

FLORIDA THIRD DISTRICT COURT OF APPEAL

Ana B. Sanz v. Barbara Mena Herrera

No. 3D24-2046 (Fla. 3d DCA Oct. 15, 2025) · No. 3D24-2046 · Decided October 15, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed a final order granting summary judgment in favor of Barbara Mena Herrera. The court discussed the standards governing summary judgment and emphasized that unsworn or unauthenticated documents do not constitute competent evidence under Florida Rule of Civil Procedure 1.510.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Logue; Lindsey; Gooden
JURISDICTION	Florida Third District Court of Appeal
DECIDED	October 15, 2025
DOCKET	3D24-2046
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendants appealed a final order of the Circuit Court for Miami-Dade County granting the plaintiff's motion for summary judgment.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that no genuine dispute of material fact exists and the movant is entitled to judgment as a matter of law. Once the initial burden is met, the nonmoving party must present counterevidence establishing a genuine dispute of material fact. The evidence and reasonable factual inferences must be viewed in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	published
PARTIES	Ana B. Sanz, Yery Sanz v. Barbara Mena Herrera

TOPICS

- summary judgment
- authentication
- evidence
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the circuit court properly granted summary judgment under Florida's summary-judgment standard.
2. Whether unsworn or unauthenticated documents may satisfy the procedural requirements for evidence supporting a motion for summary judgment.

HOLDINGS

1. Summary judgment is proper when the movant demonstrates that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law; the nonmoving party must then present counterevidence showing a genuine dispute.
2. A party cannot satisfy the procedural requirements of Florida Rule of Civil Procedure 1.510(e) merely by attaching unsworn or unauthenticated documents to a summary-judgment motion. An unauthenticated document is not competent evidence unless otherwise authenticated.

KEY QUOTATIONS

“Summary judgment is appropriate where the ‘movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.’” (2)

“A party cannot simply attach unsworn or unauthenticated documents to a motion for summary judgment and satisfy the procedural requirements of Florida Rule of Civil Procedure 1.510(e).” (2)

“Because ‘only competent evidence may be considered by the court in ruling upon a motion for summary judgment,’ a document attached to a motion for summary judgment or a document attached to an affidavit that is not otherwise authenticated is not competent evidence.” (2)

FACTUAL BACKGROUND

The opinion does not describe the underlying substantive dispute in detail. It concerns a final order granting Barbara Mena Herrera summary judgment against Ana B. Sanz and Yery Sanz. The appellate court evaluated the summary-judgment record, including the competence and authentication of documents submitted in support of the motion.

PROCEDURAL HISTORY

Barbara Mena Herrera obtained summary judgment in the circuit court against Ana B. Sanz and Yery Sanz. The defendants appealed, and the Third District Court of Appeal found no reversible error and affirmed.

DISPOSITION

affirmed

CASES CITED

- Ibarra v. Ross Dress for Less, Inc., 350 So. 3d 465, 467 (Fla. 3d DCA 2022)
- Betancourt v. Citizens Prop. Ins. Corp., 406 So. 3d 1011, 1013 (Fla. 3d DCA 2025)
- Romero v. Midland Funding, LLC, 358 So. 3d 806, 808 (Fla. 3d DCA 2023)
- Katha, LLC v. SHEDDF3-AE, LLC, 394 So. 3d 707, 708 (Fla. 3d DCA 2024)
- Brevard County v. Waters Mark Dev. Enters., LC, 350 So. 3d 395, 398 (Fla. 5th DCA 2022)
- In re Amends. to Fla. R. Civ. P. 1.510, 309 So. 3d 192, 194 (Fla. 2020)
- Gidwani v. Roberts, 248 So. 3d 203, 208 (Fla. 3d DCA 2018)
- Freiday v. OneWest Bank, 162 So. 3d 86, 87 (Fla. 4th DCA 2014)
- Daeda v. Blue Cross & Blue Shield of Fla., Inc., 698 So. 2d 617, 618 (Fla. 2d DCA 1997)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed October 15, 2025. Not final until disposition of timely filed motion for rehearing. No. 3D24-2046 Lower Tribunal Nos. 22-13166-CA-01 & 22-15004-CA-01 Ana B. Sanz, et al., Appellants, vs. Barbara Mena Herrera, Appellee. An Appeal from the Circuit Court for Miami-Dade County, William Thomas, Judge.

Montalvo Law, P.A., and Hector James Montalvo, for appellants. Gray Robinson, P.A., and Kenneth B. Jacobs (Jacksonville), for appellee. Before LOGUE, LINDSEY, and GOODEN, JJ. PER CURIAM. Appellants, Ana B. Sanz and Yery Sanz (Defendants below), appeal a final Order granting summary judgment in favor of Appellee, Barbara Mena Herrera (Plaintiff below). “Summary judgment is appropriate where the ‘movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.’” Ibarra v. Ross Dress for Less, Inc., 350 So.

3d 465, 467 (Fla. 3d DCA 2022) (quoting Fla. R. Civ. P. 1.510(a)). Once that initial burden is met, the nonmoving party must show through counterevidence a genuine dispute of material fact. See Betancourt v. Citizens Prop. Ins. Corp., 406 So. 3d 1011, 1013 (Fla. 3d DCA 2025) (quoting Romero v. Midland Funding, LLC, 358 So. 3d 806, 808 (Fla. 3d DCA 2023)). “In determining whether a genuine dispute of material fact exists, the court must view the evidence and draw all factual inferences therefrom in a light most favorable to the non-moving party and must resolve any reasonable doubts in that party’s favor.” Katha, LLC v. SHEDDF3-AE, LLC, 394 So.

3d 707, 708 (Fla. 3d DCA 2024) (quoting Brevard County v. Waters Mark Dev. Enters., LC, 350 So. 3d 395, 398 (Fla. 5th DCA 2022)). “Genuine disputes are those in which ‘the evidence is such that a reasonable jury could return a verdict for the nonmoving party.’” Ibarra, 350 So. 3d at 467 (quoting In re Amends. to Fla. R. of Civ. P. 1.510, 309 So. 3d 192, 194 (Fla.

2020)). “If the evidence is merely colorable, or is not 2 significantly probative, summary judgment may be granted.” Ibarra, (quoting *In re Amends. to Fla. R. of Civ. P. 1.510*, 309 So. 3d at 194). “A party cannot simply attach unsworn or unauthenticated documents to a motion for summary judgment and satisfy the procedural requirements of Florida Rule of Civil Procedure 1.510(e).” *Gidwani v. Roberts*, 248 So.

3d 203, 208 (Fla. 3d DCA 2018) (citing *Freiday v. OneWest Bank*, 162 So. 3d 86, 87 (Fla. 4th DCA 2014)). “Because ‘only competent evidence may be considered by the court in ruling upon a motion for summary judgment,’ a document attached to a motion for summary judgment or a document attached to an affidavit that is not otherwise authenticated is not competent evidence.” *Gidwani*, 248 So.

3d at 208 (quoting *Daeda v. Blue Cross & Blue Shield of Fla., Inc.*, 698 So. 2d 617, 618 (Fla. 2d DCA 1997)). On the record before us, we find no reversible error and affirm. Affirmed. 3