

IN THE CIRCUIT COURT OF THE  
15<sup>TH</sup> JUDICIAL CIRCUIT IN AND  
FOR PALM BEACH COUNTY,  
FLORIDA

CASE NO.

JON ARENSTEIN, M.D.,

Plaintiff,  
vs.

Palm Beach National Golf and Country Club, Inc

Defendant.  
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**COMPLAINT**

**COMES NOW**, the Plaintiff, JON ARENSTEIN M.D. (“Plaintiff”), and files this Complaint against Defendants, PALM BEACH NATIONAL GOLF AND COUNTRY CLUB, INC. (“Defendant” or “PBN”) and alleges as follows:

**JURISDICTION AND VENUE**

1. This is an action for damages in excess of \$50,000, exclusive of interest, costs, and attorneys’ fees.
2. At all times material hereto, Jon Arenstein, M.D. was and is a resident of Palm Beach County, Florida, and owns and resides at real property located in Palm Beach County, Florida (“Plaintiff’s Property”).
3. At all times material hereto, Defendant is a Florida Corporation with its principal place of business in Lake Worth, Florida that conducts business in the State of Florida and Palm Beach County, owns, operates, manages, or controls the commercial business on property adjacent to or near Plaintiff’s Property (“Defendant’s Property”).
4. Jurisdiction and venue of this matter are proper in the Circuit Court for Palm Beach County, Florida, because the property that is the subject of this dispute is located in Palm Beach County, Florida.

## **GENERAL ALLEGATIONS**

5. Palm Beach National Golf and Country club has been operating in Lake Worth Florida, since 1953.

6. Since June of 1980, Plaintiff resided in the property directly across the street from Defendants country club.

7. Both Plaintiff's and Defendant's property are located in a residential zone according to Palm Beach County zoning records.

8. Beginning on or about February 2021, Defendant began construction on a new club house and driving range facility.

9. Since the start of the construction and continuing through the present day, Defendant has engaged in conduct that has caused substantial, continuing, and unreasonable interference with Plaintiff's use and enjoyment of Plaintiff's Property.

10. Such conduct includes but is not limited to; excessive noise beyond permissible levels, early-morning operations and disturbances, late-night operations and disturbances, increased traffic, vibrations, or light pollution.

11. Plaintiff repeatedly notified defendants manage, both verbally and in writing, in regard to the excessive noise, early morning maintenance, and disturbances caused by Defendant's patrons. Despite receiving actual notice of these recurring conditions, Defendant failed to take reasonable measures to eliminate or reduce the disturbances affecting Plaintiff's property.

## **FACTUAL INCIDENTS**

12. Incidents of this conduct began on or about February 2021 when construction crews began work on Defendant's property at 3 o'clock in the morning. This construction woke up Plaintiff, and his family in his home directly across the street from the Defendant's parking lot.

13. Sometime in 2022, Defendant upgraded their driving range facility directly behind their clubhouse. These changes included new range targets, ball tracking systems, and sound system for music while on the range. Since the sound system was upgraded, music has been played at the driving range during and after operational hours. The driving range is estimated to be roughly 450 feet away from Plaintiff's property.

14. On or about June 2022, Defendant used lawn equipment in their parking lot around 5:30am, creating unreasonable levels of noise to the surrounding residential properties, including the Plaintiff's home.

15. On or about November 2022, the driving range's sound system played music past 11pm, which could be heard from inside the Plaintiff's property. Only after Plaintiff informed management of the noise did the music turn off.

16. On or about Friday April 7, 2023, the driving range's sound system played music past 11pm, which could be heard from inside the Plaintiff's property. Again, management had to be contacted before the noise subsided.

17. On or about May 8, 2023, Counsel for the Plaintiff sent a letter via certified mail to Defendant's counsel of record informing them of the persistent and unreasonable sound intrusion onto the Plaintiff's property. Further citing to Lake Worth Sound Ordinances, and their violations.

18. Similar incidents occurred on or about May 18, 2023, Tuesday June 27, Sunday July 28, Management had to be contacted in all instances before the noise subsided past 11:30pm on all three occasions.

19. On or about Wednesday August 16, 2023, Defendant used lawn equipment in their parking lot, creating unreasonable levels of noise around 5:30am.

20. On or about Friday January 26, 2024, at 11:30pm, patrons outside of the country club, in the parking lot of Defendant's property created unreasonable noise by shouting and arguing in the parking lot and revving the engines of their vehicles. All of which could be heard inside of the Plaintiff's home.

21. On or about Sunday March 3, 2024, Music was playing past 11:30pm, which could be heard inside of the plaintiff's home.

