

App. 1

Supreme Court of Florida

WEDNESDAY, DECEMBER 6, 2023

Eugene Misquith,	SC2023-0976
Petitioner(s)	Lower Tribunal No(s):
v.	4D2023-0406;
St. Mary's Medical	502019CA010824XXXMB
Center, Inc.,	
Respondent(s)	

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. *See* Fla. R. App. P. 9.330(d)(2).

CANADY, LABARGA, COURIEL, GROSSHANS, and SASSO, JJ., concur.

A True Copy

Test:

/s/ John A. Tomasino SC2023-0976 12/6/2023

John A. Tornasino

Clerk, Supreme Court

SC2023-0976 12/6/2023

App. 2

[SEAL]

KS

Served:

4DCA CLERK
PALM BEACH CLERK
MANUEL R. COMRAS
HON. BRADLEY G. HARPER
JACK PATRICK HILL
RICHARD B. MANAGAN, JR.
EUGENE MISQUITH
JOHN CARL WEBBER

App. 3

**IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
FOURTH DISTRICT,
110 SOUTH TAMARIND AVENUE,
WEST PALM BEACH, FL 33401**

May 23, 2023

CASE NO.: 4D23-0406

L.T. No.:502019CA010824XXXMB

EUGENE MISQUITH	v.	ST. MARY'S MEDICAL CENTER, INC.
Appellant / Petitioner(s)		Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that the above-styled appeal is dismissed for lack of standing. *See Credit Indus. Co. v. Remark Chemical Co.*, 67 So. 2d 540, 541 (Fla. 1953) (stating the general rule on appeal that a party may appeal only from a decision adverse to him in some respect); *Stas v. Posada*, 760 So. 2d 954 (Fla. 3d DCA 1999) (granting motion to dismiss appeal where appellant was "not affected by the judgment"); *Consolidated City of Jacksonville v. Buffkin*, 768 So. 2d 1253 (Fla. 1st DCA 2000) ("We dismiss this appeal for lack of jurisdiction and for lack of standing. The appellants are not parties adversely affected by the trial court's July 6, 2000, order."). Further,

ORDERED that appellant shall show cause, within ten (10) days from the date of this order, why

App. 4

sanctions should not be imposed pursuant to section 57.105, Florida Statutes.

WARNER, DAMOORGIAN and CONNER, JJ., concur.

Served:

cc: Jack P. Hill John C. Webber
Richard B. Mangan, Jr. Eugene Misquith
Hon. Bradley Harper

Manuel R. Comras
Clerk Palm Beach

kh

/s/ Lonnn Weissblum
LONN WEISSBLUM, Clerk
Fourth District Court Appeal

[SEAL]

App. 5

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2019-CA-010824-XXXX-MB

ROBERT P. KELLY and
JANA KELLY, as Durable
Power of Attorney for
CLAYTON KELLY,

Plaintiffs,

v.

ST. MARY'S MEDICAL
CENTER, INC., d/b/a
ST. MARY'S MEDICAL
CENTER, a Florida Profit
Corporation, DIMITER
BORISSOV HRISTOV, M.D.,
DIMITER B. HRISTOV, M.D,
P.A., a Florida Profit
Corporation, et. al.

Defendants. _____ /

**ORDER ON DEFENDANT'S,
EUGENE MISQUITH, M.D.,
MOTION FOR RELIEF FROM COURT**

THIS CAUSE came before the Court on February 24, 2022, on Defendant's, EUGENE MISQUITH, M.D., Motion for Relief from Court, and the Court having heard argument of counsel and Dr. Misquith, reviewed the submissions of the parties, and otherwise being fully advised in the premises, it is hereby

App. 6

ORDERED AND ADJUDGED that Defendant MISQUITH'S Motion for Relief From Court is hereby respectfully DENIED.

DONE AND ORDERED in Chambers, at West Palm Beach, Palm Beach County, Florida.

502019CA010824XXXXMB 02/25/2022

Bradley G. Harper
Circuit Judge

COUNSEL LIST:

Jack P. Hill
Searcy, Denney, Scarola, Barnhart & Shipley
Counsel for Plaintiffs
2139 Palm Beach Lakes Boulevard
West Palm Beach, FL 33409
Telephone: 561-686-6300; Facsimile: 561-383-9424
E-Mail: jph@searcylaw.com
kmc@searcylaw.com
Hillteam@searcylaw.com

Manuel R. Comras, Esq.
Donna M. Krusbe, Esq.
Billing, Cochran, Lyles, Mauro & Ramsey, P.A.
Counsel for St. Mary's Medical Center
300 Avenue of Champions, Suite 270
West Palm Beach, FL 33401 Telephone: 561-659-5970;
Facsimile: 561-659-6173
E-mail: wpb-pleadings@bclmr.com
mrc@bclmr.com
dmk@bclmr.com

Keith J. Puya, Esquire
Law Offices of Keith J. Puya, P.A.
*Counsel for Defendants, Dimiter Borissov Hristov,
M.D.; Dimiter B. Hristov, M.D., P.A.;*

App. 7

*Teofilo Roberto Lama, M.D.; Teo Lama, M.D., P.A.;
Lawrence Lottenberg, M.D.;
Lawrence Lottenberg, M.D., P.A.; Mario Rueda, M.D.
and Mario Rueda, M.D., PLLC.*

4880 Donald Ross Road, Suite 225

Palm Beach Gardens, FL 33418

Telephone: 561-408-3772; Facsimile: 561-408-3759

E-Mail: kpuva@puvalaw.com

eservice@puvalaw.com

scheduling@puvalaw.com

Evan T. Marowitz, Esquire

Cole, Scott & Kissane, P.A.

Counsel for Defendant, David A. Petruska, M.D.

110 Tower

110 S.E. 6th Street, Suite 2700

Fort Lauderdale, FL 33301

Telephone: 954-703-3731; Facsimile: 954-703-3701

E-Mail: evan.marowitz@csklegal.com

alyssa.tornberg@csklegal.com

Rachel.herz@csklegal.com

Eugene Anthony Misquith, M.D.

Eugene A. Misquith, M.D., P.A.

E-Mail: misquithe@bellsouth.net
