

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)

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