

**IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA**

DR. MARK T. MACHUGA, D.C., P.A.,
a/a/o Kimberly Lahti,

CASE NO.: 2010-CA-24714-O
WRIT NO.: 10-101

Petitioner,

v.

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,**

Respondent.

Petition for Writ of Prohibition
from the County Court, for Orange County,
Antoinette D. Plogstedt, County Judge.

Lee M. Jacobson, Esquire, for Petitioner.

Dale T. Gobel, Esquire and
Kimberly D. Webb, Esquire, for Respondent.

Before ARNOLD, LAUTEN, O'KANE, JJ.

PER CURIAM.

FINAL ORDER DENYING PETITION FOR WRIT OF PROHIBITION

Petitioner, Dr. Mark T. Machuga, D.C., P.A. a/a/o Kimberly Lahti, (hereinafter referred to as "Machuga P.A.") seeks a writ of prohibition to require the Honorable Antoinette D. Plogstedt to remove herself from presiding over all further proceedings in the lower court case. This Court has jurisdiction pursuant to Florida Rule of Appellate Procedure 9.030(c)(3). We dispense with oral argument pursuant to Florida Rule of Appellate Procedure 9.320.

On October 18, 2010, Machuga P.A. filed a motion to disqualify Judge Plogstedt from presiding over all further proceedings in the case and on that same day Judge Plogstedt entered an order denying the motion. On November 15, 2010, Machuga P.A. filed the petition for writ of prohibition to quash the order denying the motion to disqualify and to order Judge Plogstedt to remove herself from further proceedings in the case.

From review of the court record, abuse of discretion was not evident as to Judge Plogstedt's rulings in this case, including her ruling that denied the motion to disqualify. Therefore, this Court finds that Judge Plogstedt's order denying the motion to disqualify her should stand as she did not depart from the essential requirements of law in her ruling.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that Machuga P.A.'s Petition for Writ of Prohibition is **DENIED**.

DONE AND ORDERED in Chambers at Orlando, Orange County, Florida, this 5th day of March, 2012.

/S/
C. JEFFERY ARNOLD
Circuit Court Judge

/S/
FREDERICK J. LAUTEN
Circuit Court Judge

/S/
JULIE H. O'KANE
Circuit Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. mail to: **Lee M. Jacobson, Esquire**, Law Offices of Michael B. Brehne, P.A., 230 N. Westmonte Drive, Altamonte Springs, Florida 32714 and **Dale T. Gobel, Esquire** and **Kimberly D. Webb, Esquire**, 189 South Orange Avenue, Suite 1430, Orlando, Florida 32801 on this 6th day of March, 2012.

/S/
Judicial Assistant