

Right for Any Reason? Well, Not for *Any* Reason

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Many jurisdictions have rules that allow an appellate court to affirm a judgment for any reason supported by the record, regardless of the actual basis articulated by the trial court. This general rule, however, is not without its limitations. A Florida appellate court recently explored those boundaries in *Walls v. Roadway Inc.* As it relates to summary judgment, the court held that “right for any reason” arguments are of no help where the alternative arguments supporting the trial court’s ruling were not raised below. In *Walls*, the trial court granted summary judgment on all three counts of the operative complaint, but the reasoning articulated by the court was focused only on one count. The motion for summary judgment itself likewise addressed only that one count. In attempting to uphold the judgment as to the remaining claims, the appellee argued that they failed as a matter of law on the undisputed record. The appellate court refused to entertain that argument, as it had not been raised in the moving papers and the trial court did not address the argument in its judgment. Florida’s summary judgment rule — like the federal rule — requires that the court provide the grounds for its ruling. Applying the right-for-any-reason rationale would violate that summary judgment rule, not to mention the timing requirements attendant to moving for summary judgment. Decisions like *Walls* remind us to make certain that all viable grounds for summary judgment are properly raised and argued in our summary judgment papers. Another takeaway from *Walls* also relates to the rule mandating that the trial court provide the reasons for its ruling on a motion for summary judgment. If the trial court fails to provide its reasoning on the record, some jurisdictions, including Florida, require that a party raise that failure in a motion for rehearing. And, if the party fails to do so, the issue is not preserved for appeal. Thus, if the trial court fails to address some or all of the issues raised on summary judgment, both parties need to consider raising that issue in a motion for rehearing if they want to preserve the issue for appeal.

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