Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF MAYFLOWER

Syllabus

ANDYSOFUN *v.* DEDOVERT

APPEAL FROM THE DISTRICT COURT FOR THE NEW HAVEN DISTRICT

No. 07–17. Decided July 6, 2023

In the lower court, the Appellant, a police officer for the Plymouth Police Department, was being sued in relation to a deprivation of rights matter related to the arrest of Appellee for attempting to commit a crime, in violation of 5 M.C.C. §1. The assertions made by the Appellee mostly hinged on the arguments of whether, at the time of the arrest, the Appellant had probable cause to effectuate the arrest made. In their response to the civil complaint, Appellant briefly stated that they "den[y] all allegations contained within the civil complaint and subsequent liability for the counts." Brief for Appellant 5. Though this response is very superficial and likely inconsistent with our rules, it was still accepted and considered sufficient as a universal denial to the factual assertions made on the pleadings.

Appellee then moved for summary judgment, which our rules do provide for but in a vague capacity. Mayfl. R. Civ. P. 3(1)(a)(4). Reliant on the federal counterpart of the civil rules on summary judgments, they further argued that they met those requirements by the absence of a dispute on the material facts and that they were entitled to judgment on the legal merits of the case. Appellant briefly refuted that there was an absence of a genuine dispute by pointing to their brief refutation on the pleadings. The lower court found that Appellant's brief remark was insufficient to demonstrate a genuine dispute under the federal rules that guided both Appellee's argument and the lower court's ruling. The summary judgment motion was granted in favor of the Appellee. Appellant invoked appeal by-right under our Constitution. Mayf. Const. art. XI, §3, cl. 2. We noted probable jurisdiction afterwards.

Held: The lower court applied the appropriate parameters and test to determine whether summary judgment was sufficient. Pp. 6–20.

Syllabus

(a) For a movant to be successful on a motion for summary judgment, they must demonstrate the absence of a genuine dispute on the material facts of the matter they request judgment on, as well as that they are entitled to judgment in their favor. For an opposing party to defeat the motion, they must counter that there exists a genuine dispute by demonstrating evidence "that a reasonable jury [or judge] could return a verdict for the nonmoving party." *Anderson* v. *Liberty Lobby, Inc.*, 477 U.S. 242, 248. Pp. 3–4.

(b) Petitioner's brief refutation in the pleadings is insufficient to demonstrate a genuine dispute on the material facts. The lower court's ruling appropriately reflected this and was the basis of their ruling favorable to the moving party. P. 4.

Judgment affirmed.

TAXESARENTAWESOME, J., delivered the opinion of the Court, in which BLCVLCL, C.J., and PARMENIONN, J., joined. HOLYROMANRYAN and ALEXJCABOT, JJ., took no part in the consideration or decision of this case.

SUPREME COURT OF MAYFLOWER

No. 07–17

ANDYSOFUN *v.* DEDOVERT

ON APPEAL FROM THE DISTRICT COURT FOR THE NEW HAVEN DISTRICT

[July 6, 2023]

JUSTICE TAXESARENTAWESOME delivered the opinion of the Court.

In our courts, a motion for summary judgment is a tool used to dispose and adjudicate issues of law to save judicial resources. Mayfl. R. Civ. P. 3(1)(a)(4). It is a necessary function that alleviates a judge's docket by resolving the disputes which do not require discovery, trial, or the other similar extravagant processes, but that can be adjudicated through a superficial review of the law at question. Its practices exist for these purposes, but it may not be offered indiscriminatory in a manner inconsistent with its purpose. It requires some form of guidance to be effective.

This case was presented to us to resolve the standards that must be applied for a movant to be entitled to summary judgment. To such a question, we hold that a movant must demonstrate the absence of a genuine dispute on the material facts of the matter they request judgment on, as well as that they are entitled to judgment in their favor. Applying this standard to the case before us, we find that the lower court applied the appropriate parameters to receive their answer. Absent any finding of a clearly erroneous fact finding in their ruling, we affirm the lower court's judgment.

