

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.

OPINION

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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