22. On or about Sunday April 14, 2024, music was playing past 11:30pm, which could be heard inside of the plaintiff's home.

23. On or about Saturday May 25, 2024, around 1am, patrons in the parking lot of the Defendant's parking lot created unreasonable noise by shouting, playing music, revving their car engines. PBSO was contacted and responded to the complaint. (PBSO, Incident ID, 202400540913)

24. Unreasonable noise generated by Defendant's use of lawn equipment, sound system and unruly patrons have persisted to the time of the filing of this complaint. Plaintiff has asked management numerous times to fix the intrusions to no avail.

25. On or about March 4, 2026, counsel for the Plaintiff filed a complaint with Palm Beach County Zoning (Case #2026-03040015). Zoning initiated their investigation, but the noise from the Defendant's property has not subsided up to the of filing this complaint.

26. On or about June 10, 2026, Defendant used lawn equipment around 6am in their parking lot, waking up Plaintiff and his Family. The noise level persisted for over an hour and a half at decibel levels above 65db.

27. On or about June 11, 2026, Music was playing past 10:55pm, which could be heard inside of the plaintiff's home.

28. On or about June 22, 2026, Defendant's music was playing past 1:45am, which could be heard inside of the plaintiff's home. Plaintiff had to inform management via text message to get the music to shut off.

29. Most, if not all complaints were sent to the management team of PBN via text from the Plaintiff. Furthermore, numerous other incidents have taken place outside of the facts listed above of which, management of the property had to be contacted. As such, more than enough notice has been given to the Defendant prior to the filing of this complaint.

## GOVERNING ORDINANCE

30. Lake Worth Beach Municipal Code Section 15-24.2 states “No person shall make, continue or cause to be made any unreasonable noise or disturbing noise.” (LAKE WORTH BEACH, FL., ORDINANCES § 15-24.2 (2010)).

The code defines Unreasonable Noise as follows: “Unreasonable noise means any noise in or emanating from any property located within the corporate limits of the City of Lake Worth which equals or exceeds a measured sound level of sixty-five (65) dBA or dBC (whichever frequency is higher) between the hours of 11:00 p.m. and 8:00 a.m. Sunday through Thursday, a measured sound level in excess of eighty-five (85) dBA or dBC (whichever frequency is higher) between the hours of 8:00 a.m. and 11:00 p.m. Sunday through Thursday; and a measured sound level which equals or exceeds sixty-five (65) dBA or dBC between the hours of 12:00 a.m. and 8:00 a.m. Friday through Saturday and a measured sound level meeting or exceeding eighty-five (85) dBA or dBC (whichever frequency is higher) between the hours of 8:00 a.m. and 12:00 a.m. Friday through Saturday. Noise shall be measured from the curb or property line closest to the source of noise with a 30-second reading. When a sound level meter is not available, noise that is plainly audible one hundred fifty (150) feet from the real property line of the source of the sound or noise shall be deemed a violation.”

LAKE WORTH BEACH, FL., ORDINANCES § 15-24.1 (2010).

31. Palm Beach County Noise Ordinance similarly states,

“No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table 1 for inhabited residential receiving land more than ten percent (10%) of any measurement period, which period shall not be less than ten minutes when measured at or within the property boundary of the complaining property. A violation of this Ordinance shall have occurred without the occasion of the measurements being made as provided herein if circumstances are such that the offending sound, because of its very nature, is usually loud and obviously offensive to a reasonable prudent person or ordinary sensitivity situated upon the complaining property.”

PALM BEACH COUNTY, FL., NO. 81-7 (1981). The ordinance further defines the maximum permissible sound levels for inhabited residential receiving land through the following table:

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TABLE 1

9 MAXIMUM PERMISSIBLE SOUND LEVELS FOR INHABITED RESIDENTIAL RECEIVING LAND

10 <u>Receiving Land</u>	<u>Noise Source</u>	<u>Time</u>	<u>Sound Level Limit</u>
11 Inhabited Residential Land	Fixed Mechanical Equipment	Any Time	60 dBA
	All Others	7:00 AM - 11:00 PM	60 dBA
		11:00 PM - 7:00 AM	55 dBA

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*Id.* Table 1, at 4, 8.

32. Section F Specific Prohibitions further prohibits, “[i]n addition to the general prohibitions set out above, the following specific acts are declared to be in violation of this Ordinance” *Id.* At 4, 15. Under this section, subsection 3, Loud Speakers and Sound Amplifiers, states

“the using or operating of any loudspeaker, loudspeaker system, sound amplifier or other similar device between the hours of 11 PM and 7 AM, on weekdays and 10 PM, and 10 AM, on weekends and holidays, within or adjacent to and inhibited residential area, such that the sound they’re from is plainly audible across the property line of the inhabited residential property...”

