

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA
Judge Kest – Division 34
CASE NO.: 2009-CA-019445

Adventist Health System,

Counter Defendant, Plaintiff

Vs.

Patricia L. Moleski,

Counter Plaintiff, Defendant

_____ /

NOTICE OF APPEAL

Counter Plaintiff/Defendant, Patricia Moleski, hereby appeals to the District Court of Appeal for the Fifth District the ruling of the ninth judicial circuit court in and for Orange County, Florida which is made a part hereof as Exhibit 1

The Nature of the Order Appealed is the Order of the Court dated March 25, 2011, Denying Defendant/Counter Plaintiff's Motion and Supporting Affidavit for Disqualification of Judge John Kest from presiding at trial due to all the reasons stated in my motion. Attached Original Motion and Motion to Disqualify Judge Lauten, which pertains to the link between Judge Lauten and Judge Kest relationship to Adventist Health System.

Certificate of service

CERTIFICATE OF SERVICE - IN COMPLIANCE WITH RULE 1.070. PROCESS

I HEREBY CERTIFY that a copy of the foregoing has been furnished by US Mail/FedEx Certified and specified for signature at of delivery this 22 day of April to Judge Frederick Kest, 425 North Orange Ave. Orlando, Fla. 32801 and to Nicolette Vilmos-BROAD AND CASSEL, 390 North Orange Avenue Suite 1400 Orlando, Florida 32801 and Jim Kizziar 106. S. St. Mary's Street # 800 San Antonio, Texas 78205-3603. In addition, this motion was/may be sent by fax to Judge Kest - 407-835-5088 and Nicolette Vilmos - (407) 425-8377 and Jim Kizziar – (210) 226-1133 .

Signed, Patricia Moleski /s/ Patricia Moleski_____

PROOF OF SERVICE

A copy has been electronically filed with the Clerk of Courts – ECF system to notify: Judge Kest, Nicolette Vilmos and Jim Kizziar.

/s/ Patricia L.Moleski

Patricia L. Moleski

38340 Tamarac Blvd. #210

Willoughby, Ohio 44094

patriciamoleski@yahoo.com

IN THE CIRCUIT COURT OF THE NINTH
JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA.
CASE NO.: 2009-CA-019445-O

Adventist Health System,
Counter Defendant, Plaintiff

John M. Kest Civil -34

vs.

Patricia L. Moleski,
Counter Plaintiff, Defendant

_____ /

DEFENDANT/COUNTER PLAINTIFF MOTION TO DISQUALIFY

PRESIDING JUDGE and NOTICE FOR CHANGE OF VENUE

Defendant/Counter Plaintiff Patricia L. Moleski, Pro Se and pursuant to section 38.10, Florida Statutes and Rule 2.160 of the Florida Rules of Judicial Administration, respectfully moves this Court to enter an order disqualifying the judge currently presiding over this cause. As grounds for this motion, the defendant states as follows:

1. Section 38.10, Florida Statutes and Rule 2.160 of the Florida Rules of Judicial Administration require that a circuit judge presiding over a criminal/civil proceeding disqualify him or herself if a party thereto fears that he, she, or it will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge.
2. Procedurally, a party seeking to disqualify a trial judge must do so by a motion, which is either verified or supported by a sworn affidavit. Florida Rule of Judicial Administration 2.160©. Such an affidavit may include, and the Court must consider, hearsay allegations in support of the request for disqualification. *Barnett v. Barnett*, 727 So.2d 311, 312n. 2

(Fla. 2d DCA 1999). Additionally, a certificate of good faith from counsel is required in support of the motion. Pro Se litigant, Patricia Moleski, has filed such a certificate of good faith. “[A] judge faced with a motion for recusal should first resolve that motion before making any other ruling in a case.” *Mackenzie v. Super Kids Bargain Store, Inc.*, 565 So.2d 1332, 1339-1340 (Fla. 1990) (emphasis in original).

3. A court’s discretion is extremely limited when considering a motion for disqualification. The judge against whom a motion to disqualify is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts supporting the motion for disqualification. Florida Rule of Judicial Administration 2.160(f). “In order to decide whether the motion is legally sufficient, [a] determination must be made as to whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial.” *Mackenzie*, 565 So.2d at 1335-36 (quoting *Livingston v. State*, 441 So.2d 1083, 1087 (Fla. 1983)); see, also, *Barnett*, 727 So.2d at 312 (finding the requisite prejudice to disqualify a Pinellas County trial judge as a result of the suggestion she make at the close of evidence but before closing argument in a child custody proceeding that the wife negotiate for better visitation than the court was prepared to order); *Nunez v. Backman*, 645 So.2d 1063, 1064 (Fla. 4th DCA 1994). Obviously, this threshold is extraordinarily low.

4. The Defendant and Counter-Plaintiff recently discovered facts that reasonably cause her to fear that she will not receive fair treatment before the judge currently presiding over this cause because he is a Cornerstone Society Partner for WMFE, giving donations in support of WMFE. Adventist Health System CEO, Don Jernigan, sits on the Board of Trustees for WMFE. Moreover, John Kest, the presiding Judge in this case, is also a Member/Cornerstone Society Partner for WMFE, giving donations in the thousands of dollars. This Public Broadcasting entity serves Central Florida’s individuals, organizations, businesses, and governments. Florida Hospital is also a large contributor to WMFE, with thousands of dollars given. Members of WMFE are Board members/partners, employed by Adventist Health System/Sunbelt Corp, which includes the whole system of Florida Hospital Orlando. The Defendant and counter plaintiff feels

that she will not receive fair treatment before the judge because of his association and this shows possible prejudice or bias against her. The relevant facts and the reasonable fear of prejudice engendered by them are specifically described in the Affidavit of Patricia Moleski, the defendant and counter plaintiff, which is attached to this motion and incorporated herein by reference.

