, a law firm seeking to recover fees and costs in a guardianship matter
pursuant to section 744.108, Florida Statutes, seeks prohibition relief following the

denial of its motion to disqualify the trial judge. Having carefully considered the record and the arguments of the parties, we conclude that petitioner had standing to seek disqualification, and that its motion seeking that relief, which was filed contemporaneously with its petition for fees and costs, was timely. We likewise conclude that taking the facts alleged therein as true, the motion for disqualification was legally sufficient. Accordingly, the petition for writ of prohibition is granted.

PETITION GRANTED.

BROWNING, C.J., VAN NORTWICK and ROBERTS, JJ., CONCUR.