

FLORIDA THIRD DISTRICT COURT OF APPEAL

Earl Takefman v. The Pickleball Club LLC, et al.

No. 3D25-0892 · No. No. 3D25-0892 · Decided October 22, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the denial of Earl Takefman’s motion to disqualify counsel representing The Pickleball Club LLC and its officers. The court held that Takefman lacked an attorney-client relationship and privity with opposing counsel and that his speculative allegations did not establish the limited circumstances warranting disqualification by a nonclient.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Gooden, J.; Fernandez, J.; Lindsey, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	October 22, 2025
DOCKET	No. 3D25-0892
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a non-final circuit-court order denying the appellant's motion to disqualify appellees' counsel.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	Published Florida District Court of Appeal opinion
PARTIES	Earl Takefman v. The Pickleball Club LLC, Brian McCarthy, Matt Gordon

TOPICS

- civil procedure
- appellate procedure
- standard of review
- commercial litigation

PRACTICE AREAS

- Civil procedure
- Legal ethics and professional responsibility
- Appellate procedure

QUESTIONS PRESENTED

1. Whether Takefman had standing to seek disqualification of opposing counsel despite never having an attorney-client relationship with the firm.
2. Whether the alleged conflict of interest justified disqualifying appellees' jointly retained counsel.
3. Whether the trial court abused its discretion by denying the motion to disqualify counsel.

HOLDINGS

1. A party generally lacks standing to seek disqualification of opposing counsel when the party has never been represented by that attorney and is not in privity with the attorney-client relationship.
2. A nonclient may properly raise disqualification in limited circumstances when the alleged conflict clearly calls into question the fair or efficient administration of justice.
3. The trial court did not abuse its discretion by denying Takefman's motion to disqualify appellees' counsel because his allegations were speculative and did not establish a conflict requiring disqualification.

KEY QUOTATIONS

“Such attempts should be viewed with caution and skepticism as they can be used to harass the opposing party and counsel, or for other indecorous tactical reasons.” (at 1)

“Generally, a party has no standing to seek disqualification of opposing counsel where they have never been represented by that attorney.” (at 2)

“Where the conflict is such as clearly to call in question the fair or efficient administration of justice, opposing counsel may properly raise the question.” (at 3)

FACTUAL BACKGROUND

Takefman sued The Pickleball Club LLC, Brian McCarthy, and Matt Gordon, asserting claims including fraud and civil conspiracy against all appellees collectively. The appellees were jointly represented by Boyd Richards Parker Colonnelli, which obtained informed consent from each appellee. Takefman sought to disqualify the firm, speculating that the allegations created an irreconcilable conflict of interest, but he had never had an attorney-client relationship with the firm.

PROCEDURAL HISTORY

Takefman sued The Pickleball Club LLC, its chief executive officer, and its chief financial officer on several causes of action, including fraud and civil conspiracy. The appellees' law firm jointly represented all three defendants after obtaining informed consent. The circuit court denied Takefman's motion to disqualify the firm, and the Third District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- *Phinney v. Phinney*, 50 Fla. L. Weekly D207, at *2 (Fla. 3d DCA Jan. 15, 2025)
- *State Farm Mut. Auto. Ins. Co. v. K.A.W.*, 575 So. 2d 630, 632-33 (Fla. 1991)
- *Akerman LLP v. MSP Recovery Claims, Series LLC*, 338 So. 3d 309, 311 (Fla. 3d DCA 2022)
- *Cont'l Cas. Co. v. Przewoznik*, 55 So. 3d 690, 691 (Fla. 3d DCA 2011)
- *Zarco Supply Co. v. Bonnell*, 658 So. 2d 151, 154 (Fla. 1st DCA 1995)
- *Kenn Air Corp. v. Gainesville-Alachua Cnty. Reg'l Airport Auth.*, 593 So. 2d 1219, 1222 (Fla. 1st DCA 1992)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed October 22, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-0892 Lower Tribunal No. 24-24570-CA-01 _____ Earl Takefman, Appellant, vs. The Pickleball Club LLC, et al., Appellees. An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Migna Sanchez-Llorens, Judge.

Earl Takefman, in proper person. Boyd Richards Parker Colonnelli, P.L., and Brian J. Durham (Tampa), and Sharhonda Robinson-Edwards, for appellees. Before FERNANDEZ, LINDSEY and GOODEN, JJ. GOODEN, J. This case concerns an attempt to disqualify an opposing party's counsel. Such attempts should be viewed with caution and skepticism as they can be used to harass the opposing party and counsel, or for other indecorous tactical reasons.

Because the trial court did not abuse its discretion in repudiating these attempts, we affirm. 1 Appellant Earl Takefman filed a lawsuit asserting several causes of action, such as fraud and civil conspiracy, against the Appellees. Each count is against all Appellees, collectively.

The Appellees are The Pickleball Club, LLC, a developer and operator of private pickleball clubs, Brian McCarthy, its chief executive officer, and Matt Gordon, its chief financial officer. The law firm of Boyd Richards Parker Colonnelli represents all three Appellees. Upon taking on the joint representation, Boyd Richards Parker Colonnelli obtained informed consent from each Appellee.

See R. Regulating Fla. Bar 4-1.7(b) (2025). That said, Takefman moved to disqualify the law firm. He speculates that, due to the allegations in the complaint, one attorney cannot represent all the defendants and that this joint representation creates an irreconcilable conflict of interest. See R. Regulating Fla. Bar 4-1.7(a)(2).

The Appellees 1 We review orders on motions for disqualify counsel for an abuse of discretion. *Phinney v. Phinney*, 50 Fla. L. Weekly D207, at *2 (Fla. 3d DCA Jan. 15, 2025). 2 assert they waived any purported conflict through informed consent, and maintain that Takefman has not proven that an unwaivable conflict exists. Further, they argue that Takefman lacks standing to seek disqualification as there is no privity between Takefman and Boyd Richards Parker Colonnelli.

After a hearing, the trial court denied the motion. It did “not find a conflict of interest that would require disqualification.” Above all, Takefman does not have—and never has had—an attorney-client relationship with Boyd Richards Parker Colonnelli. Cf. *State Farm Mut. Auto. Ins. Co. v. K.A.W.*, 575 So. 2d 630, 633 (Fla. 1991) (“[O]ne seeking to disqualify opposing counsel was required to show that (1) an attorney-client relationship existed....”).

Generally, a party has no standing to seek disqualification of opposing counsel where they have never been represented by that attorney. See *Akerman LLP v. MSP Recovery Claims, Series LLC*, 338 So. 3d 309, 311 (Fla. 3d DCA 2022); *Cont’l Cas. Co. v. Przewoznik*, 55 So. 3d 690, 691 (Fla. 3d DCA 2011). There is a lack of privity. Takefman is a stranger to the relationship.

Yet the Rules Regulating the Florida Bar contemplate that in limited circumstances a person other than a client may seek disqualification. *K.A.W.*, 575 So. 2d at 632. “Where the conflict is such as clearly to call in question the fair or efficient administration of justice, opposing counsel may properly raise the question.” R. Regulating Fla. Bar 4-1.7, Editors’ Notes.

See also *Zarco Supply Co. v. Bonnell*, 658 So. 2d 151, 154 (Fla. 1st DCA 1995); *Kenn Air Corp. v. Gainesville-Alachua Cnty. Reg’l Airport Auth.*, 593 So. 2d 1219, 1222 (Fla. 1st DCA 1992). Even so, Takefman’s speculative allegations simply do not rise to this level. Affirmed. 4