

Third District Court of Appeal

State of Florida

Opinion filed May 1, 2024.

Not final until disposition of timely filed motion for rehearing.

No. 3D23-0642
Lower Tribunal No. 21-17934

Oliva's Home Corp.,
Appellant,

vs.

Deco Truss Co., Inc.,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, David C. Miller, Judge.

Lewis Brisbois Bisgaard & Smith, LLP, and Jeffrey R. Geldens and Janice Lopez, for appellant.

Delgado Vega, PLLC, and Daniel R. Vega and Alyssa N. Delgado, for appellee.

Before EMAS, SCALES and BOKOR, JJ.

PER CURIAM.

Oliva's Home Corp. ("Oliva's"), the plaintiff below, appeals an order granting final summary judgment¹ in favor of Deco Truss Co., the defendant below. Upon our de novo review, Volusia Cnty. v. Aberdeen at Ormond Beach, L.P., 760 So. 2d 126 (Fla. 2000), we find no error in the trial court's entry of final summary judgment. See Citizens Prop. Ins. Corp. v. Zamanillo, 49 Fla. L. Weekly D192, 2024 WL 172611 at *2 (Fla. 3d DCA Jan. 17, 2024) ("If the evidence [presented by the nonmovant] is merely colorable, or is not significantly probative, summary judgment may be granted.") (quoting In re Amends. to Fla. Rule of Civ. Proc. 1.510, 309 So. 3d 192, 193 (Fla. 2020) (additional quotation omitted); see also Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986)). ("The mere existence of a scintilla of evidence in support of the plaintiff's position will be insufficient; there must be evidence on which the jury could reasonably find for the plaintiff.")

Affirmed.

¹ Oliva's filed a two-count complaint, alleging negligent misrepresentation and violation of Florida's Deceptive and Unfair Trade Practices Act ("FDUTPA"), see section 501.201 et. seq., Florida Statutes (2021). On appeal, Oliva's does not challenge the entry of final summary judgment on the FDUTPA claim.