

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Andrew Hawrych v. Peter Von Berg, Chaz Hatfield, Yvonne Von Berg, Lindy Hatfield Zinser and Nutra-Luxe M.D., LLC

Hawrych · No. 6D2024-1343 · Decided March 13, 2026

SUMMARY

The Sixth District Court of Appeal of Florida affirms the partial summary judgment as to claims against Yvonne Von Berg, Chaz Hatfield, and Lindy Hatfield Zinser. It dismisses the remainder of the appeal involving Peter Von Berg and Nutra-Luxe, M.D., LLC because the unresolved claims involve the same parties and are not separate and distinct from the claims on appeal.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Chief Judge Traver; Judge Wozniak; Judge Gannam
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	March 13, 2026
DOCKET	6D2024-1343
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a partial summary judgment entered by the Lee County Circuit Court on four counts of a six-count complaint.
PRECEDENTIAL VALUE	Published opinion; precedential status indicated by the source metadata
PARTIES	Andrew Hawrych v. Peter Von Berg, Chaz Hatfield, Yvonne Von Berg, Lindy Hatfield Zinser, Nutra-Luxe, M.D., LLC

TOPICS

- appellate jurisdiction
- final judgment rule
- interlocutory appeal
- appellate procedure
- summary judgment

PRACTICE AREAS

- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction to review the partial final judgment as to Yvonne Von Berg, Chaz Hatfield, and Lindy Hatfield Zinser when the judgment disposed of the entire case as to those parties.
2. Whether the district court had jurisdiction to review the partial summary judgment as to Peter Von Berg and Nutra-Luxe when related claims involving those same parties remained pending and were not separate and distinct.

HOLDINGS

1. A district court of appeal has jurisdiction to review a partial final judgment that disposes of the entire case as to a party. Because the judgment was final as to Yvonne Von Berg, Chaz Hatfield, and Lindy Hatfield Zinser, the court affirmed the judgment as to those parties.
2. A partial final judgment is not reviewable under Florida Rule of Appellate Procedure 9.110(k) when claims involving the same parties remain pending and are not separate and distinct from the claims adjudicated in the appealed judgment. The appeal was therefore dismissed as to Peter Von Berg and Nutra-Luxe.

KEY QUOTATIONS

“Rule 9.110(k) provides for appellate jurisdiction to hear a partial final judgment only when the claims adjudicated by that order are separate and independent from the portion of the case still to be adjudicated.”

FACTUAL BACKGROUND

Dr. Andrew Hawrych brought a six-count complaint against Peter and Yvonne Von Berg, Chaz Hatfield, Lindy Hatfield Zinser, and Nutra-Luxe, M.D., LLC. The trial court entered partial summary judgment on four counts. The judgment was final as to Yvonne Von Berg, Chaz Hatfield, and Lindy Hatfield Zinser, but claims involving Peter Von Berg and Nutra-Luxe remained pending and were not separate and distinct from the claims on appeal.

PROCEDURAL HISTORY

The circuit court entered partial summary judgment in favor of the defendants. Hawrych appealed. The District Court of Appeal affirmed the judgment as to Yvonne Von Berg, Chaz Hatfield, and Lindy Hatfield Zinser because the judgment was final as to those parties, but dismissed the appeal as to Peter Von Berg and Nutra-Luxe because related claims involving those parties remained pending and were not separate and distinct.

DISPOSITION

other

CASES CITED

- Almacenes El Globo De Quito, S.A. v. Dalbeta L.C., 181 So. 3d 559, 562 (Fla. 3d DCA 2015)
- Homeowners Choice Prop. & Cas. Ins. v. Fraser, 346 So. 3d 228, 229 (Fla. 3d DCA 2022)

OPINION

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 6D2024-1343 Lower Tribunal No. 22-CA-003145
_____ ANDREW HAWRYCH, Appellant, v. PETER VON BERG,
CHAZ HATFIELD, YVONNE VON BERG, LINDY HATFIELD ZINSER, and NUTRA-LUXE,
M.D., LLC, Appellees. _____ Appeal from the Circuit Court for Lee
County.

Leigh Frizzell Hayes, Judge. March 13, 2026 PER CURIAM. Dr. Andrew Hawrych appeals the trial court's partial summary judgment on four counts of his six-count complaint against Peter and Yvonne Von Berg, Chaz Hatfield, Lindy Hatfield Zinser, and Nutra-Luxe, M.D., LLC. We affirm the trial court's judgment on the claims against Yvonne Von Berg, Chaz Hatfield, and Lindy Hatfield Zinser without further comment because it is final as to those parties.

See Fla. R. App. P. 9.110(k) (stating that district courts of appeal have jurisdiction to review partial final judgment if it "disposes of an entire case as to any party"). We dismiss the remainder of this appeal against Peter Von Berg and Nutra-Luxe, though, because the claims that remain outstanding before the trial court involve the same parties and are not separate and distinct from the claims pending on appeal.

See *Almacenes El Globo De Quito, S.A. v. Dalbeta L.C.*, 181 So. 3d 559, 562 (Fla. 3d DCA 2015) ("Rule 9.110(k) provides for appellate jurisdiction to hear a partial final judgment only when the claims adjudicated by that order are separate and independent from the portion of the case still to be adjudicated." (citations omitted)); *Homeowners Choice Prop. & Cas.*

Ins. v. Fraser, 346 So. 3d 228, 229 (Fla. 3d DCA 2022) ("The decree and related order on appeal resolve only the declaratory judgment count, leaving other related counts relying on the same factual nexus unresolved."). AFFIRMED in part; DISMISSED in part. TRAVER, C.J., and WOZNIAK and GANNAM, JJ., concur. Joseph A. Davidow, of Willis & Davidow, LLC, Naples, for Appellant.

Theodore L. Tripp, Jr., Gabriel Arbois, and Joel W. Hyatt, of Hahn Loeser & Parks LLP, Fort Myers, for Appellees. NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF TIMELY FILED 2