

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Daniella Paez, Individually and as Personal Representative of the
Estate of Elena Lucia Barrabi v. Saluscare, Inc.

Paez · No. 6D2024-2240 · Decided February 6, 2026

SUMMARY

The Sixth District Court of Appeal of Florida reviewed an appeal from a final judgment entered after the trial court granted summary judgment in favor of Saluscare, Inc. The court accepted Saluscare’s confession of error, reversed the final judgment, and remanded for further proceedings.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Chief Judge Traver; Judge Mize; Judge Kamoutsas
JURISDICTION	Sixth District Court of Appeal of Florida
DECIDED	February 6, 2026
DOCKET	6D2024-2240
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a final judgment entered after the circuit court granted summary judgment in favor of Saluscare, Inc.
PRECEDENTIAL VALUE	published
PARTIES	Daniella Paez, individually and as personal representative of the Estate of Elena Lucia Barrabi, deceased v. Saluscare, Inc.

TOPICS

- summary judgment
- appellate procedure
- civil procedure
- remedies

PRACTICE AREAS

- civil procedure
- appellate procedure
- summary judgment
- remedies

QUESTIONS PRESENTED

- Whether the trial court erred by granting summary judgment in favor of Saluscare, Inc.
- Whether the appellate court should accept Saluscare’s confession of error.

HOLDINGS

- 1. The appellate court is not bound by an appellee’s confession of error, but may independently determine whether the alleged error occurred.
- 2. The trial court erred in granting summary judgment in favor of Saluscare.

KEY QUOTATIONS

- “We are not bound by an appellee’s confession of error.” (at 1)
- “Therefore, we accept the confession of error, reverse the final judgment, and remand this case to the trial court for further proceedings consistent with this opinion.” (at 1)

FACTUAL BACKGROUND

Daniella Paez, individually and as personal representative of the Estate of Elena Lucia Barrabi, appealed a final judgment entered in favor of Saluscare, Inc. The opinion does not describe the underlying substantive facts; it states only that the judgment followed the trial court’s grant of summary judgment and that Saluscare confessed error on appeal.

PROCEDURAL HISTORY

The Circuit Court for Lee County entered final judgment for Saluscare after granting its motion for summary judgment. Paez appealed, Saluscare confessed error, and the Sixth District Court of Appeal accepted the confession, reversed the final judgment, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the trial court for further proceedings consistent with the opinion.

CASES CITED

- Foster v. State, 395 So. 3d 127, 130 (Fla. 2024)

OPINION

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 6D2024-2240 Lower Tribunal No. 23-CA-000867
_____ DANIELLA PAEZ, Individually and as Personal
Representative of the ESTATE OF ELENA LUCIA BARRABI, deceased, Appellant, v.
SALUSCARE, INC., Appellee. _____ Appeal from the Circuit
Court for Lee County.

James Shenko, Judge. February 6, 2026 PER CURIAM. Appellant appeals the final judgment entered following the trial court's granting of summary judgment in favor of Appellee. Appellee filed a confession of error, and we agree that the trial court erred in granting summary judgment. 1 Therefore, we accept the confession of error, reverse the final judgment, and 1 We are not bound by an appellee's confession of error.

Foster v. State, 395 So. 3d 127, 130 (Fla. 2024). remand this case to the trial court for further proceedings consistent with this opinion. REVERSED and REMANDED. TRAVER, C.J., and MIZE and KAMOUTSAS, JJ., concur. Philip D. Parrish, of Philip D. Parrish, P.A., Miami, and Diana Santa Maria, of Law Offices of Diana Santa Maria, P.A., Fort Lauderdale, for Appellant.

Michael R. D'Lugo, of Wicker Smith O'Hara McCoy & Ford, P.A., Orlando, for Appellee. NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF TIMELY FILED 2