

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

JOSIE MACHOVEC, et al.

Plaintiffs

CASE NO. 50-2020-CA-006920-XXXX-MB
CIRCUIT CIVIL DIVISION: AF

v.

PALM BEACH COUNTY, a political
subdivision of the State of Florida,

Defendant.

_____ /

PLAINTIFFS' MOTION FOR DISQUALIFICATION

COMES NOW, Plaintiffs JOSIE MACHOVEC, CARL HOLME, KAREN HOLME, RACHEL EADE and ROBERT SPREITZER ("Plaintiffs/Movants"), by and through the undersigned, pursuant to Florida Statute § 38.10 and Rule 2.330 of the Florida Rules of Judicial Administration, hereby move to disqualify the Honorable John S. Kastrenakes from further proceedings in the above-captioned matter on the grounds that Plaintiffs reasonably fear they will not receive a fair trial or hearing and that the Judge before whom the case is pending is prejudice or biased. As grounds for this motion, Plaintiffs state as follows:

1. This is a case challenging the constitutionality of Palm Beach County's mask mandate [Order No. 2020-012] enacted June 25, 2020, which remains in effect purportedly due to a COVID-19 pandemic (hereinafter "Order"). The Order being challenged by Plaintiffs, both facially and as-applied, includes the following: "Facial coverings must be worn by all persons in public places where social distancing in accordance with CDC guidelines is not possible or not being practiced. For purposes of this provision, public places shall include any outdoor areas that are open...." The Order has been extended multiple times and remains in effect until December 21, 2020. *See:*

<https://discover.pbcgov.org/PDF/COVID19/PBC-EO-30.pdf> (stating “Executive Order 2020-012 is hereby extended until 12:01 a.m. on December 21, 2020.”).

2. On December 12, 2020, it was reported that the Honorable John S. Kastrenakes—the Judge before whom the above-captioned action is pending—recently attended an in-person holiday party in Palm Beach County, Florida and was not wearing a mask where social distancing was not possible or being practiced, in violation of the Order at issue in this case. *See*: “Judge John Kastrenakes, Presiding Over Mask Case, Unmasked At Palm Beach County Bar Association Party” by BocaNewsNow.com, published December 12, 2020, publicly-available online at <https://bocanewsnow.com/2020/12/12/judge-john-kastrenakes-presiding-over-mask-case-unmasked-at-palm-beach-county-bar-association-party/> (stating, “Kastrenakes’ appearance at the event — regardless of mask use — may lead to questions concerning his judgment by attorneys on both sides of the constitutional case. Why a judge presiding over a heated issue like masking would attend an in-person holiday party — as the CDC says no holiday party is safe — is a potential issue. His appearance without a mask at the party — while in line at a buffet — also raises questions about his beliefs when it comes to masking and social distancing.”).

3. Attached as Composite Exhibit “A” are Plaintiffs’ statements and sworn affidavits pursuant to Florida Statute § 38.10 stating Plaintiffs fear that they will not receive a fair trial or hearing because of the prejudice or bias of Judge John S. Kastrenakes.

4. Attached as Exhibit “B” is a photograph of the Honorable John S. Kastrenakes at the above-referenced event in Palm Beach County not wearing a mask over both nose and mouth while not practicing social distancing in accordance with the Order at issue in this case, or CDC guidelines.

5. As the trier of fact in the above-captioned action, Judge John S. Kastrenakes’ conduct in publicly flaunting the Order at issue in the above-captioned action shows the Judge’s undue bias, prejudice, or sympathy for other public officials and individuals who may be called as witnesses in

this action, including but not limited to members of the Palm Beach County Board of County Commissioners who have similarly not complied with the mask mandate and/or have selectively or discriminatorily enforced the Order at issue in this case.

6. Based on the above-referenced newly discovered facts, Plaintiffs reasonably fear they will not receive a fair trial or hearing because of the above-described prejudice or bias of Judge John S. Kastrenakes.

WHEREFORE, for the reasons stated above, Plaintiffs/Movants hereby respectfully request that this Court disqualify the Honorable John S. Kastrenakes from presiding over the remainder of the above-captioned action.

