

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-430

JOHN PATRICK TEEHAN,

Appellant,

v.

FLORIDA EAST COAST RAILWAY,
L.L.C., a Florida corporation,

Appellee.

On appeal from the Circuit Court for Duval County.
Kevin Blazs, Judge.

December 18, 2018

PER CURIAM.

John Teehan appeals a final summary judgment dismissing his Federal Employers' Liability Act action, *see* 45 U.S.C. § 51, in favor of Florida East Coast Railway, L.L.C. The trial court found that the statute of limitations barred Teehan's claim because he knew or should have known that he was injured more than three years before he filed suit. *See* 45 U.S.C. § 56. We find a factual dispute as to when Teehan should have discovered his injury that precludes summary judgment on this issue. *See, e.g., Granfield v. CSX Transp., Inc.*, 597 F.3d 474, 482-83 (1st Cir. 2010); *see also Volusia Cty. v. Aberdeen at Ormond Beach, L.P.*, 760 So. 2d 126, 130 (Fla. 2000) ("Summary judgment is proper if there is no genuine issue of material fact and if the moving party is entitled

to a judgment as a matter of law.”). Because summary judgment may not be entered based on the statute of limitations, all evidentiary rulings premised on this issue are rendered moot.

REVERSED.

LEWIS, WETHERELL, and WINOKUR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

James R. Holland II of Harrell & Harrell, P.A., Jacksonville, and Jessie L. Harrell of The Harrell Firm, Jacksonville, for Appellant.

Thomas E. Bishop and Helen P. Roberson of Tanner Bishop, Jacksonville, and James F. Moseley, Jr., and Joni A. Poitier of Moseley, Prichard, Parrish, Knight & Jones, P.A., Jacksonville, for Appellee.