

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION

THE SOCIETY OF LLOYD'S,

CASE NUMBER: CA 02-8665 AB

Plaintiff

vs.

JUDITH LOUISE BOUDREAU

Defendant

ORDER DENYING MOTION FOR SUMMARY JUDGMENT
FILED BY PLAINTIFF

THIS CAUSE came before the Court on February 10, 2003, on the Motion for Summary Judgment foiled by the plaintiff, THE SOCIETY OF LLOYD'S ("Lloyd's"). After carefully examining all pertinent pleadings and carefully considering the argument of the attorneys, the Court makes the following findings and legal rulings.

LEGAL STANDARD FOR SUMMARY JUDGMENT

The movant for a summary judgment has the burden of conclusively demonstrating the nonexistence of any genuine issue of material fact. Hall v. Talcott, 191 So.2d 40, 43 (Fla. 1966). The burden of demonstrating the existence of genuine issues does not shift to the opposing party until the movant has successfully met its burden. Sasson v. Rockwell MFG. Co., 715 So.2d 1066 (Fla. 3d DCA1998). When considering a motion for summary judgment, it is settled that a trial court is not permitted to weigh material conflicting evidence or pass upon the credibility of the witnesses. Id. at 1067. Further, the Court must draw every possible inference in favor of the party against whom a summary judgment is sought. Gonzalez v. B & B Cash Grocery Stores, 692 So.2d 297 (Fla. 4th DCA 1997). If the record raises *even the slightest doubt that an issue might exist*, {*2} summary judgment is precluded. Fatherly v. California Federal Bank, FSB, 703 So.2d 1101 (Fla.2d DCA 1997).

LEGAL RULING

A careful examination of the record in the instant action revealed that genuine issues of material fact and law exist concerning the issues raised by the aforesaid Motion for Summary Judgment filed by Lloyd's; consequently, given the aforesaid authority, summary judgment is precluded. Accordingly, it is hereby

ORDERED AND ADJUDGED that the aforesaid motion for summary judgment is DENIED.

DONE AND ORDERED this 10th day of February, 2003, at West Palm Beach, Palm Beach County, Florida.

JORGE LABARGA
Circuit Court Judge

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