



***Wilsonart, LLC v. Lopez*: Florida's Old Summary Judgment Standard Joins the Retirement Community**

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Effective May 1, 2021, the Florida Supreme Court, through two concurrent decisions, adopted the federal summary judgment standard articulated by the United States Supreme Court in *Celotex Corp. v. Catrett*, 477 U.S. 317, 106 Ct. 2548, 91 L. Ed. 2d 265 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986); and *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 106 S. Ct. 1348, 89 L. Ed. 2d 538 (1986). The decision, *Wilsonart, LLC v. Lopez*, provided the Florida Supreme Court with an opportunity to amend its summary judgment standard. 308 So. 3d 961 (Fla. 2020). The importance of this decision will have wide-ranging effects on litigation in Florida, presenting parties in civil cases a chance to conclude the case or parts of cases that are clear based on the evidence in the record. The previous Florida summary judgment standard provided a high standard where summary judgment was particularly rare. The previous summary judgment standard provided as follows: “[w]hen acting upon a motion for summary judgment, if the record raises the *slightest doubt* that material issues could be present, that doubt must be resolved against the movant and the motion for summary judgment must be denied.” *Jones v. Dirs. Guild of Am., Inc.*, 584 So. 2d 1057, 1059 (Fla. 1st DCA 1991) (emphasis added). Additionally, the previous summary judgment standard was explained by the Florida Supreme Court stating “summary judgment should not be granted unless the facts are so crystallized that nothing remains but questions of law.” *Moore v. Morris*, 475 So. 2d 666, 668 (Fla. 1985). This high summary judgment standard prevented many cases that were seemingly clear on factual issues to proceed to trial. However, with the *Wilsonart, LLC v. Lopez* case and the concurrent opinion by the Florida Supreme Court, *In re Amendments to Fla. Rule of Civ. Procedure 1.510.*, changing the summary judgment standard in Florida, cases will now have a better chance to be decided at the summary judgment stage thus precluding a trial.

The *Wilsonart* case, spurring this change in the summary judgment standard, involved a commercial

motor vehicle fatality. The facts and evidence in the case provided a demonstration of the difficulty with Florida's previous summary judgment standard. In the *Wilsonart* case, the truck driver brought his tractor-trailer to a stop at a red light. Jon Lopez rear-ended the tractor-trailer and subsequently died. Mr. Lopez's estate brought an action against the truck driver and the motor carrier under whose authority the truck driver drove, *Wilsonart, LLC*. Importantly, there was a dashcam on the truck driver's tractor-trailer showing that the driver continued traveling in the center lane and gradually came to a stop in that center lane. The dashcam shows that a large impact was experienced, undoubtedly from Mr. Lopez rear-ending the tractor-trailer. Due to the force of the collision, the tractor-trailer is forced into the left lane and crashed into another car in that left lane. Despite this video evidence, there was deposition testimony from a witness to the accident, who testified that the tractor-trailer suddenly changed lanes prior to the impact. The trial court in this case ruled in favor of the truck driver and motor carrier defendants. However, on appeal, the Florida Court of Appeals reversed and remanded the trial court's decision to grant summary judgment in favor of the defendants citing the high summary judgment standard in Florida. In this decision the Florida Court of Appeals acknowledged that the video evidence was compelling that the defendants were not negligent and directly contradicted the plaintiff's evidence in opposition to the motion for summary judgment. Despite this finding, the Florida Court of Appeals had to reverse the trial court due to the high summary judgment standard in Florida. However, the Florida Court of Appeals certified the following question to the Florida Supreme Court:

Should there be an exception to the present summary judgment standards that are applied by state courts in Florida that would allow for the entry of final summary judgment in favor of the moving party when the movant's video evidence completely negates or refutes any conflicting evidence presented by the non-moving party in opposition to the summary judgment motion and there is no evidence or suggestion that the videotape evidence has been altered or doctored?

Instead of answering this certified question, the Florida Supreme Court set a new summary judgment standard in Florida, which follows the federal and majority summary judgment standard. In changing this rule, the Florida Supreme Court stated that the summary judgment standard shall be construed and applied in accordance with the federal summary judgment standard. The federal summary judgment standard and now Florida's summary judgment now asks whether "the evidence is such that a reasonable jury could return a verdict for the nonmoving party" and "if the evidence is merely colorable, or is not significantly probative, summary judgment may be granted." This standard allows the trial judge to weigh the evidence and determine its reliability. This is particularly important in view of the facts and evidence of the *Wilsonart* case with the objective video footage of the dashcam. Based on this new standard, parties can adequately weigh risks based on objective evidence. This new standard became effective on May 1, 2021.