

# Jeffrey D. Fridkin

## Shareholder

Naples

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## Practice & Industry Areas

- Business Litigation
- Construction Law
- Probate, Trust & Guardianship Litigation

## Education

- University of Missouri, J.D., 1980
- University of Missouri, B.A., 1977

## Bar & Court Admissions

- Florida Bar
  - Board certified, business litigation, 1997-present
  - Board certified, civil trial, 1996-present
- Missouri Bar
- Supreme Court of the United States
- U.S. Eighth Circuit Court of Appeals
- U.S. Eleventh Circuit Court of Appeals
- United States District Court
  - Middle District of Florida
  - Southern District of Florida
  - Western District of Missouri

## Overview

Board certified in Business Litigation and Civil Trial, Jeff Fridkin has been practicing law from offices in Southwest Florida since 1985. He has handled complex litigation cases through trial and on appeal in both state and federal courts throughout Florida over these decades. Jeff is dedicated to serving as a very active listener who, from commencement of

representation, strives to understand his client's goals and implement strategies to achieve those goals in the most effective and efficient means available.

Jeff's practice includes the representation of major contractors and subcontractors in contract disputes, construction defects and lien enforcement disputes. He has handled a multitude of business disputes between owners, including shareholder derivative and business dissolution cases. Jeff has participated in probate and trust-related litigation involving issues of capacity, undue influence, timeliness of claims and breaches of fiduciary duty. Jeff has sued and defended banks with regard to disbursements from their customer's accounts. He delivers significant experience at both the trial and appellate court levels in a multitude of complex business issues.

For the past 25 years, Jeff has been recognized as a specialist by the Florida Bar in Civil Trial and in Business Litigation. He has been AV-rated by Martindale-Hubbell since the early 1990's and over many years, has repeatedly been recognized as a "Best Lawyer," a "Super Lawyer" and a *Florida Trend* "Legal Elite." He is a contributing editor to the *Florida Real Property Litigation* manual. Among Jeff's most appreciated recognitions was his receipt of the Donald E. Van Koughnet "Lion of the Law Award for Professionalism" from the Judiciary of Collier County in 2009.

When not practicing law, Jeff finds time to give back to his community. He is a Chairman Emeritus of the Florida Gulf Coast University Foundation and of the Greater Naples Chamber of Commerce. He is the former Chairman of the Economic Development Council of Collier County. He is a past Chairman of the Leadership Collier Foundation and is a graduate of Leadership Florida. Jeff was recently inducted as a Laureate into the Junior Achievement Business Hall of Fame for Southwest Florida.

## Representative Matters

### Reported Cases:

- *Capital Wealth Advisors, LLC v. Capital Wealth Advisors, Inc.*, 335 So.3d 164 (Fla. 2d DCA 2021)
- *Schumann v. Collier Anesthesia, P.A.*, 803 F. 3d 1199 (11th Cir. 2015)
- *Harllee v. Procacci*, 154 So. 3d 1145 (Fla. 2d DCA 2014)
- *Kountze v. Kountze*, 93 So. 3d 1234 (Fla. 2d DCA 2012)
- *Kountze v. Kountze*, 93 So. 3d 1164 (Fla. 2d DCA 2012)
- *Architectural Network, Inc. v. Gulf Bay Land Holdings II, Ltd.*, 989 So. 2d 662 (Fla. 2d DCA 2008)
- *Architectural Network, Inc. v. Gulf Bay Land Holdings II, Ltd.*, 933 So. 2d 732 (Fla. 2d DCA 2006)
- *Bevan v. Cowart*, 916 So. 2d 822 (Fla. 2d DCA 2005)
- *Marco Island Civil Ass'n, Inc. v. Mazzini*, 881 So. 2d 99 (Fla. 2d DCA 2003)