5. The Plaintiff, Florida Hospital, employs Donald Jernigan and its employees. Donald Jernigan oversees Adventist Health System as CEO for the Plaintiff - Adventist Health System/Sunbelt. In addition, the plaintiff also has ties to other entities which include MyRegion.org. Des Cummings, employed by Adventist Health System, sits on the Board of MyRegion.org. WMFE and MyRegion.org board are funded by Adventist Health System, numerous Florida cities (including Orlando), agencies, government law enforcement, commissioners and the Orange County Courts. Don Jernigan is also the Executive Vice President for the Florida Division of Adventist Health System, and the Executive Vice President of Florida Hospital. Adventist Health System operates Florida Hospital and employs CEO Don Jernigan and both are members of WMFE. Moreover, WMFE and *My Region.org, an organization operated by President Shelley Lauten, wife of Judge Frederick Lauten, are partners/affiliates.* Other acting members of these organizations are Becky Neimann, who sits on *My Region's* Board of Advisors, and Des Cummings who sits as an acting Central Florida Partnership Officer to *My Region.* Most significant is the fact that one of WMFE/*My Region's* acting Outreach Partner's/funding partner is the whole entity of Florida Hospital. Florida Hospital is one of the largest hospitals in the United States and is one of the Plaintiff's forty-one Adventist Health System's hospitals within its hierarchy. *See final page information on My Region & WMFE Website attached.* *My Region* serves seven counties within the State of Florida and its acting President is the wife of Judge Lauten, who was recently recused from this case. *My Region's* goals and objectives are listed within its website.

Therefore, the defendant and counter plaintiff, Patricia Moleski, has recently discovered facts that show reasonable cause for her to fear that she will not receive fair treatment before the judge

currently presiding over this cause. Because of his leadership/supporting role as acting partner with WMFE and its role with *My Region.org*, and his tertiary degree of association to WMFE, *My Region* and one of its largest constituents, Adventist Health System. These facts meet the criteria for Florida Rule 2.130(d) and should disqualify Judge John Kest from this case.

Rule 2.160(d) sets forth the following bases for a disqualification motion, at least one of which must be shown in the motion:

1. that the party fears that he or she will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge;
2. that the judge before whom the case is pending, or some person related to said judge by consanguinity or affinity within the third degree, is a party thereto or is interested in the result thereof;
3. that the judge is related to an attorney or counselor of record in the cause by consanguinity or affinity within the third degree; or
4. that the judge is a material witness for or against one of the parties to the cause.

WHEREFORE, The Defendant/Counter Plaintiff respectfully requests that the Court enter an order disqualifying the judge presiding over this cause and providing for the reassignment of the case to another judge of this Court, all in accordance with section 38.10, Florida Statutes and Rule 2.130 of the Florida Rules of Judicial Administration. In addition, the defendant seeks the court to hold in the evidence vault the box forwarded to Judge Lauten/Judge Kest from Brad Conway, and to protect the information contained within it until this motion is resolved.

Respectfully Submitted,

/s/ Patricia Moleski – Pro Se Litigant

Patricia L. Moleski – Pro Se Litigant

38340 Tamarac Blvd. #210

Willoughby, Ohio 44094

440-521-8863

CERTIFICATE OF SERVICE - IN COMPLIANCE WITH RULE 1.070. PROCESS

I HEREBY CERTIFY that a copy of the foregoing has been furnished by US Mail/FedEx Certified and specified for signature at of delivery this ___ day of _____ to Judge Frederick Lauten, 425 North Orange Ave. Orlando, Fla. 32801 and to Nicolette Vilmos-BROAD AND CASSEL, 390 North Orange Avenue Suite 1400 Orlando, Florida 32801 and Jim Kizziar 106. S. St. Mary's Street # 800 San Antonio, Texas 78205-3603. In addition, this motion was sent by fax to Judge Lauten - 407-835-5088 and Nicolette Vilmos - (407) 425-8377 and Jim Kizziar – (210) 226-1133 .

Signed,

Patricia Moleski

___/s/ Patricia Moleski _____

IN THE CIRCUIT COURT OF THE NINTH
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CASE NO.: 2009-CA-019445

Adventist Health System,
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Counter Plaintiff, Defendant

_____ /

AFFIDAVIT OF PATRICIA L. MOLESKI

THE STATE OF OHIO BEFORE ME, the undersigned notary public, on this date personally appeared PATRICIA L. MOLESKI, whom upon being duly sworn, upon her oath stated the following:

1. My name is Patricia L. Moleski. I am over the age of twenty-one years. I have never been convicted of a felony. I am of sound mind and competent to make this affidavit. All of the facts stated in this affidavit are based on my personal knowledge and are true and correct.
2. I am a Pro Se litigant in case CA-019445-O in which Judge Kest presides.
3. Judge Lauten has made numerous rulings on behalf of the Plaintiff Adventist Health System and now Judge Kest has been assigned to this case since the recusal of Judge Lauten.
4. Judge Kest and his wife are funding partners for WMFE which is a company that the Adventist Health System CEO Don Jernigan sits on its Board of Trustees. WMFE is also a partner with MyRegion.org. Judge Lauten's wife is the President of MyRegion.org, which partners with Florida Hospital, as well as two employees from Adventist Health System. This shows a conflict

of interest and creates bias and prejudice, giving probable cause for the defendant to file for disqualification.

