

IN THE CIRCUIT COURT OF THE  
18TH JUDICIAL CIRCUIT IN AND  
FOR BREVARD COUNTY, FLORIDA

SCOTT ELLIS, in his official capacity  
as Brevard County Clerk of the Circuit  
Court,

CASE NO.: 05-2013-CA-033457

Plaintiff,

vs.

BLUEGEM, LLC, a Florida limited  
liability company,

Defendant.

**NOTICE OF FILING ORDERS OF RECUSAL AND DISQUALIFICATION OF  
BREVARD COUNTY JUDGES IN RELATED CASES**

Defendant, BLUEGEM, LLC, by and through undersigned counsel, hereby files the following attached orders from related cases:

1. Order Granting, in Part, Motion For Disqualification, from Brevard County Case Number 05-2013-CF-64037-AXXX-XX (State v. Needelman), entered by Judge Dugan on November 27, 2013;
2. Order of Transfer, from Brevard County Case Number 05-2013-CF-64037-AXXX-XX (State v. Needelman), entered by Judge Harris on January 6, 2014; and,
3. Order of Recusal, from Brevard County Case Number 05-2013-CA-38242-XXXX-XX (Miller, et. al. v. BlueWare, Inc., Harr, Dupree, Needleman), entered by Judge Holcomb on March 20, 2014.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2nd day of May, 2014, a true and correct copy of the foregoing was furnished to Alec Russell, Esquire, and to Curt Jacobus, Esquire, GRAY ROBINSON, P.A., 1795 W. NASA Boulevard, Melbourne, FL 32901 via email at

curt.jacobus@gray-robinson.com, alec.russell@gray-robinson.com, and  
tonimarie.dalessandro@gray-robinson.com.

LAW OFFICES OF DAVID S. COHEN, LC

s/ David S. Cohen  
David S. Cohen, Esquire  
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SCOTT ELLIS  
IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY,  
FLORIDA.  
FILED BY VIERA-80  
CLERK OF CIR. CT.  
PREPARED TO FILE  
CASE NO. 05-2013-CF-64037-AXXX-XX

STATE OF FLORIDA,  
Plaintiff,

vs.

MITCHELL A. NEEDELMAN,  
Defendant.

**ORDER GRANTING, IN PART, DEFENDANT MITCHELL A. NEEDELMAN'S AMENDED MOTION FOR DISQUALIFICATION OF JUDGES OF THE EIGHTEENTH JUDICIAL CIRCUIT**

THIS CAUSE came before the Court upon Defendant Mitchell A. Needelman's Amended Motion for Disqualification of Judges of the Eighteenth Judicial Circuit, filed on November 21, 2013. The law and procedure concerning such motions is clear:

Florida Rule of Civil Procedure 1.432, which sets forth the procedural aspects of the disqualification process, provides:

(d) Determination. The judge against whom the motion is directed shall determine only the legal sufficiency of the motion. The judge shall not pass on the truth of the facts alleged. If the motion is legally sufficient, the judge shall enter an order of disqualification and proceed no further in the action.

This Court does not pass on the truth of the facts alleged. Since the motion is legally sufficient as to Brevard County judges, it must be granted without a consideration of the truth of the contents therein. The motion is not legally sufficient as to Seminole County Judges.

Case # 05-2013-CF-064037-AXXX-XX  
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Accordingly, it is **ORDERED AND ADJUDGED**:

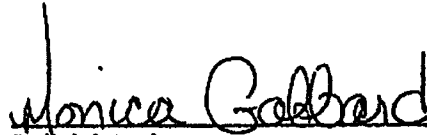
1. The Defendant Mitchell A. Needelman's Amended Motion for Disqualification of Judges of the Eighteenth Judicial Circuit is **GRANTED** as to Brevard County Judges.
2. The Defendant Mitchell A. Needelman's Amended Motion for Disqualification of Judges of the Eighteenth Judicial Circuit is **DENIED** as to Seminole County Judges.
3. This matter is referred to the Chief Judge for reassignment.

