

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

**JOHN WILLIAM LICCIONE,**

**Plaintiff,**

v.

**CATHY SALUSTRI-LOPER, et al.,**

**Defendants.**

**Case No.: 24-003939-CI**

**Related Case No. 2D2026-0281**

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**PLAINTIFF'S VERIFIED MOTION TO DISQUALIFY  
THE HONORABLE PATRICIA MUSCARELLA  
(FLA. R. JUD. ADMIN. 2.330)**

Plaintiff, JOHN WILLIAM LICCIONE ("Plaintiff"), appearing pro se, moves to disqualify the Honorable Patricia Muscarella, pursuant to Florida Rule of Judicial Administration 2.330, and states:

1. This is a verified motion to disqualify based on newly discovered facts that, when taken as true, would place a reasonably prudent person in fear of not receiving a fair and impartial adjudication.
2. Plaintiff files this motion within ten (10) days after discovery of the facts constituting the grounds for disqualification. Fla. R. Jud. Admin. 2.330(e). The facts described below were not known to Plaintiff, and could not reasonably have been known, until after the written dismissal order was issued and the relevant electronic notifications and docket circumstances were reviewed.

3. This motion does not seek review of the merits of any ruling, does not request any substantive relief, and is limited to disqualification and reassignment as required by Rule 2.330. Fla. R. Jud. Admin. 2.330(d)(3).

## **I. PROCEDURAL POSTURE**

4. This case was dismissed with prejudice on Anti-SLAPP grounds by written order entered after the motion-to-dismiss hearing (DN 189). The Court reserved jurisdiction to determine attorneys' fees. Plaintiff has filed a Notice of Appeal (DN 183) and a Second District Court of Appeal case number 2D2026-0281 has been assigned. Today Plaintiff has also filed a Motion to Stay Collateral Proceedings Pending Appeal.
5. **Legal standard.** A motion to disqualify is legally sufficient if it alleges facts (which must be accepted as true) that would create in a reasonably prudent person a well-founded fear of not receiving a fair and impartial hearing. Proof of actual bias, intent, or misconduct is not required. The appearance of partiality and denial of notice and opportunity to be heard are sufficient grounds when objectively supported.

## **II. NEWLY DISCOVERED FACTS SUPPORTING DISQUALIFICATION**

6. At the conclusion of the hearing on Defendants' motion to dismiss the third amended complaint held on December 15, 2025, the Court stated or clearly indicated that the Court did not need proposed orders and would issue its own ruling.
7. After the hearing, and after the written dismissal order was later signed and ultimately was entered, Plaintiff learned through two JAWS/e-service notifications (and related electronic case activity) that two JAWS document uploads occurred on January 29, 2026, both at 12:40PM, that included (or was labeled as including) a "Cover Letter" (See **Exhibit A**) pdf

file, and a (presumably proposed) “Order” pdf file (of unknown filename) associated with this case. (See **Exhibit B**)

8. Plaintiff was not served with any “Cover Letter” or any proposed order in connection with the “Cover Letter” / “Order” uploads as is reflected in the electronic notifications.
9. No “Cover Letter” and no proposed order corresponding to the “Cover Letter” / “Order” upload appears on the Clerk’s docket as a filed document accessible to Plaintiff. (See **Exhibit E - Case Docket**)
10. The Court signed the written dismissal order on the same day as the “Order” document upload referenced in the electronic notifications. (See **Exhibit F – Order**)
11. Plaintiff was not given notice that any proposed order was being submitted for the Court’s consideration in connection with the ruling, and Plaintiff was not given an opportunity to review, object, or submit a competing proposed order before the Court signed the dismissal order
12. Plaintiff promptly contacted the judicial assistant by email, twice, requesting the missing attachments and/or clarification as to the “Cover Letter” / “Order” upload and associated documents, on January 29, 2026 (See **Exhibit C, pg 1**). Plaintiff did not receive a timely response providing the uploaded attachments or otherwise resolving the discrepancy, before the Court signed the conformed dismissal order (on January 29<sup>th</sup>).
13. Plaintiff sent a second request (**Exhibit B, pg 1**) for the documents on January 30, 2026 at 12:01PM, but was not provided copies of a cover letter or proposed order. Instead, 41 minutes later, Judicial Assistant Lidia Torres emailed Plaintiff a copy of the signed Order bear which bore a date stamp of January 29, 2026. (See **Exhibit F – Order**)