5. Judge Lauten and possibly Judge Kest has taken control of attorney client information and possibly turned information over to Adventist Health System. I have no knowledge of the contents turned over to the court by previous counsel, Brad Conway. This has shown a sequential delinquency within the circuit courts of Orange County and the defendant demands the court to supply a copy of all released information turned over to AHS and/or its attorneys. Therefore, the defendant Motions the court for a change of venue out of the 7 Regions of Florida under MyRegion.org, as related to the vastness of the interconnected interests of Adventist Health System to those of MyRegion.org, WMFE and Metro Orlando Economic Development Commission.
6. Because of the relation of business between Adventist Health System and Judge John Kest, I seek the disqualification of Judge John Kest, as I do not feel that I will receive an impartial outcome in my case. In addition, I feel that with the disqualification of two judges and the inability to receive impartiality, as all of the affiliates are also attached to MyRegion.org. The relationship between John Kest, his wife, Adventist Health System CEO Donald Jernigan, Adventist Health System, and its employees are attached to this affidavit and motion for disqualification. *See final pages from WMFE website.*
7. The Judge and his wife, by affinity or consanguinity within the third degree is counsel, or interested either as a plaintiff or defendant, or in the issue of which the judge has, directly or through such relative, a more than de minimis pecuniary interest. This shows a conflict of interest and Defendant/counter plaintiff feels that she will not receive a fair trial and that previous rulings have violated her rights to due process considering the severity of the relationship between Judge John Kest, his wife and Adventist Health System.

8. I found information on the internet revealing that Judge Kest and his wife, has substantial relationships with the entity of Adventist Health System's, Florida Hospital System, and of Adventist Health System's board members, Don Jernigan AHS CEO, all of whom are partners/Board of Trustees.
9. Donald Jernigan is the acting CEO of Adventist Health System who is currently under investigation regarding the public non-disclosure of AHS's use of a faulty computer application (Cerner) that causes the overdose of patients across ten states within the Adventist Health System facilities. The defendant/counter plaintiff is a witness in this investigation.
10. I have enclosed information from the website of WMFE showing the relationship between Judge John Kest and Adventist Health System CEO Donald Jernigan, Florida Hospital and its employees.
11. In addition, the defendant/counter plaintiff seeks to disclose this information to the proper law enforcement authorities, as these acting/accepting judges should not be sitting as an authority on my/or any cases regarding Adventist Health System, as this is a ethical and legal violation.

FURTHER AFFIANT SAITH NOT

PATRICIA L. MOLESKI _____

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned notary public, by the aforesaid PATRICIA L. MOLESKI, on this the ___ day of _____ to certify which witness my hand and seal of office. NOTARY PUBLIC _____

/s/ Patricia Moleski

Patricia Moleski | 38340 Tamarac Blvd. #210 | Willoughby, Ohio 44094 | 440-521-8863

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Counter Plaintiff, Defendant

Internet information showing WMFE and Don Jernigan as Board
of Trustee, Florida Hospital Orlando, MyRegion.org and Judge
John Kest and his wife affiliation.

Commercial Services and Supplies
Adventist Health System, Inc.
[OverviewBoard MembersCommittees](#)

EXECUTIVE PROFILE

Donald L. Jernigan Ph.D.

Chief Executive Officer and President, [Adventist Health System, Inc.](#) **0**

Age	Total Annual Compensation	This person is connected to 0 Board Members in 0 different organizations across 3 different industries.
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65	--	
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BACKGROUND

Donald L. Jernigan, Ph.D. has been the Chief Executive Officer and President at Adventist Health System since February 2006. Mr. Jernigan serves as Chief Executive Officer of Florida Hospital and the Florida Division. Mr. Jernigan is also President of Florida Hospital. He served as Executive Vice President of Adventist Health System and Chief Executive Officer of the Multistate Hospital Division, President of Tennessee Christian Medical Center and Adventist Health System's Tennessee and Georgia region. He served as Senior Vice President of Adventist Health System and President of Metroplex Hospital in Killeen, Texas. Mr. Jernigan serves as a Board Member of the Florida Hospital Association, Metro Orlando Economic Development Commission and WMFE. He has served on the boards of United Way and several chambers of commerce, as well as many other healthcare boards. He served as Director of Enterprise Florida, Inc. He has a Doctor of Philosophy degree in Physical Chemistry from Baylor University and a Bachelor of Science degree in Chemistry from the University of Texas-Arlington. He is a Diplomate of the American College of Healthcare Executives.[Read Full Background](#)

CORPORATE HEADQUARTERS

111 North Orlando Avenue
Winter Park, Florida 32789

United States

Phone: 407-647-4400
Fax: 407-975-1469

BOARD MEMBERS MEMBERSHIPS

Former Director

[Enterprise Florida, Inc.](#)

EDUCATION

Doctorate Baylor University

American College Of Health Care Executives

BS

University Of Texas At Arlington

WMFE Program Sponsors

Public Media for Central Florida

NON-PROFIT, MEMBER-SUPPORTED, COMMUNITY-BASED PUBLIC
BROADCASTING

WMFE Board of Trustees

Joy Barrett Sabol, Chair

Bill Sublette, Vice Chair

David Auerbach, M.D.

Andrew Davis

M. Christina Delk

Ava K. Duda

Raymond Gilley

John Hillenmeyer

Donald L. Jernigan, Ph.D*

WMFE Program Sponsors

Able Trust

Acura

Allen, Dyer, Doppelt, Milbrath, & Gilchrist, P.A.

Alvarez, Sambol, Winthrop, & Madson, P.A.

