

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.

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