**DONE AND ORDERED** in Viera, Brevard County, Florida, this 27<sup>th</sup> day of Nov., 2013.

  
\_\_\_\_\_  
**DAVID DUGAN**  
**CIRCUIT JUDGE**

**CERTIFICATE OF SERVICE**

I do certify that copies hercof have been furnished to the Office of the State Attorney, 2725 Judge Fran Jamieson Way, Building D, Viera, Florida 32940 and the Office of Court Administration, by courier, and Warren E. Lindsey, Esq., Attorney for the Defendant, 1150 Louisiana Avenue, Suite 2, Winter Park, Florida 32789, by U.S. mail, this 27 day of Nov., 2013.



Judicial Assistant  
Eighteenth Judicial Circuit  
The Moore Justice Center  
2825 Judge Fran Jamieson Way  
Viera, Florida 32940-8006

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY, FLORIDA

CASE NO. 05-2013-CF-064037-AXXX-XX

STATE OF FLORIDA,  
Plaintiff,

vs.

MITCHELL A. NEEDELMAN,  
Defendant.

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**ORDER OF TRANSFER**

Based upon the Defendant's Motion for Disqualification of Judges of the Eighteenth Judicial Circuit, which was granted as to Brevard County judges and denied as to Seminole County judges, the above case was reassigned to the Honorable Marlene M. Alva in Seminole County.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. The above cause shall be transferred from Brevard County, Florida to Seminole County, Florida.
2. The Brevard County Clerk of Court is directed to transfer the records in this case to the Circuit Court of Seminole County, Florida.

**DONE AND ORDERED** in Viera, Brevard County, Florida, this 12<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
**JOHN M. HARRIS**  
**CHIEF JUDGE**

Copies furnished to:

Judge Marlene M. Alva, Sanford Criminal Justice Center  
Office of the State Attorney, via email  
Warren E. Lindsey, Esq., via email

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY, FLORIDA  
CASE NO.: 05-2013-CA-38242-XXXX-XX

JERRY MILLER and  
ANGELA WALKER,  
Plaintiff,

vs.

BLUEWARE, INC., ROSE HARR,  
WILLIAM DUPREE and  
MITCHELL NEEDELMAN,  
Defendant.

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ORDER OF RECUSAL

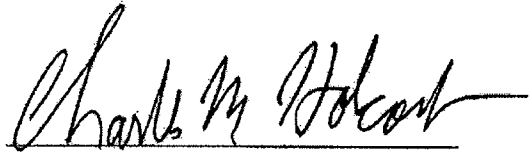
A hearing was conducted on March 20, 2014 in this case in which Mitchell A. Needleman is a Defendant, alleging intentional interference in a business relationship. Two former Blueware, Inc. employees are suing Blueware, Inc., Rose Harr, William Dupree and Mitchell A. Needleman for losing their jobs after the incident giving rise to the criminal prosecution of Mr. Needleman developed and the actions taken and comments made by the present Clerk of the Court for Brevard County, Scott Ellis. Neither the Attorney for the Defense nor the Attorney for the Plaintiff has requested that the Court recuse itself from presiding over this case. However, the Hon. David Dugan, in State of Florida vs. Mitchell A. Needleman, Case No. 2013-CF-64037, heard a Motion and Amended

Motion For Disqualification Of Judges In the Eighteenth Judicial Circuit and granted the Amended Motion by entering an Order Disqualifying All Judges in Brevard County, but not Seminole County, from presiding over cases in which Mr. Needleman is involved.

Even though the issues in this case are not criminal, the facts in this case are substantially the same facts existing in the criminal case and thus would appear to create an appearance of impropriety for this Court to continue to preside over any aspect of the case.

The undersigned hereby recuses himself from any further participation in this case and requests that the Chief Judge reassign the case to a Seminole County Judge and order that it be transferred to Seminole County

**DONE** and **ORDERED** in Chambers at Viera, Brevard County, Florida, this 21 day of March, 2014.



Charles M. Holcomb  
Senior Circuit Judge

Copies to:

Stephen Biggie, Esq (via email)

Patricia Sigman, Esq (via email)

David Cohen, Esq (via email)

Court Administration (via email)