*Id.* at 4-5, 33.

**COUNT I—INJUNCTIVE RELIEF**

33. Plaintiff adopts and realleges the allegations contained in paragraphs 1 through 32 as if more fully set forth herein.

34. Plaintiff has no adequate remedy at law for the harm caused by Defendant’s conduct.

35. The Plaintiff is suffering and will continue to suffer, irreparable harm, including, but not limited to: (I) loss in use and enjoyment of Plaintiff’s property, (II) ongoing annoyance, discomfort, and interference with quiet enjoyment, and (III) harm that cannot be fully compensated by monetary damages.

36. There is a substantial likelihood of success on the merits based on violations of the applicable ordinances and considering the Defendant's conduct is continuous, ongoing, and likely to continue absent intervention by this court.

37. Plaintiff has a clear legal right to the quiet use and enjoyment of his property.

38. The public interest is served by abating unlawful and unreasonable conditions affecting residential property, of which the Defendant can easily and reasonably stop.

39. The conditions sought are as follows: (I) reduce noise levels to the sound decibels prescribed by law through the Lake worth and Palm Beach County ordinances, (II) prohibit the use of lawn equipment prior to 7:00am as prescribed by the county ordinances, (III) control invitees that create disturbances in Defendant's parking lot after Defendant's hours of operations have passed, and (IV) do not overserve alcohol to invitees creating an unreasonable danger to the Plaintiff's property and surrounding residential area.

40. The threatened injury to Plaintiff outweighs any potential harm to Defendant from the issuance of injunctive relief.

**WHEREFORE**, Plaintiff, Jon Arenstein M.D., by and through his undersigned counsel, respectfully requests that this court enter a temporary injunction enjoining Defendant, PBN, from continuing the act described to your end; after notice, and hearing, enter a preliminary and permanent injunction requiring defendant to abate the nuisance and cease the offending conduct; and for all other remedies the Court sees fit to grant.

**COUNT II— NEGLIGENCE**

41. Plaintiff adopts and realleges the allegations contained in paragraphs 1 through 32 as if more fully set forth herein.

42. Defendant owed Plaintiff a duty to own, operate and manage its business and property in a reasonably prudent manner so as not to cause foreseeable harm. Defendant also owed a duty to comply with applicable counties and municipal ordinances regulating noise.

43. Defendant took on that duty by owning and operating a business in a residential neighborhood.

44. Defendant breached their duty of care to the plaintiff by, inter alia, violating applicable county and municipal ordinances and codes, failing to implement reasonable controls, and continuing harmful operations despite being on notice of the occurrences.

45. Defendant knew or should have known that it's conduct would and has caused harm to Plaintiff's residential property.

46. As a direct and proximate result of the Defendant's conduct, Plaintiff has suffered damages including, but not limited to, diminution in property value, loss of use and enjoyment of the plaintiff's property, discomfort, annoyance, and inconvenience, health impacts from lack of sleep and familial stresses.

**WHEREFORE**, Plaintiff, Jon Arenstein M.D., by and through his undersigned counsel, demands judgment against Defendant, PBN, for all damages with pre and post judgment interest, costs, and for all other remedies the Court sees fit to grant.

**COUNT III—PRIVATE NUISANCE**

47. Plaintiff adopts and realleges the allegations contained in paragraphs 1 through 32 as if more fully set forth herein.

48. Defendant's conduct constitutes a substantial and unreasonable interference with Plaintiff's use and enjoyment of their residential property.

49. The Defendant's interference is continuous and recurring, foreseeable, and preventable through reasonable measures.

50. Defendant's actions have caused an annoyance, inconvenience, discomfort, and injury to the Plaintiff in the use of Plaintiff's home.

51. Defendant has failed to abate the nuisance, despite ample notice and opportunities to cure the unreasonable interference with the use and enjoyment of the property, thus depriving the Plaintiff of the quiet enjoyment of his home.

**WHEREFORE**, Plaintiff, Jon Arenstein M.D., by and through his undersigned counsel, demands judgment against Defendant, PBN, for immediate injunctive relief, all damages with pre and post judgment interest, costs, and for all other remedies the Court sees fit to grant.

**DEMAND FOR JURY TRIAL**

Plaintiff, JON ARENSTEIN M.D., hereby demands a trial by jury of all issues triable by right and any other such relief as this Court deems just and proper.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by electronic mail to all counsel on the E-portal service list on this 26 day of June 2026.

Respectfully Submitted,

By: /s/ Nicholas Arenstein

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