

FLORIDA THIRD DISTRICT COURT OF APPEAL

James Flaherty v. Patrick Flaherty, et al.

No. 3D24-0517 · No. 3D24-0517 · Decided March 26, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the circuit court's judgment in an appeal involving summary judgment. The court cited authorities concerning genuine issues of material fact, the nonmoving party's evidentiary burden, appellate limits on searching the record, and briefing requirements.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	SCALES, J.; GORDO, J.; BOKOR, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	March 26, 2025
DOCKET	3D24-0517
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Circuit Court for Miami-Dade County, Florida, in a civil action; the Third District Court of Appeal affirmed the lower court's judgment.
STANDARD OF REVIEW	Summary judgment is appropriate where no genuine dispute exists as to facts material under the governing law; the nonmoving party must provide evidentiary material showing a genuine issue concerning an element necessary to prevail at trial. The opinion also applied the principle that an appellate court will not search the record or briefs to develop a party's argument.
PRECEDENTIAL VALUE	Published
PARTIES	James Flaherty v. Patrick Flaherty, et al.

TOPICS

- summary judgment
- standard of review
- appellate procedure
- civil procedure
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the lower court's ruling should be affirmed under the governing summary-judgment standard.
2. Whether the appellate court could consider arguments or facts not adequately presented by the appellant in the appellate record or briefs.
3. Whether dismissal in part was warranted for failure to comply with Florida Rule of Appellate Procedure 9.210(b).

HOLDINGS

1. Affirmed. Disputes over facts that do not affect the outcome under the governing law do not preclude summary judgment, and the nonmoving party must present evidentiary material demonstrating a genuine issue of fact concerning an element necessary to prevail at trial.
2. The appellate court has no authority to search the record or briefs for new facts and reformulate a party's argument on the party's behalf.
3. The court recognized dismissal in part for failure to comply with Florida Rule of Appellate Procedure 9.210(b).

KEY QUOTATIONS

“Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment” (at 2)

“Specifically, it is incumbent upon the nonmoving party to come forward with evidentiary material demonstrating that a genuine issue of fact exists as to an element necessary for the non-movant to prevail at trial.” (at 2)

“no authority to search the record or briefs for new facts and reformulate a party’s argument on their behalf” (at 2)

FACTUAL BACKGROUND

The opinion contains no substantive factual narrative concerning the underlying dispute. The appeal arose from a civil action in the Miami-Dade County Circuit Court, and the court's analysis addressed whether the appellant had presented evidentiary material sufficient to establish a genuine issue of material fact and whether the appellate briefing complied with Florida Rule of Appellate Procedure 9.210(b).

PROCEDURAL HISTORY

James Flaherty appealed from a ruling of the Circuit Court for Miami-Dade County, case number 18-25758-CA-01. The Third District Court of Appeal affirmed in a brief per curiam opinion, citing summary-judgment principles and appellate briefing requirements.

DISPOSITION

affirmed

CASES CITED

- Fision Corp. v. Frueh, 369 So. 3d 1211, 1216 (Fla. 2d DCA 2023)
- Rich v. Narog, Rich v. Narog, 366 So. 3d 1111, 1118 (Fla. 3d DCA 2022)
- Johnson v. Wal-Mart Stores E., LP, 389 So. 3d 705, 713 n.4 (Fla. 5th DCA 2024)
- Boksa v. Hogan, 389 So. 3d 584, 585 (Fla. 3d DCA 2023)

OPINION

James Flaherty v. Patrick Flaherty

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed March 26, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-0517 Lower Tribunal No. 18-25758-CA-01 _____ James Flaherty, Appellant, vs. Patrick Flaherty, et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, Charles Kenneth Johnson, Judge. James Flaherty, in proper person. Law Offices of Aaron Resnick, P.A., and Michael S. Greenberg, for appellees. Before SCALES, GORDO and BOKOR, JJ. PER CURIAM. Affirmed. See Fision Corp. v. Frueh, 369 So. 3d 1211, 1216 (Fla. 2d DCA 2023) (noting that “[o]nly disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment” (quotation omitted)); Rich v. Narog, 366 So. 3d 1111, 1118 (Fla. 3d DCA 2022) (“Specifically, it is incumbent upon the nonmoving party to come forward with evidentiary material demonstrating that a genuine issue of fact exists as to an element necessary for the non-movant to prevail at trial.”); see also Johnson v. Wal-Mart Stores E., LP, 389 So. 3d 705, 713 n.4 (Fla. 5th DCA 2024) (noting appellate court has “no authority to search the record or briefs for new facts and reformulate a party’s argument on their behalf”); Boksa v. Hogan, 389 So. 3d 584, 585 (Fla. 3d DCA 2023) (dismissing appeal in part for failure to comply with rule 9. 210(b)). 2