

FLORIDA THIRD DISTRICT COURT OF APPEAL

Jean-Philippe Schneider v. Christian Tirikian, et al.

No. 3D24-2264 · No. 3D24-2264 · Decided April 23, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed an interlocutory order denying Jean-Philippe Schneider’s pro se motion to disqualify opposing counsel. The court held that the trial court did not abuse its discretion, emphasizing the deferential standard of review and the limited, drastic nature of attorney disqualification.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	GORDO, J.; LOGUE, C.J.; EMAS, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	April 23, 2025
DOCKET	3D24-2264
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a nonfinal interlocutory order denying the appellant's motion to disqualify opposing counsel.
STANDARD OF REVIEW	Abuse of discretion. The appellate court will not substitute its judgment for the trial court's express or implied findings of fact supported by competent substantial evidence, although the trial court's discretion is limited by applicable legal principles.
PRECEDENTIAL VALUE	Published
PARTIES	Jean-Philippe Schneider v. Christian Tirikian, et al.

TOPICS

- appellate procedure
- interlocutory appeal
- civil procedure
- appellate jurisdiction
- standard of review

PRACTICE AREAS

- civil procedure
- appellate procedure
- legal ethics

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Schneider's motion to disqualify opposing counsel.

HOLDINGS

1. The trial court did not abuse its discretion in denying Schneider's motion to disqualify opposing counsel.

KEY QUOTATIONS

“Because we find the trial court did not abuse its discretion in denying Schneider’s motion, we affirm.”

“disqualification of a party’s lawyer in a civil case [is] a drastic remedy, one that must be employed only in limited circumstances.” (2)

“Motions for disqualification are generally viewed with skepticism because disqualification of counsel impinges on a party’s right to employ a lawyer of choice, and such motions are often interposed for tactical purposes.” (2)

FACTUAL BACKGROUND

Schneider was involved in a civil case in the Circuit Court for Miami-Dade County and sought to disqualify opposing counsel. The trial court denied his motion. Schneider appealed that interlocutory order.

PROCEDURAL HISTORY

Schneider moved to disqualify opposing counsel in the Circuit Court for Miami-Dade County. The trial court denied the motion, and Schneider, proceeding pro se, appealed the nonfinal order under Florida Rule of Appellate Procedure 9.130(a)(3)(E).

DISPOSITION

affirmed

CASES CITED

- Stopa v. Cannon, 330 So. 3d 1033, 1035 (Fla. 2d DCA 2021)
- Applied Digit. Sols., Inc. v. Vasa, 941 So. 2d 404, 408 (Fla. 4th DCA 2006)
- Gutierrez v. Rubio, 126 So. 3d 320, 321 (Fla. 3d DCA 2013)
- Alters v. Villoldo, 230 So. 3d 115, 117 (Fla. 3d DCA 2017)
- Alexander v. Tandem Staffing Sols., Inc., 881 So. 2d 607, 608-09 (Fla. 4th DCA 2004)

OPINION

Jean-Philippe Schneider v. Christian Tirikian

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed April 23, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-2264 Lower

Tribunal No. 16-17648-CA-01 _____ Jean-Philippe Schneider, Appellant, vs. Christian Tirikian, et al., Appellees. An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Lourdes Simon, Judge. Jean-Philippe Schneider, in proper person. Paul A. McKenna & Associates, and Paul A. McKenna, for appellees. Before LOGUE, C.J., and EMAS and GORDO, JJ. GORDO, J. Jean-Philippe Schneider (“Schneider”), pro se, appeals an interlocutory order denying his motion to disqualify opposing counsel. We have jurisdiction. Fla. R. App. P. 9.130(a)(3)(E) (authorizing appeals of nonfinal orders that grant or deny a motion to disqualify counsel). Because we find the trial court did not abuse its discretion in denying Schneider’s motion, we affirm. See *Stopa v. Cannon*, 330 So. 3d 1033, 1035 (Fla. 2d DCA 2021) (“We review orders on motions to disqualify counsel for an abuse of discretion.”); *Applied Digit. Sols., Inc. v. Vasa*, 941 So. 2d 404, 408 (Fla. 4th DCA 2006) (“The standard of review for orders entered on motions to disqualify counsel is that of an abuse of discretion. While the trial court’s discretion is limited by the applicable legal principles, the appellate court will not substitute its judgment for the trial court’s express or implied findings of fact which are supported by competent substantial evidence.”); *Gutierrez v. Rubio*, 126 So. 3d 320, 321 (Fla. 3d DCA 2013) (“[D]isqualification of a party’s lawyer in a civil case [is] a drastic remedy, one that must be employed only in limited circumstances.”); *Alters v. Villoldo*, 230 So. 3d 115, 117 (Fla. 3d DCA 2017) (“Motions for disqualification are generally viewed with skepticism because disqualification of counsel impinges on a party’s right to employ a lawyer of choice, and such motions are often interposed for tactical 2 purposes.” (quoting *Alexander v. Tandem Staffing Sols., Inc.*, 881 So. 2d 607, 608-09 (Fla. 4th DCA 2004))). Affirmed. 3