CERTIFICATE OF GOOD FAITH

I hereby certify that this Motion and Plaintiffs' statements contained in the sworn affidavits attached as Composite Exhibit "A" are made in good faith.

/s/ Louis Leo IV
Louis Leo IV, Esq.

CERTIFICATE OF SERVICE

We hereby certify that a true and correct copy of the foregoing was e-mailed to all counsel and parties of record using the Florida Courts E-Filing portal system.

DATED this 18th day of December, 2020.

Respectfully Submitted,

/s/ Louis Leo IV
Louis Leo IV, Esq.
FL Bar # 83837
louis@floridacivilrights.org
Joel Medgebow, Esq.
FL Bar # 84483
joel@medgebowlaw.com
Florida Civil Rights Coalition, P.L.L.C.
1279 W. Palmetto Park Rd. #273731
Boca Raton, FL 33427
Telephone: 561-714-9126
info@floridacivilrights.org

EXHIBIT “A”

NOT A CERTIFIED COPY

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Defendant.

_____ /

AFFIDAVIT OF PLAINTIFF JOSIE MACHOVEC

Under penalties of perjury, JOSIE MACHOVEC states as follows:

1. I am over the age of 18 years and competent to make this affidavit. The statements in this affidavit are based on my personal knowledge and are being made pursuant to Florida Statute § 38.10.

2. I am a Plaintiff in the above-captioned action.

3. I am fearful that I will not receive a fair hearing or trial in the above-captioned action due to bias or prejudice of the Honorable John S. Kastrenakes for the reasons stated herein.

4. On December 12, 2020, it was reported that the Honorable John S. Kastrenakes—the Judge before whom the above-captioned action is pending—recently attended an in-person holiday party in Palm Beach County, Florida and was not wearing a mask where social distancing was not possible or being practiced, in violation of the Order at issue in this case. *See*: “Judge John Kastrenakes, Presiding Over Mask Case, Unmasked At Palm Beach County Bar Association Party” by BocaNewsNow.com, published December 12, 2020, publicly-available online at <https://bocanewsnow.com/2020/12/12/judge-john-kastrenakes-presiding-over-mask-case-unmasked-at-palm-beach-county-bar-association-party/> (stating, “Kastrenakes’ appearance at the

event — regardless of mask use — may lead to questions concerning his judgment by attorneys on both sides of the constitutional case. Why a judge presiding over a heated issue like masking would attend an in-person holiday party — as the CDC says no holiday party is safe — is a potential issue. His appearance without a mask at the party — while in line at a buffet — also raises questions about his beliefs when it comes to masking and social distancing.”).

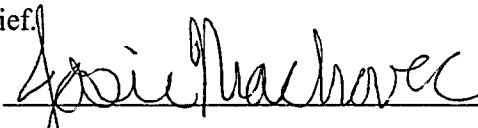
5. The Honorable John S. Kastrenakes was photographed not wearing a mask securely over both nose and mouth while not practicing social distancing in accordance with the Order at issue in this case, or CDC guidelines.

6. The above-referenced conduct shows Judge Kastrenakes’ undue bias or prejudice, and sympathy for other public officials and individuals who may be called as witnesses in this action, including but not limited to members of the Palm Beach County Board of County Commissioners who have similarly not complied with the mask mandate and/or have selectively or discriminatorily enforced the Order at issue in this case.

7. Based on the above-referenced newly discovered facts, I reasonably fear I will not receive a fair trial or hearing because of the above-described prejudice or bias of Judge John S. Kastrenakes.

8. I have read the foregoing and Motion for Disqualification and the facts stated therein are true to the best of my knowledge and belief.

Executed this 18 day of December, 2020.


JOSIE MACHOVEC

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the foregoing affidavit is made in good faith.

/s/ Louis Leo IV
Louis Leo IV, Esq.

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PALM BEACH COUNTY, a political
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Defendant.

AFFIDAVIT OF PLAINTIFF CARL HOLME

Under penalties of perjury, CARL HOLME states as follows:

1. I am over the age of 18 years and competent to make this affidavit. The statements in this affidavit are based on my personal knowledge and are being made pursuant to Florida Statute § 38.10.

