

Jack Nicklaus Wins Round of Litigation in Florida Appeals Court

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Jack Nicklaus. Credit: Columbus Metropolitan Library via Wikimedia Commons

The legendary golfer is fighting for his good name against a billionaire who owns New York's oldest bank.

Litigation

Golf legend Jack Nicklaus will be allowed to move forward with his defamation lawsuit in Florida against Howard Milstein and Nicklaus Companies LLC, after a Florida appellate court ruled that a contractual forum selection clause from a 2007 business agreement does not bar the claims.

The decision, issued Wednesday by Florida's Fourth District Court of Appeal, upheld a trial court's denial of a motion to dismiss filed by the defendants, who argued that the case belonged in New York under the terms of a limited liability company agreement tied to a \$145 million deal that formed Nicklaus Companies.

Nicklaus, 85, filed the Florida suit in response to statements made by Milstein and company officials suggesting he had considered joining LIV Golf, the Saudi-backed league, and had to be dissuaded by company executives.

Milstein is Executive Chairman of the Nicklaus Companies and Chairman, President, and CEO of New York Private Bank & Trust and its operating bank, Emigrant Bank—New York's oldest bank.

Nicklaus contends the LIV Golf statements falsely implied he lacked the judgment to make his own business decisions and portrayed him as mentally unfit, with claims he was showing signs of dementia and "needed to have his car keys taken away," the complaint alleged.

The dispute stems from Nicklaus's 2021 meeting with Golf Saudi representatives to discuss a potential golf course design project. While the meeting took place amid Golf Saudi's efforts to launch LIV Golf, Nicklaus says he declined further involvement out of loyalty to the PGA Tour and insists that Milstein and the company played no part in his decision.

Nicklaus Companies countered that the Florida lawsuit should be dismissed because it is intertwined with ongoing litigation in New York, where Nicklaus Companies previously sued Nicklaus and GBI Investors—his former company—for breach of contract and other claims. The defendants argued that the forum selection clause in the LLC agreement mandated that any related disputes be heard in New York.

Judge Reid P. Scott is the presiding judge in the Palm Beach County Circuit Court who in his order denying summary judgment appeared to side with Nicklaus.

"The Plaintiff has submitted evidence from which the trier of fact could find that the statements were false—that the Plaintiff was not involved in negotiations to become an ambassador with the LIV golf tour," Scott continued. "The Court does not find these statements to be "slang" but rather statements which could be proven false and that if believed to be true could "tend to subject one to hatred, distrust, ridicule, contempt, or disgrace [or] injure one in his trade or profession."

Scott noted that it was "particularly true given the unique circumstances of the people and entities involved in this case, that the Court finds evidence that creates an issue in dispute as to the malicious intent to harm the Plaintiff's reputation in that the Company filed a lawsuit promoting a narrative of Mr. Nicklaus that would prove damaging to his reputation and brand."

Fourth DCA judge Spencer D. Levine authoring the appeal court opinion, with judges Dorian K. Damoorgian and Edward L. Artau concurring, the judges found that the Florida defamation case did not arise from the LLC agreement. The agreement, Levine noted, addressed business operations, capital, distributions, and dissolution—not public statements or reputational harm.

In affirming their decision to agree with the trial court which denied the motion to stay or dismiss, Levine wrote:

"This court previously denied appellants' petition for writ of certiorari contesting the denial of the stay," Levine continued. "The instant appeal challenges only the denial of the motion to dismiss based on the forum selection clause. We find that the allegations in Nicklaus's complaint did not "arise from" or "relate to" the LLC agreement, and, thus, the forum selection clause of the LLC agreement is inapplicable."

"There is no nexus between the defamation claim and the LLC agreement," Levine wrote, rejecting the defense's argument that the forum clause controlled.

With the appellate ruling, Nicklaus's lawsuit will proceed in Florida, where he claims the viral nature of the defamatory statements caused serious damage to his legacy and reputation.

In a statement, a spokesperson for Nicklaus Companies said:

"We believe it is significant, however, that in an earlier decision, the Judge in the Florida defamation case denied Mr. Nicklaus's motion for punitive damages. Punitive damages are only allowed if there is intentional misconduct or gross negligence. The Judge found neither element in this case," the statement from the companies continued, "The facts of this case are clear: Neither Nicklaus Companies nor any other party defamed Mr. Nicklaus. The complaint in the New York lawsuit was never given to any reporter, and the facts show the goal was always to minimize public attention while the rights of the parties were properly determined by the New York court."

After the golfer filed suit in April of 2023, the Nicklaus Companies filed a motion to dismiss and a motion to stay in August 2024.

Court records show all three motions filed were denied.

Two of those denials were appealed interlocutory with the Fourth DCA rejecting both appeals.

In March 2025, the court in New York entered summary judgment in Nicklaus' favor on all six claims brought against him by the Companies, and then later awarded Nicklaus \$1 million for having dissolved the preliminary injunction that was entered against the golfer.

The defendants also filed a motion for summary judgment to end the case at the end of last year. It was denied in full by the trial court on May 16, 2025.

A hearing is scheduled in New York on June 20 to determine the amount of attorney's fees and costs Nicklaus is entitled to recover from the Nicklaus Companies as a result of prevailing in the case, the docket noted.

The Palm Beach defamation case is set for a jury trial during the Court's six-week trial docket beginning September 8, 2025.

Eugene E. Stearns is lead counsel to Jack W. Nicklaus, along with co-counsel Matthew Buttrick, Cecelia Simmons and Albert Lichy of Miami based Stearns Weaver Miller. The attorneys denied comment, citing ongoing litigation.



(l-r) Eugene Stearns, Cecelia Simmons, Matt Buttrick, and Albert Lichy, with Stearns Weaver.
Courtesy photos

Vincent Levy and Scott Danner of Holwell, Shuster and Goldberg in New York represented Nicklaus in the New York litigation brought by the Nicklaus Companies.

The appellants are represented by Miami Cole Scott & Kissane attorneys Francesca M. Stein and Scott A. Cole. Gary J. Malone of Constantine Cannon in New York and Janice Johnson of Constantine Cannon in Washington, D.C.

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