

LOCAL RULE 39 | MOTION FOR SUMMARY JUDGMENT

SC20-1490 Opinion - Florida Supreme Court

Pursuant to the recently amended Florida Rule of Civil Procedure 1.510(a)- A party moving for Summary Judgment shall identify each claim or defense-or part of each claim or defense- on which summary judgment is sought.

The moving party shall file a statement of material facts at the time of filing a motion for summary judgment as a separate filing.

Rule 1.510(c) (1) - A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, ESI, affidavits, stipulations, admissions, interrogatory answers, or other materials; or

(B) Showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

Rule 1.510(c) (5) -The supporting materials must be served with the motion and with the response.

By way of example:

Movant's Statement of Facts:

1. Green Acres is a vacant property located at 123 Main Street. (Exhibit 1)
2. John Smith owns Green Acres. (Exhibit 2)

Respondent is Opposing Statement of Material Facts:

1. Green Acres is a vacant property located at 123 Main Street. (Exhibit 1)

Admitted that Green Acres is located at 123 Main Street. (Exhibit Denied that the property is vacant. (Exhibit 5)

2. John Smith owns Green Acres. (Exhibit 2)

Denied as phrased. Admitted that the last recorded deed to Green Acres names John Smith. (Exhibit 2)



Rule 1.510(d) - requires an Affidavit or Declaration stating specific reasons when facts are unavailable to the no movant party.

Remember, Rule 1.510(b), requires the motion be served at least 40 days before the time fixed for the hearing, and Rule 1.510(5) requires no movant to serve a response at least 20 days before the time fixed for the hearing.