American Home Companions

AmScot Financial

Aquent/AGI

Arts at Rollins College

Ashington-Pickett Foundation
Bach Festival Society
Baldwin Park
Barry University
Big City Catering
BlueCross BlueShield of Florida
Bogin, Munns, and Munns
Bright House Networks
Business and Professional Women
Casa de Mexico
Cathedral Church of St. Lukes
Central Florida Higher Education Alliance
Certified Financial Analysts Society of Orlando
Circle of One Marketing
Cirque Du Soleil/Walt Disney World
Community Foundation
Creative Clay
Cross, Fernandez and Riley
Crummer Graduate School of Business, Rollins College
Curtis Protective Services, Inc.
de Beaubien, Knight, Simmons, Mantzaris, & Neal, LLP
Dean, Mead, Egerton, Bloodworth, Capouano, & Bozarth
DeLand Museum of Art
Emory University – Goizueta Business School
Eye Associates of Winter Park
Festival of Dance
Festival of Orchestras
First Congregational Church of Winter Park
First Presbyterian Church of Orlando
Flagler Development Group
Florida Craftsmen Association
Florida Farm Bureau
Florida Film Festival
Florida Folk Festival
Florida Hospital
Florida International Festival
Florida Mesotherapy & Laser Institute
Florida Symphony Youth Orchestra
Florida Telecommunications Relay, Inc.
Florida Young Artists Orchestra
FOX Searchlight
Gaylord Palms Orlando Resort Hotels and Convention Center
Grand Bohemian Hotel
Green Meadows Petting Farm
Hamilton Holt School, Rollins College
Hanley Hall

Hispanic Business Initiative Fund
Hispanic Chamber of Commerce
Holler Classic
Home Builders Association
IDP Films
In Bloom Florist LLC
Inland Lakes Railway
Isle of Skye Audio Productions
J. Rolfe Davis Insurance Agency
John Michael Weddings & Special Events
Keith Simpson with MetLife
Keller Graduate School of Management of Devry University
Kids Quarters Furniture
Kissimmee Parks & Recreation
Lake Mary Ear, Nose, Throat & Allergy
LandMar Group
Latham, Shuker, Eden & Beaudine
Legasus Properties
Levitt & Sons
Levy County Visitor's Bureau
Lionsgate
Lowndes, Drosdick, Doster, Kantor & Reed
Lufthansa
Mark Lang & Associates
Mateer & Harbert
Mayo Clinic
Mears Transportation
Menello Museum of Art
Meritage Homes
Metroplan Orlando
MGM Studios/Rescue Dawn
Mount Dora Music Festival
Museum of Arts & Sciences
Nature Conservancy
Nemours Children's Clinic
North Highland Company
Nova Southeastern University
NTC Urgent Care Center
Oakland Park, A Castle & Cooke Community
Omni New Media Productions
Orange County Convention Center
Orange Cycle
Orlando Ballet
Orlando Centroplex
Orlando Chorale
Orlando Hispanic Film Festival

Orlando International Piano Competition
Orlando Museum of Art
Orlando Opera
Orlando Philharmonic Orchestra
Orlando Regional Healthcare
Orlando Regional Realtors Association
Orlando Sentinel
Orlando Shakespeare Theater
OSI Restaurants
Park Square Homes
Park To Fly
Payless Parking
PBS&J
PDMG (Nimlok Orlando)
Peabody Orlando
Planned Parenthood of Greater Orlando
Pohl & Short, P.A.
Portofino Bay Hotel - A Loews Hotel
Progressive Communication
Publix
Quest Inc.
Regions Bank
The Revere Group
Robert Half
Ron and Evelyn Shapiro for the Daytona Beach Symphony Society
Ruden McClosky
Rumberger, Kirk, and Caldwell
Slone Brothers Furniture
South Florida Water Management District
Sprinkles Custom Cakes
St. Michael's Episcopal Church
St. Petersburg/Clearwater CVB
Stapleton Studios Photography
Stetson University
Sunniland Corporation
SunTrust
SunTrust Broadway in Orlando
Ten Thousand Villages
Toojay's Gourmet Deli
Traffic.com
Turf Design
United Arts of Central Florida
United Healthcare
University of Central Florida Branding
University of Central Florida College of Engineering and Computer Science
University of Central Florida Executive Development Center

University of Central Florida Regional Campuses
University of Florida MBA
University of Florida Outreach Engineering Management Program
University of Miami Graduate Business Programs
Vee Corporation
Veterans Tribute Museum of Osceola
VSM, Inc.
Wachovia Retail Bank
Walt Disney Parks & Resorts
Warner Bros.
WCI Communities, Inc.
Webster University
Westminster By The Sea Presbyterian Church
Whole Foods Market
Window World of Central Florida
Work Force Central Florida
Workforce Florida
Zora Neale Hurston Festival

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CAB Vice Chair Mayra M. Uribe

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Monte Jean E. O'Neill, C.P.I.W. Dave Plotkin Stephanie Rodriguez Barbara T. Rushing Ron
Shapiro Dr. Emily Santiago Rhonda Shurtleff Sai Telekepalli Brikena Isai Tomasic Dora Casanova
de Toro Stewart D. Williams Annetta Wilson

Cornerstone Society Members

Active Members

\$10,000 and above

Abdulrahim, Sakina and Hussein *

Bond Foundation, The *

Elizabeth Morse Genius Foundation * CSAC

Anonymous *

Litowitz Foundation, The * CSAC

Keystone \$5,000 – \$9,999

Auerbach, Debra and David * CSAC

Berelsman, Lyn and David * CSAC

Duda, Judy * CSAC

Franklin Family, The *

Hardy, Mr. and Mrs. William *

Anonymous *

Lightsey, Alton L.

Ohlsson, Mr. and Mrs. Arthur
Pattisapu, Anni and Jogi
Smith, Ruth and W. Kelly * CSAC
Stonemetz, Jane *
Welsh Charitable Trust *
Anonymous *

Cornerstone Society Members

Cornerstone \$1,000 – \$4,999

ABC Fine Wine & Spirits
A. Friends' Foundation Trust *
Avanish Aggarwal, MD
Albertson, Judy and David * CSAC
Allen, Sandi and Herb *
Aloma Title Company
Anderson, Dr. and Mrs. William R.
Arkin, Susan and J. Gordon * CSAC
Ashington-Pickett Foundation *
Barker, Drs. Sandra and Gary *
Anonymous *
Bates, Helen and Thomas R. *
Beberman, Dr. and Mrs. Stanley *
Bel Canto Singers of Daytona Beach
Blackburn, Dr. Marilyn S.
Blackburn, Mr. and Mrs. Philip
Blakeslee, Ann and Derek * CSAC
Boone, Mary and Donald
Bosserman, Mr. and Mrs. Charles *
Bowen, Sallie
Bowers, Lloyd
Anonymous
Brenner, Dr. Laurence H. of the Hand Surgery Center of North Orlando
Brewer, Bud and Lynn Katz
Brock, Rosanne and James CSAC
Brubaker, Michael
Bryan, Drs. Laurette and Donald *
Carels, Jim and Stephanie
Carpenter, Darren
Anonymous *
Chapin, Linda and Bruce *
Chidichimo, Brigadier General (Retired) and Mrs. Salvatore P.
Christ, Marie and Bob *
Cinda Mersel Insurance Agency
Clark, Mr. and Mrs. Clinton B.

