# CAPTION: MIDLAND CREDIT MANAGEMENT, INC. V. NABER

**03-20-24**

APPEAL NO.: C-230413

TRIAL NO.: A-2203628

KEY WORDS: CIV.R. 56 — SUMMARY JUDGMENT — EVIDENCE — ACTION ON AN ACCOUNT — ACCOUNT STATED

SUMMARY:

In an action on an account, the trial court did not err in considering an affidavit submitted by plaintiff in support of summary judgment where the affiant averred that she had access to and had reviewed the pertinent account records, and that the statements in her affidavit pertaining to the account were based on personal knowledge of the account records, and where defendant failed to submit any evidence to the contrary.

Where, in an action on an account, the defendant failed to object to the authenticity of credit-card statements submitted by plaintiff in support of summary judgment, defendant’s argument that the trial court erred in considering the statements is waived for purposes of appeal.

The trial court did not err in granting summary judgment in favor of plaintiff in an action on an account where the evidence submitted in support of summary judgment was sufficient to establish a prima facie case for money owed on the account and defendant failed to submit any evidence in response to show that the established amount was incorrect.

The trial court did not err by failing to hold a case-management conference prior to ruling on a summary-judgment motion where there is no requirement to do so prior to ruling on a dispositive motion and where defendant failed to demonstrate that he was prejudiced by the court’s failure to hold a case-management conference prior to ruling on the motion for summary judgment.

JUDGMENT: AFFIRMED

JUDGES: OPINION by ZAYAS, J.; BOCK, P.J., and KINSLEY, J., CONCUR.