

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

NEELAM TANEJA PERRY a/k/a,
NEELAM TANEJA,

Plaintiff,

vs.

Case No.: 24-003892-CI

ROBERT ROCHFORD, et. al.,

Defendants.

**COURT'S MOTION TO TRANSFER VENUE
AND ORDER SETTING IN-PERSON HEARING**

PLEASE TAKE NOTICE that the Court hereby moves *sua sponte* to transfer the instant matter to Leon County, Florida pursuant to section 102.1685, Florida Statutes (2023), which states: "The venue for contesting a nomination or election ... shall be in the county in which the contestant qualified ... or, if the election ... covered more than one county, then in Leon County." It has come to the Court's attention that the election for the political office at issue in this matter covered two counties: Pinellas County and Hillsborough County. Accordingly, the proper venue for the instant matter is Leon County rather than Pinellas County.¹

A trial court may *sua sponte* raise the question of whether venue should be transferred to another county. *McDaniel Reserve Realty Holdings, LLC v. B.S.E. Consultants, Inc.*, 39 So. 3d 504, 511 (Fla. 4th DCA 2010). A motion to transfer on the ground of improper venue raises issues of fact which must be resolved by an evidentiary hearing, unless the complaint shows on its face

¹ Plaintiff also filed a contest of election suit in Hillsborough County. *See* Hillsborough Case No. 24-CC-048794. Plaintiff filed her "Motion for Change of Venue to Transfer Case to Leon County" on September 22, 2024 in the Hillsborough case. Said motion is currently pending before the Thirteenth Judicial Circuit. Accordingly, it appears that Plaintiff seeks transfer of the related Hillsborough case to Leon County.


that venue is improper. *Kinetiks.Com, Inc. v. Sweeney*, 789 So. 2d 1221, 1223 (Fla. 1st DCA 2001). Although the Court entered an order striking Plaintiff's Complaint on September 17, 2024, the now-stricken Complaint nonetheless alleged violations by public officials in both Pinellas County and Hillsborough County as to the primary election which occurred on August 20, 2024. Arguably, the issue of improper venue is apparent from Plaintiff's Complaint. However, the Court will adhere to the general principle that the issue of venue "can be decided only after both parties receive appropriate notice and an opportunity to be heard." *Hewitt Contracting Co., Inc. v. Joyner Elec., Inc.*, 616 So. 2d 190, 191 (Fla. 5th DCA 1993).

Accordingly, it is **ORDERED** as follows:

1. On **Monday, October 28, 2024 at 11:00am**, the parties are ordered to attend an **EVIDENTIARY HEARING** on the Court's Motion to Transfer Venue in the instant case which will be heard by the Honorable Patricia Ann Muscarella at the Clearwater Courthouse, 315 Court Street, Courtroom D, 4th Floor, Clearwater, Florida, 33756. The time allotted for the hearing is fifteen (15) minutes.

2. The parties may otherwise avoid the necessity of a hearing by filing a stipulation for transfer of venue prior to the above-provided hearing. Said stipulation must provide that the parties agree that the election contested in this matter covered more than one county and therefore venue is proper in Leon County pursuant to section 102.1685.

DONE and ORDERED in Chambers, in St. Petersburg, Pinellas County, Florida this ___ day of October, 2024.


~~24-003892-CI 10/21/2024 9:56:59 AM~~
Circuit Judge Patricia A. Muscarella
~~24-003892-CI 10/21/2024 9:56:59 AM~~

Honorable Patricia A. Muscarella
Circuit Civil Judge