Close, Mr. and Mrs. Gerard J.
Coldwell Banker Residential Real Estate Cares
Collins, Cindi
Cotten, Mr. and Mrs. Whit *
Dean Mead *
Dean, Mrs. Stephen *
Decker, Shirley and Robert
Donahue, Leslie and Dennis *
Doppelt, Ava and Arthur *
Doughney, Dr. Kathleen B. and Dr. John Zak, III
Dressel, Gail and Hank
Druda, Martin
Elliott, Joyce and Philip
Emerson, Monika and Paul
English, Norma *
Fajardo, José A. and Michelle CSAC
Fenger, Mr. and Mrs. J. Christian
Fiorentino, Daniel
Florida Frame House
Anonymous *
Freedom Forum, The *
Frey, Julia L. and Dr. David Carter
Ganssle, Lynn and Jeff *
Gardner, Mr. and Mrs. Glenn *
Gehman, Inga and Kirk
Gellein, Jr., Raymond L. *
Gettel, Mary Anne
Goodreau, Joseph F., DDS, P.A.
Gray, Ruth R. *
Greenwood, Pam Freeman and Scott *
Groover, Claramargaret and James McCabe *
Gross, Jane and Ron
Gsteiger, Mr. and Mrs. Kurt *
Gupte, Samir
Habegger, Dr. and Mrs. James H.
Hainsworth, Ceal
Hansen, Dr. Barbara and Dr. Michael Cohen * CSAC
Harcourt School Publishers *
Harris, Maggie *
Hartford, The *
Hassen, Ted * CSAC
Herbel, Dr. Susan B. *
Hoepner, Carol Ann and Mike
Horner, Desta and Stephen McKenney Steck *
Hurst, Catherine *
Ibanez, Sylvia

Jacobs and Goodman, P.A. *
Anonymous *
Jernigan, Donald and Sharon *
J. C. Curley and Company *
Jones, Drs. Marna Williams and Daniel *
JPH & Associates, Inc.
Kantor, Vicki and Hal *
Keiner Family, Sheila and Jeffrey *
Kennedy, June F. *
Kennedy, Maggie and Alan
Keogh, Mr. and Mrs. Craig
Anonymous *
Kest, John and Sally
Kirk, Nancy and Bud * CSAC
Kolba, Alan and Kathryn Farynowski
Kolin, Lawrence
Kuhns, Anne and Rolf *
Lackman, Susan Cohn, Ph.D., M.B.A.
Lawrence, Rosalie and David *
Lawson, E. Bruce
Libert, Dr. David and Ruth *
Lichtenwalter, Jan and the Jay Bee Jewelers Family of Titusville
Linders, Jeanie/Jeanie C. Linders Fund
Lloyd, Luther R., II
Lockheed Martin * CSAC
Lockett, Jane A.
Longstaff, Frances and G. Geoffrey *
Lord, Carolyn and John *
Anonymous
Luce, Carolyn and Alan
Luche, Winifred and Thomas *
Macnab, Mr. and Mrs. Craig
Maguire, Skippy *
Anonymous *
Mangos, Jan and Harry
Mathias, Robin and Kip
McManus, Catherine and Sean * CSAC
McNee, Drew
Medvitz, Sarah
Melton, Una and Charles
Mennello, Michael
Mercury Plumbing
Mickler, Deborah
Miller Hardware
Morrison, Dr. Bayard H.
Murphy, Mrs. Robert *

Murrah, Kenneth and Ann Hicks
Anonymous
Myers, Mark *
Neel, Annette P.
Neel, David
Neel, Robin and Tim Prince *
Neidig, Flo *
Nice, Marina C.
Anonymous *
Orlando Heart Center
Orlando Regional Chamber of Commerce
Pare, Pamela and John
Parrett, Mr. and Mrs. John E.
Patterson, Carole * CSAC
Peabody Orlando, The
Perez, Mr. and Mrs. Tico
Philip S. Harper Foundation *
Pineloch Management Corporation and The Caruso Family *
Pino Family Foundation *
Pocklington, Pocklington & Forster Retail Investment Group of GVA Advantis, The
Porth, Ina and Eli
Prizer, Candice and John
Quinn, Hallie and John
Quinn, Teresa and Thomas *
Regan, Tina and Christopher
Reiner, Lynnet and Richard *
Robertson, Patricia and Randall B. CSAC
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Roby, Bonnie and Loren *
Roper, Barbara and Bert *
Rosow, Ruth Carp * CSAC
Rotary Club of Orlando
Roy, Corrine K.
Rudd, Pamela Cox and Robert
Sam Flax Art & Design Supplies
Sand Lake Dermatology Center *
Sapp, Nancy * CSAC
Schoene, Patricia and Stephen
Anonymous
Scudder, Walter
Segal, Commissioner Bill and Sara
Shapiro, Evelyn and Ronald
Shearer, Nancy and John
Shinn, Judith M. *
Shoemaker, Mr. and Mrs. John B.
Showalter, J. Stuart

