

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2012

RICHARD BURT,
Appellant,

v.

UNITED PARCEL SERVICE, INC.,
Appellee.

No. 4D10-518

[July 18, 2012]

PER CURIAM.

Richard Burt sued his former employer, United Parcel Service, Inc. (“UPS”), alleging that UPS unlawfully took adverse employment action against him in retaliation for his making a valid workers’ compensation claim, in violation of section 440.205, Florida Statutes. The trial court entered summary judgment in favor of UPS. While UPS met its initial burden of coming forward with competent evidence in support of its motion for summary judgment, Burt responded to UPS’s motion with opposing evidence sufficient to reveal genuine issues of material fact. *See Gomez v. Fradin*, 41 So. 3d 1068, 1071 (Fla. 4th DCA 2010) (“A movant for summary judgment has the initial burden of demonstrating the nonexistence of any genuine issue of material fact. But once he tenders competent evidence to support his motion, the opposing party must come forward with counterevidence sufficient to reveal a genuine issue.” (citation and quotation marks omitted)). Because genuine issues of material fact remain in dispute, we reverse and remand for further proceedings. *See Hubbard v. City of Boca Raton*, 839 So. 2d 747, 748 (Fla. 4th DCA 2003); *Rivera v. Saffold*, 606 So.2d 1249 (Fla. 2d DCA 1992).

Reversed and remanded for further proceedings.

MAY, C.J., TAYLOR and CIKLIN, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit,

Broward County; Patti Englander Henning, Judge; L.T. Case No. 06-19624 (03).

Nichole J. Segal and Philip M. Burlington of Burlington and Rockenbach, P.A., West Palm Beach, and William M. Julien of William M. Julien, P.A., Boca Raton, for appellant.

Monica Vila, Christopher N. Bellows and Kelly-Ann Cartwright of Holland & Knight LLP, Miami, for appellee.

Not final until disposition of timely filed motion for rehearing.