2. I am a Plaintiff in the above-captioned action.

3. I am fearful that I will not receive a fair hearing or trial in the above-captioned action due to bias or prejudice of the Honorable John S. Kastrenakes for the reasons stated herein.

4. On December 12, 2020, it was reported that the Honorable John S. Kastrenakes—the Judge before whom the above-captioned action is pending—recently attended an in-person holiday party in Palm Beach County, Florida and was not wearing a mask where social distancing was not possible or being practiced, in violation of the Order at issue in this case. *See*: “Judge John Kastrenakes, Presiding Over Mask Case, Unmasked At Palm Beach County Bar Association Party” by BocaNewsNow.com, published December 12, 2020, publicly-available online at <https://bocanewsnow.com/2020/12/12/judge-john-kastrenakes-presiding-over-mask-case-unmasked-at-palm-beach-county-bar-association-party/> (stating, “Kastrenakes’ appearance at the

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5. The Honorable John S. Kastrenakes was photographed not wearing a mask securely over both nose and mouth while not practicing social distancing in accordance with the Order at issue in this case, or CDC guidelines.

6. The above-referenced conduct shows Judge Kastrenakes’ undue bias or prejudice, and sympathy for other public officials and individuals who may be called as witnesses in this action, including but not limited to members of the Palm Beach County Board of County Commissioners who have similarly not complied with the mask mandate and/or have selectively or discriminatorily enforced the Order at issue in this case.

7. Based on the above-referenced newly discovered facts, I reasonably fear I will not receive a fair trial or hearing because of the above-described prejudice or bias of Judge John S. Kastrenakes.

8. I have read the foregoing and Motion for Disqualification and the facts stated therein are true to the best of my knowledge and belief.

Executed this 16 day of December, 2020.


CARL HOLME

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the foregoing affidavit is made in good faith.

/s/ Louis Leo IV
Louis Leo IV, Esq.

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
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v.

**PALM BEACH COUNTY, a political
subdivision of the State of Florida;**

Defendant:

AFFIDAVIT OF PLAINTIFF KAREN HOLME

Under penalties of perjury, KAREN HOLME states as follows:

1. I am over the age of 18 years and competent to make this affidavit. The statements in this affidavit are based on my personal knowledge and are being made pursuant to Florida Statute § 38.10.

2. I am a Plaintiff in the above-captioned action.

3. I am fearful that I will not receive a fair hearing or trial in the above-captioned action due to bias or prejudice of the Honorable John S. Kastrenakes for the reasons stated herein.

4. On December 12, 2020, it was reported that the Honorable John S. Kastrenakes—the Judge before whom the above-captioned action is pending—recently attended an in-person holiday party in Palm Beach County, Florida and was not wearing a mask where social distancing was not possible or being practiced, in violation of the Order at issue in this case. See: “Judge John Kastrenakes, Presiding Over Mask Case, Unmasked At Palm Beach County Bar Association Party” by BocaNewsNow.com, published December 12, 2020, publicly-available online at <https://bocanewsnow.com/2020/12/12/judge-john-kastrenakes-presiding-over-mask-case-unmasked-at-palm-beach-county-bar-association-party/> (stating, “Kastrenakes’ appearance at the

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5. The Honorable John S. Kastrenakes was photographed not wearing a mask securely over both nose and mouth while not practicing social distancing in accordance with the Order at issue in this case, or CDC guidelines.

6. The above-referenced conduct shows Judge Kastrenakes’ undue bias or prejudice, and sympathy for other public officials and individuals who may be called as witnesses in this action, including but not limited to members of the Palm Beach County Board of County Commissioners who have similarly not complied with the mask mandate and/or have selectively or discriminatorily enforced the Order at issue in this case.

7. Based on the above-referenced newly discovered facts, I reasonably fear I will not receive a fair trial or hearing because of the above-described prejudice or bias of Judge John S. Kastrenakes.

8. I have read the foregoing and Motion for Disqualification and the facts stated therein are true to the best of my knowledge and belief.

Executed this 16 day of December, 2020.


KAREN HOLME

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the foregoing affidavit is made in good faith.