Showalter, Mr. and Mrs. Robert H. * CSAC
Siegfried, Jean
Silverg, Edward *
Siskie, Sharon and Ben Schilling
Smuckler, Dr. David and Dr. Maxine Tabas *
Sparkman, Karen and Rick
Sprung, Dr. and Mrs. Douglas *
Steilen, Ted H.
Street, Virginia *
Stuart, Paula
Sublette, Suzie and Bill *
Tangel-Rodriguez & Associates
Taylor, Fred and Joan
Thakur, Dr. Murad
Thomas, Marjorie Bekaert and Bryan * CSAC
Thompson, Judith
Townsend, Pat and John *
United Space Alliance *
Anonymous
Vaughn Group, The *
Vergowe, Diana *
Von Dolteren-Fournier, Helen
Wagner, Gregory
Waldron, Barbara and James
Warren, Susan and Joe *
Webman, Malka and Neil *
Weiss, Ellen and Herb * CSAC
Wexler, The Paul and Jacqueline Wexler Fund of the Community Foundation of Central Florida
Whisler, Bruce A., Ph.D.
Wilkerson, Mr. and Mrs. Robert E.
Williams, D. J. and D. Gary *
Williams, Dr. and Mrs. John D. * CSAC
Wilson, Deby and Shelby *
Wilson, Edwin and Edward Woodill *
Anonymous *
Yesawich, Dr. Peter *
Yocum, Walter *
Young, Dr. Jack E.

*** Indicates BRAVO!** those donors who have given a gift of \$1,000 or more consecutively for five years or more
CSAC Indicates a member of the *Cornerstone Society* Advisory Council

IN THE CIRCUIT COURT OF THE NINTH

JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA.
CASE NO.: 2009-CA-019445-O

Adventist Health System,
Counter Defendant, Plaintiff

Judge Frederick Lauten

vs.

Patricia L. Moleski,
Counter Plaintiff, Defendant

_____ /

DEFENDANT/COUNTER PLAINTIFF MOTION TO DISQUALIFY

PRESIDING JUDGE

Defendant/Counter Plaintiff Patricia L. Moleski, Pro Se and pursuant to section 38.10, Florida Statutes and Rule 2.160 of the Florida Rules of Judicial Administration, respectfully moves this Court to enter an order disqualifying the judge currently presiding over this cause. As grounds for this motion, the defendant states as follows:

6. Section 38.10, Florida Statutes and Rule 2.160 of the Florida Rules of Judicial Administration require that a circuit judge presiding over a criminal/civil proceeding disqualify him or herself if a party thereto fears that he, she, or it will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge.
7. Procedurally, a party seeking to disqualify a trial judge must do so by a motion, which is either verified or supported by a sworn affidavit. Florida Rule of Judicial Administration 2.160©. Such an affidavit may include, and the Court must consider, hearsay allegations in support of the request for disqualification. *Barnett v. Barnett*, 727 So.2d 311, 312n. 2 (Fla. 2d DCA 1999). Additionally, a certificate of good faith from counsel is required in support of the motion. Pro Se litigant, Patricia Moleski, has filed such a certificate of

good faith. “[A] judge faced with a motion for recusal should first resolve that motion before making any other ruling in a case.” *Mackenzie v. Super Kids Bargain Store, Inc.*, 565 So.2d 1332, 1339-1340 (Fla. 1990) (emphasis in original).

8. A court’s discretion is extremely limited when considering a motion for disqualification. The judge against whom a motion to disqualify is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts supporting the motion for disqualification. Florida Rule of Judicial Administration 2.160(f). “In order to decide whether the motion is legally sufficient, [a] determination must be made as to whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial.” *Mackenzie*, 565 So.2d at 1335-36 (quoting *Livingston v. State*, 441 So.2d 1083, 1087 (Fla. 1983)); see, also, *Barnett*, 727 So.2d at 312 (finding the requisite prejudice to disqualify a Pinellas County trial judge as a result of the suggestion she make at the close of evidence but before closing argument in a child custody proceeding that the wife negotiate for better visitation than the court was prepared to order); *Nunez v. Backman*, 645 So.2d 1063, 1064 (Fla. 4th DCA 1994). Obviously, this threshold is extraordinarily low.

9. The Defendant and Counter-Plaintiff recently discovered facts that reasonably cause her to fear that she will not receive fair treatment before the judge currently presiding over this cause because his spouse, Shelley W. Lauten, is President of *myregion.org*, a Regional Development Program formed in 1999. This program serves as a catalyst for Central Florida’s individuals, organizations, businesses, and governments to act together in making the region of Florida globally competitive. *My Region* has Partners, Regional Partners, an Executive Board of Advisors, a Regional Board of Advisors, and staff. Affiliations from within *My Region* organization are two Regional Board members/partners who are employed by Adventist Health System/Sunbelt Corp and includes as an outreach partner, the whole system of Florida Hospital Orlando. The Defendant and counter plaintiff feels that she will not receive fair treatment before the judge because of his association and this shows possible prejudice or bias against her. The relevant facts and the reasonable fear of prejudice engendered by them are

specifically described in the Affidavit of Patricia Moleski, the defendant and counter plaintiff, which is attached to this motion and incorporated herein by reference.

10. The Plaintiff, Florida Hospital, employs Becky Neimann as its Marketing Director & Director of Development, and she oversees the Fitch Rating for the Plaintiff - Adventist Health System. Des Cummings is employed by the Plaintiff, Adventist Health System, and sits on its Board. He is also the Executive Vice President for the Florida Division of Adventist Health System, and the Executive Vice President of Florida Hospital. Adventist Health System employs both and both are members of *My Region, a company operated by President Shelley Lauten and wife of Judge Frederick Lauten*. Becky Neimann sits on *My Region's* Board of Advisors, and Des Cummings sits as an acting Central Florida Partnership Officer to *My Region*. Most significant is the fact that one of *My Region's* acting Outreach Partners is the whole entity of Florida Hospital. Florida Hospital is one of the largest hospitals in the United States and is one of the Plaintiff's forty-one Adventist Health System's hospitals within its hierarchy. *See screen shots of My Region Website attached*. *My Region* serves seven counties within the State of Florida and its acting President is the wife of Judge Lauten, who presides over this case. *My Region's* goals and objectives are listed within its website:

My Region's Goals & Objectives

With seven counties, 86 cities, thousands of business and community leaders, and millions of concerned residents, how can *myregion.org* effectively help Central Florida organize to create a better future? By setting clear goals and objectives, we can give regional leaders the roadmap they need to move our region into tomorrow.