14. It is noted that Exhibit D, Pg 3, just above the bottom, reflects that the file that was uploaded into JAWS on January 29<sup>th</sup> at 12:40PM displayed the following error message:

**“Error! Filename not specified”**

15. The combination of: (a) the Court’s on-record indication that proposed orders were not needed; (b) the subsequent electronic notifications reflecting a “Cover Letter” and “Order” upload on January 29<sup>th</sup> which was not served on Plaintiff; (c) the absence of those documents on the public Clerk’s docket; (d) the same-day timing between that upload and the signing of the dismissal order; (e) the lack of notice and opportunity for Plaintiff to be heard as to the form or content of the order or the equal opportunity to submit a competing order under cover letter; and, (f), the lack of specific response or service as to the cover letter/proposed order upload request, creates an objectively reasonable appearance that one party had undisclosed access to the Court regarding the form and content of the dispositive order outside Plaintiff’s presence.

16. It is noted that as a pro se litigant who is not a lawyer, Plaintiff has no access to JAWS and as such relies on proper service via opposing counsel and/or the Court.

17. As of this date, neither the Court nor opposing counsel have provided copies of the cover letter or a proposed order.

18. Plaintiff does not accuse the Court or opposing counsel of bad faith and does not assert a claim of intentional misconduct. Plaintiff alleges only objective facts and the reasonable perception they create in a reasonably prudent person.

19. These facts create a reasonable fear that Plaintiff cannot receive fair and impartial treatment in any further trial-court proceedings in this case, including collateral proceedings on attorneys’ fees, costs, and any enforcement-related matters, because the process by which the

dispositive order was presented and entered appears to have occurred without equal notice and opportunity to be heard.

### **III. ADDITIONAL CONTEXT (STATED NARROWLY)**

16. Plaintiff also notes, narrowly and without accusation, that the original pleadings in this action included election mail ballot fraud allegations (referenced by Plaintiff as the “No-No Ballot Request anomaly”). To the extent the Court has an institutional or personal connection to those issues, Plaintiff believes this may further amplify the appearance-of-interest concerns created by the newly discovered process irregularities described above. Plaintiff does not seek adjudication of that subject in this motion and offers it only as limited context for appearance analysis.

17. Plaintiff is mindful that disagreement with rulings is not a basis for disqualification. This motion is not based on disagreement with the Court’s legal conclusions. It is based on the newly discovered objective facts concerning the apparent submission and adoption of materials not served on Plaintiff and not reflected on the docket, coupled with the same-day signing of the order.

### **IV. COMPLIANCE WITH RULE 2.330**

18. This motion is in writing, specifically alleges the facts and reasons for the belief that Plaintiff will not receive a fair trial or hearing, is filed promptly within ten (10) days of discovery, and is verified by Plaintiff as required by Rule 2.330. Fla. R. Jud. Admin. 2.330(d), (e).

19. Plaintiff has acted diligently upon discovering the facts, including promptly seeking the missing attachments/clarification from the judicial assistant and preparing this motion without delay.

**WHEREFORE**, Plaintiff respectfully requests that the Court enter an order:

- A.** Disqualifying Judge Patricia Muscarella from further proceedings in this case; and
- B.** Directing that the case be reassigned to a different judge, pursuant to Florida Rule of Judicial Administration 2.330 and applicable administrative procedures.

Dated: February 5, 2026.

**/s/ John W. Liccione**  
John W. Liccione,  
Plaintiff, Pro Se  
1497 Main St. Suite 196  
Dunedin, FL 34698  
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#### **VERIFICATION**

Under penalties of perjury, I declare that I have read the foregoing Motion to Disqualify and that the facts stated in it and its attached Exhibits A-F are true and accurate to the best of my knowledge and belief.

Dated: February 5, 2026.

**/s/ John W. Liccione**

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was filed via the Florida e-Filing Portal and served via email to Defendants' counsel, James B. Lake (jlake@tlolawfirm.com), on February 5, 2026.

**/s/ John W. Liccione**