

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Michelle Maskolunas, as Spouse, Survivor, and Personal Representative of the Estate of Michael Maskolunas v. Lakeland Regional Medical Center Inc., d/b/a Lakeland Regional Medical Center, John P. Zetty, D.O., and Bruce Meyers, M.D.

Maskolunas · No. 6D2024-1292 · Decided September 5, 2025

SUMMARY

The Sixth District Court of Appeal of Florida affirmed a trial court order granting summary judgment to Lakeland Regional Medical Center and the defendant physicians in a medical-malpractice-related action. The court concluded that the appellant had not demonstrated reversible error, citing authority concerning the retroactive application of statutes of limitations.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Nardella, J.; Wozniak, J.; Mize, J.
JURISDICTION	Sixth District Court of Appeal of Florida
DECIDED	September 5, 2025
DOCKET	6D2024-1292
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the Circuit Court for Polk County granting summary judgment in favor of the appellees.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review; it reviews the trial court's grant of summary judgment and determines whether reversible error was demonstrated.
PRECEDENTIAL VALUE	published
PARTIES	Michelle Maskolunas, as spouse, survivor, and personal representative of the estate of Michael Maskolunas v. Lakeland Regional Medical Center, Inc., d/b/a Lakeland Regional Medical Center, John P. Zetty, D.O., Bruce Meyers, M.D.

TOPICS

summary judgment

statute of limitations

statutory interpretation

preservation of error

appellate procedure

PRACTICE AREAS

medical malpractice

health law

civil procedure

QUESTIONS PRESENTED

1. Whether the circuit court properly granted summary judgment in favor of the appellees in light of the statute-of-limitations and retroactivity issues raised on appeal.
2. Whether the issues raised on appeal were preserved despite the trial court's failure to expressly rule on them.

HOLDINGS

1. A modified statute-of-limitations period may apply to existing rights when a reasonable time is provided after enactment and before the new period operates as a bar for the party to exercise the right.
2. The issues were not unpreserved merely because the trial court did not expressly rule on them; absent stated reasoning, an appellate court presumes that intermediary conclusions were resolved in favor of the trial court's ultimate conclusion.
3. Reversible error was not demonstrated, and the order granting summary judgment for the appellees was affirmed.

KEY QUOTATIONS

“In the absence of stated reasoning by the trial judge, an appellate court presumes that all intermediary conclusions in the chain of logic were resolved in favor of the ultimate conclusion of the trial court.” (725 So. 2d at 1225)

“The statute of limitations period is subject to modification and the new period is applicable to existing rights “provided a reasonable time is given after the passage of the act, and before it would operate as a bar, for the party to exercise the right.”” (357 So. 2d at 403)

FACTUAL BACKGROUND

The opinion provides no substantive medical or other underlying facts. It identifies the appellant as the spouse, survivor, and personal representative of Michael Maskolunas and states that the appellees obtained summary judgment in the circuit court.

PROCEDURAL HISTORY

The circuit court entered summary judgment for Lakeland Regional Medical Center, John P. Zetty, and Bruce Meyers. Michelle Maskolunas appealed, and the Sixth District Court of Appeal affirmed, concluding that reversible error had not been demonstrated.

DISPOSITION

affirmed

CASES CITED

- Bauld v. J.A. Jones Construction Co., 357 So. 2d 401, 403 (Fla. 1978)
- Hart v. Bostwick, 14 Fla. 162, 181 (1872)
- Hughes v. Universal Property & Casualty Insurance Co., 374 So. 3d 900, 905 (Fla. 6th DCA 2023)
- Smith v. Barney Inc. v. Potter, 725 So. 2d 1223, 1225 (Fla. 4th DCA 1999)

OPINION

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 6D2024-1292 Lower Tribunal No. 2023-CA-
000664 _____ MICHELLE MASKOLUNAS, as Spouse, Survivor,
and Personal Representative of the ESTATE OF MICHAEL MASKOLUNAS, Appellant, v.
LAKELAND REGIONAL MEDICAL CENTER INC., d/b/a LAKELAND REGIONAL
MEDICAL CENTER, JOHN P. ZETTY, D.O., and BRUCE MEYERS, M.D., Appellees.
_____ Appeal from the Circuit Court for Polk County.

Brandon J. Rafool, Judge. September 5, 2025 NARDELLA, J. Michelle Maskolunas, as spouse, survivor, and personal representative of the estate of Michael Maskolunas, appeals the trial court's order granting summary judgment in favor of Lakeland Regional Medical Center, Inc., d/b/a Lakeland Regional Medical Center, John P. Zetty, D.O., and Bruce Meyers, M.D. (collectively "Appellees").

After duly considering the briefs 1 and authorities cited therein, we conclude that reversible error has not been demonstrated and affirm. See Bauld v. J.A. Jones Constr. Co., 357 So. 2d 401, 403 (Fla. 1978) (The statute of limitations period is subject to modification and the new period is applicable to existing rights "provided a reasonable time is given after the passage of the act, and before it would operate as a bar, for the party to exercise the right." (quoting Hart v. Bostwick, 14 Fla. 162, 181 (1872))); Hughes v. Universal Prop. & Cas.

Ins., Co., 374 So. 3d 900, 905 (Fla. 6th DCA 2023) (to demonstrate improper retroactive application a party must show that there is no clear legislative intent for retroactive application of the statute or if there is clear legislative intent that retroactive application would violate constitutional principles), review granted, No. SC2024-0025, 2024 WL 1714497 (Fla.

Apr. 22, 2024). AFFIRMED. WOZNIAK and MIZE, JJ., concur. Jean M. Henne, of Jean M. Henne, P.A., Winter Haven, for Appellant. 1 We disagree with Appellees' position that the issues raised in this appeal are unpreserved because the trial court did not expressly rule on them. See

Smith v. Barney Inc. v. Potter, 725 So. 2d 1223, 1225 (Fla. 4th DCA 1999) (“In the absence of stated reasoning by the trial judge, an appellate court presumes that all intermediary conclusions in the chain of logic were resolved in favor of the ultimate conclusion of the trial court.”).

2 Marie A. Borland, Ethen R. Shapiro, and Rachel E. Eilers, of Hill, Ward & Henderson, P.A., Tampa, for Appellee, Lakeland Regional Medical Center, Inc., d/b/a Lakeland Regional Medical Center. Edward M. Copeland, IV, Lakeland, for Appellees, John P. Zetty, D.O. and Bruce Meyers, M.D. NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF TIMELY FILED 3