

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Gregory Lattimer v. Eric Babcock

Lattimer · No. 5D2025-0160 · Decided May 1, 2026

SUMMARY

The Fifth District Court of Appeal of Florida reverses a summary judgment entered for Eric Babcock in Gregory Lattimer’s defamation action. The court holds that disputed factual issues remained concerning whether Babcock negligently relied on unverified hearsay when making alleged defamatory statements about Lattimer at a homeowners’ association meeting, and remands for further proceedings.

CASE DETAILS

|                       |                                                                                                                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Fifth District Court of Appeal of Florida                                                                                                                                                                                   |
| WRITING FOR THE COURT | Edwards, J.; Wallis, J.; MacIver, J.                                                                                                                                                                                        |
| JURISDICTION          | Fifth District Court of Appeal of Florida                                                                                                                                                                                   |
| DECIDED               | May 1, 2026                                                                                                                                                                                                                 |
| DOCKET                | 5D2025-0160                                                                                                                                                                                                                 |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Lattimer appealed the Volusia County Court's order granting Babcock's motion for summary judgment on Lattimer's defamation claim.                                                                                           |
| STANDARD OF REVIEW    | Summary judgment is reviewed de novo. The appellate court views the evidence and all reasonable factual inferences in the light most favorable to the nonmoving party and resolves reasonable doubts in that party's favor. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                   |
| PARTIES               | Gregory Lattimer v. Eric Babcock                                                                                                                                                                                            |

TOPICS

- summary judgment
- defamation
- negligence
- standard of review
- appellate procedure

PRACTICE AREAS

- Civil procedure
- Defamation
- Appellate procedure
- Torts

## QUESTIONS PRESENTED

1. Whether summary judgment was proper on Lattimer's defamation claim when disputed evidence existed concerning whether Babcock made the statements and whether he negligently relied on unverified hearsay.
2. Whether a reasonable jury could find that Babcock failed to exercise reasonable care to determine whether the allegedly defamatory statements were true or false.

## HOLDINGS

1. Summary judgment for Babcock was improper because disputed issues of material fact and jury questions existed concerning whether Babcock made the statements and whether his reliance on allegedly relayed information was reasonable.
2. A defamation plaintiff who is a private person may establish the requisite fault by showing that the defendant acted negligently, meaning the defendant published the allegedly defamatory statements without exercising reasonable care to determine whether they were true or false.
3. On review of summary judgment, the appellate court must consider the record evidence and reasonable factual inferences in the light most favorable to the nonmoving party and resolve reasonable doubts in that party's favor.

## KEY QUOTATIONS

*“Summary judgment is to be granted only when the moving party has demonstrated that there is no genuine disputed issue of material fact, and the moving party is entitled to judgment as a matter of law.” (4)*

*“credibility determinations and weighing the evidence are jury functions, not those of a judge” (4)*

*“Based on the evidence set forth in the record currently before this Court, it was error to find that a reasonable jury could not return a verdict in favor of Lattimer; thus, summary judgment for Babcock was erroneously granted and is hereby reversed.” (6)*

## FACTUAL BACKGROUND

At a homeowners' association meeting, Babcock allegedly told attendees that Lattimer had harassed him, threatened to shoot him, and was being investigated for a hate crime, seeking to prevent Lattimer from serving on the HOA board. Babcock admitted he had never heard Lattimer threaten to shoot him and could not identify the deputy or code enforcement officer from whom he allegedly learned of the threat and investigation. Lattimer denied making any threat and denied any involvement in a hate-crime investigation. Babcock offered no corroborating affidavits or other evidence from the alleged government declarants.

## PROCEDURAL HISTORY

Lattimer sued Babcock for allegedly making false statements at a homeowners' association meeting that Lattimer had harassed and threatened to shoot Babcock and was being investigated for a hate crime. The trial court granted Babcock summary judgment, concluding that Babcock lacked actual knowledge of falsity and could not

be found negligent because he reasonably relied on information allegedly received from unidentified government personnel. The Fifth District Court of Appeal reversed and remanded.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the opinion; the disputed factual and credibility issues are to be resolved through the ordinary trial process rather than summary judgment.

## CASES CITED

- Brevard County v. Waters Mark Dev. Enters., LC, 350 So. 3d 395, 398 (Fla. 5th DCA 2022)
- Volusia County v. Aberdeen at Ormond Beach, L.P., 760 So. 2d 126, 130 (Fla. 2000)
- Ahmed v. Mid Fla. Dev., LLC, 412 So. 3d 167, 178 (Fla. 5th DCA 2025)
- Kimbrel v. Clark, 385 So. 3d 1124, 1127 (Fla. 1st DCA 2024)
- Jews for Jesus, Inc. v. Rapp, 997 So. 2d 1098, 1106 (Fla. 2008)
- Miami Herald Pub. Co. v. Ane, 423 So. 2d 376, 378, 388 (Fla. 3d DCA 1982)
- In re Amends to Fla. R. Civ. Pro. 1.510, 309 So. 3d 192, 192-94 (Fla. 2020)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 251-52 (1986)
- [case] Gracia v. Sec. First Ins. Co., Gracia v. Sec. First Ins. Co., 347 So. 3d 479, 482 (Fla. 5th DCA 2022)
- Karp v. The Miami Herald Publishing Co., 359 So. 2d 580, 581-82 (Fla. 3d DCA 1978)

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