

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Alexis Cabrales v. Home Depot U.S.A., Inc.

No. 3D24-1283 (Fla. 3d DCA Nov. 5, 2025) · No. 3D24-1283 · Decided November 5, 2025

SUMMARY

The Florida Third District Court of Appeal reversed a final summary judgment entered for Home Depot U.S.A., Inc. on claims for false imprisonment, false arrest, and malicious prosecution. The court held that the summary judgment evidence revealed a genuine dispute of material fact concerning Home Depot's asserted shopkeeper immunity defense and remanded for further proceedings.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Emas; Miller; Lobree
JURISDICTION	Florida Third District Court of Appeal
DECIDED	November 5, 2025
DOCKET	3D24-1283
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed a final summary judgment entered for Home Depot U.S.A., Inc. on claims for false imprisonment, false arrest, and malicious prosecution.
STANDARD OF REVIEW	De novo review applies to the entry of summary final judgment, and the summary-judgment evidence must be viewed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	Published
PARTIES	Alexis Cabrales v. Home Depot U.S.A., Inc., et al.

TOPICS

- summary judgment
- affirmative defenses
- standard of review
- false imprisonment
- malicious prosecution

PRACTICE AREAS

- civil procedure
- torts
- evidence

QUESTIONS PRESENTED

1. Whether the trial court properly entered final summary judgment for Home Depot on Cabrales's claims for false imprisonment, false arrest, and malicious prosecution.
2. Whether Home Depot established that no genuine dispute of material fact existed regarding its shopkeeper-immunity affirmative defense.

HOLDINGS

1. Final summary judgment was improper because the summary-judgment evidence left a genuine dispute as to a material fact.

KEY QUOTATIONS

“there remains a genuine dispute as to a material fact.”

FACTUAL BACKGROUND

Cabrales asserted claims against Home Depot for false imprisonment, false arrest, and malicious prosecution. Home Depot sought summary judgment based on the shopkeeper-immunity provision in section 812.015(3)(a), Florida Statutes (2019), which it had pleaded as an affirmative defense. The appellate court concluded that the evidence submitted on the motion left a genuine dispute as to a material fact.

PROCEDURAL HISTORY

Cabrales brought claims for false imprisonment, false arrest, and malicious prosecution in the circuit court. Home Depot moved for summary judgment based on the statutory shopkeeper-immunity affirmative defense. The Circuit Court for Miami-Dade County entered final summary judgment for Home Depot, and Cabrales appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings.

CASES CITED

- Volusia County v. Aberdeen at Ormond Beach, L.P., 760 So. 2d 126 (Fla. 2000)
- Williams v. Ryta Food Corp., 301 So. 3d 339 (Fla. 3d DCA 2020)
- CG Tides LLC v. SHEDDF3 VNB, LLC, 388 So. 3d 1081 (Fla. 3d DCA 2024)
- Martinez v. Selene Finance LP, 394 So. 3d 114 (Fla. 3d DCA 2024)
- Arce v. Citizens Property Insurance Corp., 388 So. 3d 205, 208 n. 2 (Fla. 3d DCA 2024)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed November 5, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1283 Lower Tribunal No. 23-2217-CA-01 _____ Alexis Cabrales, Appellant, vs. Home Depot U.S.A., Inc., et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, David C. Miller, Judge.

Law Offices of Geoffrey B. Marks, and Geoffrey B. Marks (Vero Beach), for appellant. Hamilton, Miller & Birthisel, LLP, and Audra M. Bryant and Jennifer Miller Brooks, for appellee Home Depot U.S.A., Inc. Before EMAS, MILLER and LOBREE, JJ. PER CURIAM. Alexis Cabrales, the plaintiff below, appeals a final summary judgment entered in favor of Home Depot U.S.A., Inc., the defendant below, on Cabrales' claims for false imprisonment, false arrest and malicious prosecution.

Upon our review,¹ and in light of the evidence submitted on the motion,² there remains a genuine dispute as to a material fact. The trial court erred in entering final summary judgment, and we therefore reverse and remand for further proceedings. Reversed and remanded. 1 We review de novo the trial court's entry of summary final judgment. See *Volusia Cnty. v. Aberdeen at Ormond Beach, L.P.*, 760 So.

2d 126 (Fla. 2000); *Williams v. Ryta Food Corp.*, 301 So. 3d 339 (Fla. 3d DCA 2020). In addition, we must view the summary judgment evidence in a light most favorable to the non-moving party. *Id.* at 341; *CG Tides LLC v. SHEDDF3 VNB, LLC*, 388 So. 3d 1081 (Fla. 3d DCA 2024). 2 Home Depot relied for its summary judgment motion on the "shopkeeper immunity" provision of section 812.015(3)(a), Florida Statutes (2019), which it pled as an affirmative defense to Cabrales' complaint.

Home Depot thus bore the initial summary judgment burden of demonstrating there was no genuine dispute as to any material fact on this affirmative defense. *Martinez v. Selene Finance LP*, 394 So. 3d 114 (Fla. 3d DCA 2024); *Arce v. Citizens Property Ins. Corp.*, 388 So. 3d 205, 208 n. 2 (Fla. 3d DCA 2024). See also *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986) ("Of course, a party seeking summary judgment always bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of 'the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,' which it believes demonstrate the absence of a genuine issue of material fact.") (quoting Fed.

R. Civ. P. 56(c)). 2