

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

CLAY G. COLSON,

CASE NO.: 21-005793-CI

Plaintiff,

v.

THE CITY OF TARPON SPRINGS, FLORIDA,

Defendant.

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**PLAINTIFF'S VERIFIED MOTION TO  
DISQUALIFY JUDGE PATRICIA ANN MUSCARELLA**

COMES NOW, the Plaintiff, CLAY G. COLSON, pursuant to Florida Rule of Judicial Administration 2.330 and files the Plaintiff's Verified Motion to Disqualify Judge Patricia Ann Muscarella because the undersigned Plaintiff fears that he will not receive a fair hearing or trial due to bias of Judge Muscarella in favor of the Defendant, THE CITY OF TARPON SPRINGS, FLORIDA, hereinafter referred to as the "City," as shown hereinafter:

1. This action has been brought because the City violated the City's comprehensive plan by approving a development order concerning nearly 74 acres of greenspace along the Anclote River allowing development of a proposed 404-unit multifamily project with a clubhouse, on-site recreational amenities, parking, and stormwater facilities hereinafter referred to as the "development." Thousands of citizens like me are concerned that this development would have significant negative impacts on the Anclote River, on traffic on U.S. 19, and on City and County services to residents of and visitors to the area.

2. The actions taken by the City in considering and approving such development have been featured and criticized in multiple news reports by the Tampa Bay Times, the Tarpon Springs Beacon, local television stations, and online news outlets.
3. During its consideration and approval of such development, the City enacted various measures to restrict the First Amendment rights of those opposed to such development in an apparent effort to minimize criticism, news coverage and awareness of the many grounds and arguments raised in opposition to such development, the overwhelming opposition of citizens to such development, the lack of public support for such development, and the significant negative impacts that such development would have on the Anclote River, on traffic on U.S. 19, and on City and County services to residents of and visitors to the area.
4. In spite of the City's efforts to reduce awareness of and opposition to such development, a number of members of the City's commission were voted out of office in the recent election, and I believe that such election results show that the citizens overwhelmingly disapprove of such development.
5. On May 2, 2022, a hearing on the City's Motion to Dismiss for Failure to Join Indispensable Parties, specifically Kamil Salame and Morgan Group Development, LLC, was held before Judge Patricia Ann Muscarella, and I believed that due to the public interest in this development, this hearing would be considered newsworthy.
6. As a result, I decided to exercise my First Amendment right to gather news by recording the hearing on May 2, 2022, and as soon as possible, I informed Judge Muscarella that I was recording the hearing.
7. Judge Muscarella told me that it was against the rules to record hearings.


8. Naturally, I was surprised by Judge Muscarella's statement because I have seen and heard recordings of hearings in Florida's courts, and I have since learned that Rule 2.450 provides that judges shall allow recording of judicial proceedings.
9. In addition, the City's motion cited a couple of cases for the reason why the City's motion should be granted, and the City's counsel cited the same cases at the hearing. However, those cases did not concern a challenge to a review of the development order under Florida Statutes Section 163.3215(3).
10. When I had an opportunity to respond to the argument of the City's attorney at the hearing, I pointed out that the Second District Court of Appeal's decision in City of St. Petersburg, v. Marelli, 728 So.2d 1197 held that the property owner is not an indispensable party and thus such precedent prohibits intervention by Kamil Salame and Morgan Group Development, LLC as well as requires denial of the City's motion to dismiss.
11. In spite of my citation to an appellate decision on this point, Judge Muscarella granted the city's motion so quickly that she could not have looked up the case that I cited or even considered it.
12. As a result, I looked in to Judge Muscarella's reputation, and I found that Judge Muscarella was rated very poorly on The Robing Room's website at <http://www.therobingroom.com/florida/Judge.aspx?id=19200> with many comments indicating that she is biased and ignores the law.
13. Due to the foregoing, I fear that I will not receive a fair hearing or trial due to bias of Judge Patricia Ann Muscarella in favor of the City, Kamil Salame, Morgan Group Development, LLC and/or their attorneys.

14. No motions to disqualify had been granted in this case, and this Motion has been timely filed and served to Judge Muscarella.

**WHEREFORE**, as I believe that I will not receive a fair hearing or trial due to bias of Judge Patricia Ann Muscarella in favor of the City, Kamil Salame, Morgan Group Development, LLC and/or their attorneys, I respectfully request that Judge Muscarella enter an order disqualifying herself.

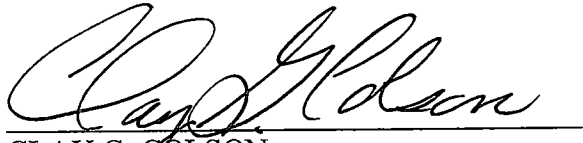
### VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing motion and the facts stated in it are true.

  
CLAY G. COLSON Date 052022

### CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion has been served by U.S. Mail to Jay Daigneault, Esq. of Trask Daigneault, LLP at 1001 S. Fort Harrison Ave., Suite 201 in Clearwater, FL 33756 and to Judge Patricia Ann Muscarella at 315 Court St., Room 423 in Clearwater, FL 33756 on this 20 day of May 2022.

  
CLAY G. COLSON  
4318 Joy Drive  
Land O'Lakes, FL 34637  
813-601-3391