/s/ Louis Leo IV
Louis Leo IV, Esq.

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_____ /

AFFIDAVIT OF PLAINTIFF RACHEL EADE

Under penalties of perjury, RACHEL EADE states as follows:

1. I am over the age of 18 years and competent to make this affidavit. The statements in this affidavit are based on my personal knowledge and are being made pursuant to Florida Statute § 38.10.

2. I am a Plaintiff in the above-captioned action.

3. I am fearful that I will not receive a fair hearing or trial in the above-captioned action due to bias or prejudice of the Honorable John S. Kastrenakes for the reasons stated herein.

4. On December 12, 2020, it was reported that the Honorable John S. Kastrenakes—the Judge before whom the above-captioned action is pending—recently attended an in-person holiday party in Palm Beach County, Florida and was not wearing a mask where social distancing was not possible or being practiced, in violation of the Order at issue in this case. *See*: “Judge John Kastrenakes, Presiding Over Mask Case, Unmasked At Palm Beach County Bar Association Party” by BocaNewsNow.com, published December 12, 2020, publicly-available online at <https://bocanewsnow.com/2020/12/12/judge-john-kastrenakes-presiding-over-mask-case-unmasked-at-palm-beach-county-bar-association-party/> (stating, “Kastrenakes’ appearance at the

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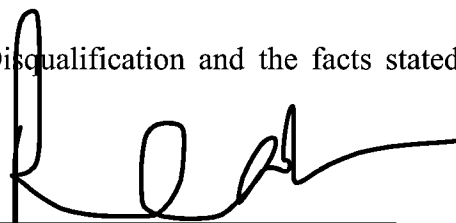
5. The Honorable John S. Kastrenakes was photographed not wearing a mask securely over both nose and mouth while not practicing social distancing in accordance with the Order at issue in this case, or CDC guidelines.

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7. Based on the above-referenced newly discovered facts, I reasonably fear I will not receive a fair trial or hearing because of the above-described prejudice or bias of Judge John S. Kastrenakes.

8. I have read the foregoing and Motion for Disqualification and the facts stated therein are true to the best of my knowledge and belief.

Executed this 15th day of December, 2020.



RACHEL EADE

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the foregoing affidavit is made in good faith.

/s/ Louis Leo IV
Louis Leo IV, Esq.

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Defendant.

_____ /

AFFIDAVIT OF PLAINTIFF ROBERT SPREITZER

Under penalties of perjury, ROBERT SPREITZER states as follows:

1. I am over the age of 18 years and competent to make this affidavit. The statements in this affidavit are based on my personal knowledge and are being made pursuant to Florida Statute § 38.10.

2. I am a Plaintiff in the above-captioned action.

3. I am fearful that I will not receive a fair hearing or trial in the above-captioned action due to bias or prejudice of the Honorable John S. Kastrenakes for the reasons stated herein.

4. On December 12, 2020, it was reported that the Honorable John S. Kastrenakes—the Judge before whom the above-captioned action is pending—recently attended an in-person holiday party in Palm Beach County, Florida and was not wearing a mask where social distancing was not possible or being practiced, in violation of the Order at issue in this case. *See*: “Judge John Kastrenakes, Presiding Over Mask Case, Unmasked At Palm Beach County Bar Association Party” by BocaNewsNow.com, published December 12, 2020, publicly-available online at <https://bocanewsnow.com/2020/12/12/judge-john-kastrenakes-presiding-over-mask-case-unmasked-at-palm-beach-county-bar-association-party/> (stating, “Kastrenakes’ appearance at the

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7. Based on the above-referenced newly discovered facts, I reasonably fear I will not receive a fair trial or hearing because of the above-described prejudice or bias of Judge John S. Kastrenakes.

8. I have read the foregoing and Motion for Disqualification and the facts stated therein are true to the best of my knowledge and belief.

Executed this 16 day of December, 2020.


ROBERT SPREITZER

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the foregoing affidavit is made in good faith.

/s/ Louis Leo IV
Louis Leo IV, Esq.

EXHIBIT “B”

NOT A CERTIFIED COPY

EXHIBIT "B"