I

On Saturday, April 8, 2023, Appellant, a police officer for the Plymouth Police Department, was patrolling around an area of Plymouth towards the south entrance of the town outside the city library on the corner of Dominic Drive and Bird Street. In the course of their patrol, they encountered "the [Appellee] walking into the Plymouth library" which, because of recent construction, had "an entranceway for the Plymouth sewers, which have become a hotspot for arms trafficking due to the presence of an illegal firearms dealer." Brief for Appellants 4.

Allegedly, the Appellee "opened the […] bookshelf" that "leads directly to the entrance to the sewers" because of the ongoing construction.[1] The Appellant then parked their patrol vehicle towards the entrance, exits their vehicle, and stances at the doorway. Roughly ten seconds later, the Appellee exits and is taken into custody for entering the area behind the bookshelf which was exposed to the sewers. They were processed and charged with attempting to commit a crime, in violation of 5 M.C.C. §1.

In the lower court, the Appellee filed a civil suit against the Appellant alleging a deprivation of their Fourth Amendment right. Appellee moved for summary judgment, arguing that there existed no genuine dispute on the material assertions and that they were entitled to judgment in their favor. Appellant, in a brief remark on the trial court's record, stated that they "den[y] all allegations contained within the civil complaint and subsequent liability for the

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[1] It should be of note that both parties dispute the validity of the claim on whether the Respondent entered the construction area behind a bookshelf. This dispute was not raised in the lower court and, subsequently, not preserved for our consideration. After all, we are a "Court of review, not of first view." *Alex_Artemis* v. *State of Mayflower*, 6 M.S.C. 50, 59 (2022) (Turntable5000, J., dissenting in part) (internal quotation marks omitted) (citing *Adarand Constructors, Inc.* v. *Mineta*, 534 U.S. 103, 110 (2001)).

counts." *Id.*, at 5.

The trial court granted the request for summary judgment and ruled favorably to the Appellee. In their ruling, the court noted that the Appellant "failed to provide evidence or argument to establish a genuine dispute of material fact. The [Appellant]'s response is brief and does not adequately address the assertions made by the [Appellee], nor does it cite any supporting evidence. Simply stating "we disputed the facts" does not create a genuine dispute for trial." Appellant filed appeal against the judgment, and we noted probable jurisdiction.

II

"In many instances of our review, we consistently notice a one-on-one mirror between our laws, protections, and constitutional provisions and the same of the United States. The result of this mirroring has led to us look persuasively to the judicial decisions of the United States as our *stare decisis*." *Ex parte Senate Resolution 16*, 7 M.S.C. ____, ____ (2023) (slip op., at 3) (quoting *M1keaswell* v. *Stanley_Labson*, 7 M.S.C. ____, ____ (2023) (TAXESARENTAWESOME, J., respecting the denial of certiorari)). In the United States, a motion for summary judgment is governed by Rule 56 of the Federal Rules of Civil Procedure.

For a movant to be entitled to summary judgment, the party moving must demonstrate "that there is no genuine dispute as to any material fact and that the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). On the opposite end, an opposing party must "cit[e] to particular parts of materials in the record" or "[show] that the materials cited [by the moving party] do not establish the absence or presence of a genuine dispute." *Id.*

Not every dispute on the material facts falls within the "genuine dispute" requirement. For it to fall within those parameters, the dispute would have to be supported by evidence from the record "that a reasonable jury [or judge]

could return a verdict for the nonmoving party." *Anderson* v. *Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1985) (emphasis added). Older versions of the Federal Rules of Civil Procedure explicitly provided that "an adverse party may not rest upon the mere allegations or denials of his pleading, but his response… must set forth specific facts showing that there is a genuine issue for trial." Though that language has been removed from the current rules, its practice is still present in that a party cannot make a summary rejection of the movant's request.

We now have our standard necessary for a movant to demonstrate their request for summary judgment and for an opposing party to defeat the request. Our review continues in applying this standard to the case before us.

III

The lower court appropriately decided that the Petitioner's brief rejection of the issues in the pleadings were not sufficient to be a genuine dispute required under the standard we adopted to refute a summary judgment motion. For us to find this brief refutation sufficient would be to upend any motion for summary judgment with minimal effort, and to defeat its purpose entirely. Were Rule 56(a) of the Federal Rules of Civil Procedure meant to disqualify any insufficient challenge of summary judgment, it would certainly be this case.

* * *

The judgment of the lower court is affirmed.

It is so ordered.