Our Goals:

- Organize and train regional leaders
- Conduct regional research to guide regional efforts
- Identify key issues and opportunities
- Nurture an understanding of regional collaboration

Our Desired Outcomes:

Build a new regional mentality
Strengthen and create regional coalitions
Maximize opportunities and address challenges

Our Key Initiatives:

Create the common framework for regional dialogue
Evaluate the challenges and opportunities of our region
Prepare leaders within our region

Five core values:

Inclusion: The development of a regional framework is dependent upon participation at every level. Inclusive representation of profession, background, gender, race, geography, thought and action will insure success.

Partnerships: Regionalism is the triumph of cooperation over competition. Collaborative partnerships have proven successful because they recognize and maximize the strengths and expertise of every participant.

Regional Thinking: In the new millennium, technology has virtually erased the traditional boundaries of doing business. "Location" no longer ensures profitability. The Central Florida Region must be able to respond effectively and efficiently to the demands of the global marketplace.

Exploration & Discovery: A common knowledge base of community assets across the seven-county region will enable leaders to set aside parochial priorities in order to address critical challenges and visualize opportunities for the future.

Consensus Building: One of the most important components of *myregion* is the opportunity to build relationships and provide a "safe" environment for dialogue and debate. These discussions will build a comprehensive understanding of the competitive realities facing the region and the need for integrated thinking and regional action.

Therefore, the defendant and counter plaintiff, Patricia Moleski, has recently discovered facts that show reasonable cause for her to fear that she will not receive fair treatment before the judge currently presiding over this cause. Because of his wife's leadership role as acting President of *My Region*, and his tertiary degree of association to *My Region* and one of its largest constituents, Adventist Health System, these facts meet the criteria for Florida Rule 2.130(d) and should disqualify Judge Frederick Lauten from this case.

Rule 2.160(d) sets forth the following bases for a disqualification motion, at least one of which must be shown in the motion:

1. that the party fears that he or she will not receive a fair trial or hearing because of specifically described prejudice or bias of the judge;
2. that the judge before whom the case is pending, or some person related to said judge by consanguinity or affinity within the third degree, is a party thereto or is interested in the result thereof;
3. that the judge is related to an attorney or counselor of record in the cause by consanguinity or affinity within the third degree; or
4. that the judge is a material witness for or against one of the parties to the cause.

WHEREFORE, The Defendant/Counter Plaintiff respectfully requests that the Court enter an order disqualifying the judge presiding over this cause and providing for the reassignment of the case to another judge of this Court, all in accordance with section 38.10, Florida Statutes and Rule 2.130 of the Florida Rules of Judicial Administration. In addition, the defendant seeks the court to hold in the evidence vault the box forwarded to Judge Lauten from Brad Conway, and to protect the information contained within it until this motion is resolved.

Respectfully Submitted,

/s/ Patricia Moleski – Pro Se Litigant

Patricia L. Moleski – Pro Se Litigant

38340 Tamarac Blvd. #210

Willoughby, Ohio 44094

440-521-8863

CERTIFICATE OF SERVICE - IN COMPLIANCE WITH RULE 1.070. PROCESS

I HEREBY CERTIFY that a copy of the foregoing has been furnished by US Mail/FedEx Certified and specified for signature at of delivery this ___ day of _____ to Judge Frederick Lauten, 425 North Orange Ave. Orlando, Fla. 32801 and to Nicolette Vilmos-BROAD AND CASSEL, 390 North Orange Avenue Suite 1400 Orlando, Florida 32801 and Jim Kizziar 106. S. St. Mary's Street # 800 San Antonio, Texas 78205-3603. In addition, this motion was sent by fax to Judge Lauten - 407-835-5088 and Nicolette Vilmos - (407) 425-8377 and Jim Kizziar – (210) 226-1133 .

Signed,

/s/ Patricia Moleski

Patricia Moleski | 38340 Tamarac Blvd. #210 | Willoughby, Ohio 44094 | 440-521-8863

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CASE NO.: 2009-CA-019445

Adventist Health System,
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Vs.

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Counter Plaintiff, Defendant

_____ /

AFFIDAVIT OF PATRICIA L. MOLESKI

THE STATE OF OHIO BEFORE ME, the undersigned notary public, on this date personally appeared PATRICIA L. MOLESKI, whom upon being duly sworn, upon her oath stated the following:

12. My name is Patricia L. Moleski. I am over the age of twenty-one years. I have never been convicted of a felony. I am of sound mind and competent to make this affidavit. All of the facts stated in this affidavit are based on my personal knowledge and are true and correct.
13. I am a Pro Se litigant in case CA-019445-O in which Judge Lauten presides.
14. Judge Lauten has made numerous rulings on behalf of the Plaintiff Adventist Health System.
15. Judge Lauten's wife is the President of MyRegion, which partners with Florida Hospital, as well as two employees from Adventist Health System. This shows a conflict of interest and creates bias and prejudice, giving probable cause for the defendant to file for disqualification.
16. Judge Lauten has taken control of attorney client information and possibly turned information over to Adventist Health System without my knowledge of the contents turned over to the court by previous counsel, Brad Conway.