- *In re Estate of Tensfeldt*, 839 So. 2d 720 (Fla. 2d DCA 2003)
- *Marco Island Civil Ass'n, Inc. v. Mazzini*, 805 So. 2d 928 (Fla. 2d DCA 2001)
- *Shafran v. Parrish*, 787 So. 2d 177 (Fla. 2d DCA 2001)
- *Lucas v. Barnett Bank of Lee County*, 732 So. 2d 405 (Fla. 2d DCA 1999)
- *Collier Anesthesia, P.A. v. Worden*, 726 So. 2d 342 (Fla. 2d DCA 1999)
- *SouthTrust Bank of SW Fla. v. Krause*, 677 So. 2d 368 (Fla. 2d DCA 1996)
- *Ransburg v. Ransburg*, 661 So. 2d 89 (Fla. 2d DCA 1995)
- *Coastal Computer Corp. v. Team Management Systems, Inc.*, 624 So. 2d 352 (Fla. 2d DCA 1993)
- *Momenah v. Ammache*, 616 So. 2d 121 (Fla. 2d DCA 1993)
- *In re Estate of Ransburg*, 608 So. 2d 49 (Fla. 2d DCA 1992)
- *Reedy v. Lull Engineering Co., Inc.*, 137 F.R.D. 405 (Fla. M.D. 1991)
- *Buerki v. Lochner*, 570 So. 2d 1061 (Fla. 2d DCA 1990)
- *Vaughan v. Taft Broadcasting Company*, 708 S.W. 2d 656 (Mo. 1986)
- *Alliett & Williams v. Tri-City Construction Company*, 694 S.W. 2d 287 (Mo. App. 1985)

#### Areas of Experience:

- Representation of some of the community's larger general contractors and subcontractors in a wide range of construction-related disputes
- Prosecution and defense of will contests premised upon capacity and undue influence
- Prosecution and defense of claims against estates and determinations of reasonably ascertainable creditors
- Complex disputes between partners/shareholders, including derivative actions and business dissolutions
- Defense of developers against claims for rescission involving the Interstate Land Sales Full Disclosure Act
- Defense of agribusinesses against claims of pesticide injury and claims related to sales of defective plants
- Prosecution and defense of banks for improper disbursements from customer accounts
- Prosecution and defense of defamation claims
- Prosecution and defense of nuisance and trespass claims
- Prosecution and defense of fiduciaries
- Prosecution and defense of non-competition provisions in employment and business sale agreements
- Prosecution and defense of claims for trademark and copyright infringement
- Jury trial experience in a wide range of complex commercial matters, both as plaintiff and defense counsel
- Certiorari review of land use decisions by local officials
- State and federal appeals

#### Other Matters:

- Defended the owners of a hotel against claims of implied easement rights in connection with one of the largest real estate transactions in Naples history
- Successfully defended an ex-husband's estate against a multi-million dollar claim by an ex-wife's estate which was determined to be an unknown creditor; the probate court ruling was affirmed on appeal
- Obtained reversal on appeal of a lower court's finding of a commission agreement to be an illegal restraint of trade
- Obtained removal of an estate fiduciary appointed to control the estate's multi-million-dollar manufacturing company asset for misfeasance, malfeasance and breach of fiduciary duty; the removal order was affirmed on appeal
- Defended a personal representative on appeal of a substantial estate from removal on the grounds of alleged breaches of fiduciary duty and conflicts of interest
- Obtained summary judgment against a major national bank for improper disbursements of many hundreds of thousands of dollars from its customer's account
- Obtained a substantial commercial arbitration award for total amount of the client's claim in a contract dispute over unpaid profits
- Succeeded in evicting a commercial tenant and obtaining a successful money judgment in a complex situation involving a landlord who was also a member of the business entity tenant
- Recovered full employment benefits, plus attorneys' fees, in a highly publicized dispute between the Superintendent of Schools and the Collier County School District
- Obtained a multi-million-dollar jury verdict in a Sherman Act Section 1 action for horizontal price fixing
- Obtained final summary judgment of a hotly contested foreclosure involving over 4,000 acres of land and a debt exceeding \$50 million
- Obtained a substantial judgment for a subcontractor against a general contractor after an extensive trial, overcoming claims of fraudulent lien, "pay when paid" provisions and defeating nearly \$1 million in claimed set-offs for delay and other damages
- Obtained removal of a trustee from a multi-million-dollar trust
- Defended one of the nation's largest producers of drywall against claims of product defect by obtaining dismissal with prejudice of over twenty federal claims without the manufacturer having to pay any amounts to the claimants
- Defended one of the nation's largest growers of tomatoes in a toxic tort case involving allegations of birth defects being caused by our client's pesticide practices; the case involved scientists from around the nation, highly complex issues of scientific evidence and dozens of lay and expert witnesses
- Obtained specific performance of a multi-million-dollar contract to purchase land and after nearly two weeks of trial, involving hundreds of written exhibits and complex issues concerning the land use permitting process, obtained final judgment establishing the client's right to purchase, defeated the seller's counterclaim, and obtained an award of

