Filing # 51572850 E-Filed 01/24/2017 03:57:05 PM

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING JUDGE,

SC16-2178

PHILIP JAMES YACUCCI, NO. 16-496

_____/

MOTION FOR DISQUALIFICATION

Judge Philip Yacucci, by and through undersigned counsel, pursuant to Rule 25 Florida Judicial Qualification Commission Rules, in response to the Disclosure Notice of the Honorable Steven P. DeLuca (dated January 9, 2017), files this Motion for Disqualification and states:

1. The Affidavit of Judge Yacucci and two reputable citizens of the state of Florida not related to Judge Yacucci nor the judge's attorney, Robert J. Watson, are attached and incorporated by reference.

WHEREFORE the Respondent, Judge Philip Yacucci, moves the hearing panel to enter an Order disqualifying the Honorable Steven P. DeLuca from sitting on the hearing panel hearing this case.

I HEREBY CERTIFY that a copy of the foregoing has been sent via e-portal filing to Lauri Waldman Ross, Michael Schneider and Alexander Williams this 24th day of January, 2017.

s/Robert J. Watson
ROBERT J. WATSON
rjwpa@yahoo.com
Florida Bar No. 290092
Attorney for the Defendant
ROBERT J. WATSON, P.A.
3601 S.E. Ocean Blvd., Suite 004
Stuart, Florida 34996
(7720 288-1880

RECEIVED, 01/24/2017 03:58:30 PM, Clerk, Supreme Court

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING JUDGE,

SC-16-2178

PHILIP JAMES YACUCCI, JR.
JQC NO. 16-496

_____/

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF ST. LUCIE

I, Judge PHILIP JAMES YACUCCI, JR., Affiant herein states as follows:

1. I am the judge that is the subject of this Judicial Qualifications Commission (hereafter JQC) inquiry.

2. In summary the complaint against me suggests that I held personal bias against a party's lawyer, and failed to disqualify myself from sitting on that case.

3. My defense to that charge includes my position that the integrity of the system requires that "forum shopping" should be impermissible and that law firms, regardless of their financial and entrepreneurial success, should not hold undue influence over the judiciary.

4. Judge DeLuca's frank disclosure that he received a $1,000.00 judicial campaign contribution from an entity directly related to the lawyer who is the subject matter of the recusal issue in my judicial inquiry, leaves me with fear that the judge will be unable to fairly judge the matter against me, and not simply because he received financial support from an entity which is, in essence, the complainant in my matter, but because the evidence in my case will

show the extent to which those who oppose the complainant's side of my case will go to oppose and attempt to harm opposition that comes in their way. As a result I fear Judge DeLuca would likely be prejudiced against my case and request his disqualification for my hearing.

PHILIP JAMES YACUCCI, JR.
AFFIANT

I, PHILIP JAMES YACUCCI, JR., hereby swear that the above Affidavit is true and correct to the best of my knowledge and belief.

PHILIP JAMES YACUCCI, JR.

Sworn to and Subscribed before me
this 20th day of January, 2017.

Moira Baker
Notary Signature

Moira Baker.
Printed Notary

MOIRA BAKER
Notary Public - State of Florida
Commission # GG 002655
My Comm. Expires Jun 15, 2020
Bonded through National Notary Assn.

Personally Known ✓
Identification Produced: _____

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING JUDGE,

SC-16-2178

PHILIP JAMES YACUCCI, JR.
JQC NO. 16-496

_____/

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF Saint Lucie

I, Moira Baker, Affiant herein states:

1. I am a resident of St. Lucie County, Florida and I am not related by blood or marriage to Judge Yacucci or Robert J. Watson, his counsel.

2. I am aware that Judge Philip Yacucci has been the subject of unusual opposition by the Ticket Clinic and entities directly associated with the Ticket Clinic.

3. This opposition has included an extensive smear campaign against him during a contested election.

4. Knowing that the Hearing Panel Chair has received a $1,000.00 political contribution from an entity directly related to the Ticket Clinic causes me to fear that Judge Philip J. Yacucci would likely not be able to receive a fair hearing from the Hearing Chair. This fear arises from the natural concern that the Hearing Panel Chair would not want to receive the opposition similar to that which was focused on Judge Yacucci, in contrast to the financial support he has previously received.

Moira Baker
AFFIANT

I, Moira Baker, hereby swear that the above Affidavit is true and correct to the best of my knowledge and belief.

Moira Baker

Sworn to and Subscribed before me
this 24 day of January, 2017.

Mar Luna
Notary Signature

Marivel Luna
Printed Notary

MARIVEL LUNA
Commission # FF 903183
Expires October 2, 2019
Bonded Thru Troy Fain Insurance 800-385-7019

Personally Known ✓
Identification Produced: _____

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING JUDGE,

SC-16-2178

PHILIP JAMES YACUCCI, JR.
JQC NO. 16-496

_____/

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF Saint Lucie

I, Marivel Luna, Affiant herein states:

1. I am a resident of St. Lucie County, Florida and I am not related by blood or marriage to Judge Yacucci or Robert J. Watson, his counsel.

2. I am aware that Judge Philip Yacucci has been the subject of unusual opposition by the Ticket Clinic and entities directly associated with the Ticket Clinic.

3. This opposition has included an extensive smear campaign against him during a contested election.

4. Knowing that the Hearing Panel Chair has received a $1,000.00 political contribution from an entity directly related to the Ticket Clinic causes me to fear that Judge Philip J. Yacucci would likely not be able to receive a fair hearing from the Hearing Chair. This fear arises from the natural concern that the Hearing Panel Chair would not want to receive the opposition similar to that which was focused on Judge Yacucci, in contrast to the financial support he has previously received.

Marivel Luna
AFFIANT

I, Marivel Luna, hereby swear that the above Affidavit is true and correct to the best of my knowledge and belief.

Sworn to and Subscribed before me
this 24th day of January, 2017.

Moira Baker
Notary Signature

MOIRA BAKER
Printed Notary

MOIRA BAKER
Notary Public - State of Florida
Commission # GG 002655
My Comm. Expires Jun 15, 2020
Bonded through National Notary Assn.

Personally Known ✓
Identification Produced: _____