17. Because of the relation of business between Adventist Health System and Judge Lauten's wife, I seek the disqualification of Judge Lauten, as I do not feel that I will receive an impartial outcome in my case. The relationship between Shelley Lauten and Adventist Health System and its employees are attached to this affidavit and motion for disqualification. *See screen shots from MyRegion website.*
18. The judge's relative/wife, Shelley Lauten, by affinity or consanguinity within the third degree is counsel, or interested either as a plaintiff or defendant, or in the issue of which the judge has, either directly or through such relative, a more than de minimis pecuniary interest. This shows a conflict of interest and Defendant/counter plaintiff feels that she will not receive a fair trial and that previous rulings have violated her rights to due process considering the severity of the relationship between Judge Lauten, his wife and Adventist Health System.
19. I found information on the internet revealing that Judge Lauten's wife, Shelley Lauten, has substantial relationships with the entity of Adventist Health System's, Florida Hospital System, and two of Adventist Health System's board members, Becky Neimann and Des Cummings, all of whom are partners or regional directors.
20. I have enclosed screen shots from the website of MyRegion showing the relationship between Shelley Lauten and Adventist Health System and its employees and one of its hospitals.

FURTHER AFFIANT SAITH NOT

PATRICIA L. MOLESKI _____

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned notary public, by the aforesaid PATRICIA L. MOLESKI, on this the ___ day of _____ to certify which witness my hand and seal of office. NOTARY PUBLIC _____

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Screen Shots - Exhibit

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Staff Directory



Shelley Lauten

President, *myregion.org*

Phone: 407-835-2444

Email: shelley.lauten@orlando.org

Shelley Lauten is President of *myregion.org*, a Regional Development Program formed in 1999 to serve as a catalyst for Central Florida's individuals, organizations, businesses, and governments to act together in making our region globally competitive. Since it was established, *myregion.org* has gained state and national recognition for its ground-breaking work that includes the first-ever Central Florida Regional SourceBook, a framework for regional collaboration throughout the seven-county region along with a library of original research completed with key

community partners: the Central Florida Regional Indicators Report, Penn Design Central Florida, Central Florida Values Study, Naturally Central Florida – Fitting the Pieces Together, and The Central Florida Social Capital Survey bringing contemporary and meaningful data to the question, “How Shall We Grow?”

Shelley is especially proud of *myregion.org's* leadership in “How Shall We Grow?” an eighteen-month initiative to address projected regional growth in Central Florida. Along with nine other partner organizations, this project brought together seven counties, 86 cities and over 20,000 residents in large meetings and small throughout the region to create a Shared Regional Growth. The consensus document, presented to the community at a Regional Summit in August 2007, recommends a focus on Four Cs – Conservation, Centers, Corridors and Countryside – for future land use and development throughout Central Florida through the year 2050. Shelley and *myregion.org* continue to provide support to the Congress of Regional Leaders as they develop and implement regional policies on issues that matter most to residents of Central Florida: the environment, water, transportation and land use.

While her primary responsibilities focuses on Regional Research and Resolves (*myregion.org*), one of four (4) “lines of business” for the [Central Florida Partnership](#), Shelley also performs duties supporting the other lines of business as well as other initiatives and goals of the Partnership. Also, Shelley served as the Florida Director for the Urban Land Institute (ULI) Florida Initiative on Regional Collaboration, established to identify new opportunities for the State of Florida to support and encourage communities around the state to collaborate regionally.

Prior to her work with *myregion.org* and the Central Florida Partnership, Shelley held key executive positions at Walt Disney World and the Arnold Palmer Golf Management Company. She is married to Fred and has two children, Christopher (23) and Victoria (21). She was raised in Melbourne Beach, Florida and has called Orlando her home for over 30 years.

[Home](#) > [About *myregion.org*](#) > [Staff Directory](#)

HOW SHALL WE GROW? CENTRAL FLORIDA REGIONAL GROWTH VISION

PARTNERS

HOW SHALL WE GROW? FUNDING PARTNERS

Brevard County Metropolitan Planning Organization
East Central Florida Regional Planning Council
Florida Department of Community Affairs
Florida Department of Transportation
Lake-Sumter Metropolitan Planning Organization
METROPLAN ORLANDO
myregion.org
Orlando Regional Chamber of Commerce
Polk County Transportation Planning Organization
Volusia County Metropolitan Planning Organization

HOW SHALL WE GROW? PROGRAMMING PARTNERS

Central Florida Regional Planning Council
MSCW
Progress Energy
UCF Metropolitan Center for Regional Studies
WKMG-TV

HOW SHALL WE GROW? COMMUNITY OUTREACH PARTNERS

African American Chamber of Commerce of Central Florida
American Society of Landscape Architects – Florida Chapter

Asociación Borinqueña
Brevard County Board of County Commissioners
Brevard County Library System
Bright House Networks
Chuluota Community Association
City of Orlando
City of St. Cloud
City of Tavares
City of Winter Springs
Cocoa Civic Center
Community Vision
Daytona Beach Community College
Daytona Beach Community College Television
Downtown Development Board, City of Orlando
El Nuevo Dia
Embarq
Envision Seminole
Equinox Documentaries, Inc.
Eustis Community Center

Florida Chamber Foundation
Florida High Tech Corridor Council
[Florida Hospital](#)

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Florida Chamber Foundation
Florida High Tech Corridor Council
[Florida Hospital](#)

Ms. Becky Niemann
Florida Hospital East Orlando
7727 Lake Underhill Road
Orlando, FL 32822
Email: becky.niemann@flhosp.org



Des Cummings, Jr., Ph.D.

Florida Hospital Foundation

Since 1908, the mission of Florida Hospital has been to extend a healing ministry that makes our community a healthier place to live. We are accomplishing this mission by building the most advanced health care programs and services in Central Florida.

"Linking cutting-edge healthcare research with the clinical service demands that our ever-expanding region will require in the years ahead is an important part of our corporate mission. The Central Florida Partnership provides access to the economic development initiatives that are growing our region while nurturing relationships among Central Florida's founding organizations and newcomers who bring innovation and enthusiasm to our marketplace."