attorneys' fees and expert costs which were deducted from the purchase price; defended this final judgment on appeal

- Obtained a jury verdict in favor of a hotel company against architects for professional malpractice stemming from failures to identify requirements of the Americans with Disabilities Act in permit drawings
- Obtained a substantial judgment after a bench trial for a client in a claim against an estate emanating from the decedent's breach of a prenuptial agreement
- Defended a client through trial in a protracted quiet title action involving a boundary dispute
- Defended the developer of a beach front residential high-rise condominium through summary judgment and appeal involving allegations of violations of the Interstate Land Sales Fraud Act

## **Honors**

- Florida Super Lawyers, 2006-23
- The Best Lawyers in America, 2006-22 (Bet-the-Company Litigation, Commercial Litigation, Litigation Construction, Litigation-Real Estate and Litigation-Trusts & Estates)
- Best Lawyers Fort Myers "Lawyer of the Year" (Bet-the-Company Litigation (2014), Litigation-Construction (2014, 2016, 2018), Litigation-Real Estate (2017, 2019, 2021) and Litigation-Trusts & Estates (2020))
- Florida Trend, "Legal Elite," 2013-16
- AV rating as independently determined by Martindale-Hubbell
- Junior Achievement Business Hall of Fame for Southwest Florida, Laureate
- Donald E. Van Koughnet Lion of the Law Award for Professionalism by the Judiciary of Collier County, 2009
- Leadership Collier Distinguished Alumni Award, 1998

## **Publications & Presentations**

- Florida Bar Business Law Section's "Business Litigation" CLE series, featured speaker
- Florida Bar practice manual, Real Property Litigation, editor and contributing author

## **Professional Associations & Memberships**

- American Board of Trial Advocates
- American Bar Association, Litigation Section
- Florida Bar, Business Law and Trial Lawyers Sections
- Collier County Bar Association, Trial Lawyers Section
- Michael R.N. McDonnell Inn of Court, Master Bencher

- National College of Advocacy, Advocate

## **Civic & Community Service**

- Florida Gulf Coast University Foundation (1993-present), Chair Emeritus
- Florida Gulf Coast University Financing Corp. (2003-17), Chair
- Founding Member, Winged Foot Scholarship Award Foundation (1989-present)
- Health Care Network of Southwest Florida Foundation Board (2015-20)
- Leadership Florida, Class XVIII
- Grievance Committee, Florida Bar, Twentieth Judicial Circuit (2009-12), Member
- Lee County Port Authority, Airports Special Management Committee (2001-11), Collier Representative
- Leadership Collier Foundation (2010-11), Chair
- Greater Naples Chamber of Commerce (2006-07), Chair
- Collier County Bar Association, Trial Lawyers Section (2000), President
- Economic Development Council of Collier County (1998-99), Chair
- Partners in Education (1995-96), Chair
- Florida Gulf Coast University Presidential Search Committee (1994, 1999), Member
- Leadership Collier, Class of 1991