

DEPARTMENT OF HEALTH, a state agency,  
and the BOARD OF MEDICINE, a state board,

Appellants,

v.

FRESENIUS MEDICAL CARE HOLDINGS,  
INC. d/b/a Fresenius Medical Care North  
America, a foreign corporation; NATIONAL  
MEDICAL CARE, INC., BIO-MEDICAL  
APPLICATIONS OF FLORIDA, INC.,  
HOMESTEAD ARTIFICIAL KIDNEY  
CENTER, INC., and SPECTRA  
LABORATORIES, INC., its subsidiaries.  
GAMBRO HEALTHCARE, INC., a foreign  
corporation, GAMBRO HEALTHCARE OF  
EAST ORLANDO, LLP, GAMBRO  
HEALTHCARE OF SOUTHWEST ORLANDO,  
LLP, GAMBRO HEALTHCARE OF  
CENTRAL FLORIDA, LLP, GAMBRO  
HEALTH-CARE OF PLANTATION a/k/a  
Plantation Artificial Kidney Center, Inc.,  
GAMBRO HEALTHCARE OF TEMPLE  
TERRACE, LLP, GAMBRO HEALTHCARE  
LABORATORY SERVICES, INC., its  
subsidiaries and joint venture entities, and  
DAVITA INC., a foreign corporation, TOTAL  
RENAL CARE, INC., CRYSTAL RIVER  
DIALYSIS, LC, FLAMINGO PARK KIDNEY  
CENTER, INC., RENAL TREATMENT  
CENTERS SOUTHEAST, LP, EAST FT.  
LAUDERDALE LLC, BAY AREA DIALYSIS  
PARTNERSHIP, TOTAL RENAL  
LABORATORIES, INC. d/b/a Davita Laboratory  
Services, its subsidiaries and joint venture  
entities,

Appellees.

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IN THE DISTRICT COURT OF  
APPEAL FIRST DISTRICT, STATE OF  
FLORIDA

NOT FINAL UNTIL TIME EXPIRES  
TO FILE MOTION FOR REHEARING  
AND DISPOSITION THEREOF IF  
FILED

CASE NO. 1D05-4144

Opinion filed August 15, 2006.

An appeal from the Circuit Court for Leon County.  
Thomas H. Bateman, III, Judge

Charlie Crist, Attorney General; Christopher M. Kise, Solicitor General; and Steven Todd Gold; Deputy Solicitor General, Tallahassee, for Appellants.

Kelly Overstreet Johnson, Martin A. Fitzpatrick, and Kelly A. O'Keefe of Broad and Cassel, Tallahassee; Gabriel L. Imperato of Broad and Cassel, Ft. Lauderdale; George Meros, Jr. of Gray, Harris, and Robinson, Tallahassee; and Gray Robinson, Tallahassee for Appellees.

PER CURIAM.

Upon consideration of the briefs and oral arguments of the parties, the court has concluded that appellants have no standing. Appellants have sought review of a wholly favorable order adopting the argument presented by appellants in the trial court and denying appellees' motion for return of documents. An appeal of a wholly favorable judgment must be dismissed. See Fla. Comm'n on Hurricane Loss Projection Methodology v. State, Dep't of Ins. & Treasurer, 716 So. 2d 345, 346 (Fla. 1st DCA 1998)(dismissing petition for writ of certiorari in administrative law case, the outcome of which was favorable to appellant); Gen. Dev. Utils., Inc. v. Fla. Pub. Serv. Comm'n, Div. of Admin. Hearings, 385 So. 2d 1050, 1051 (Fla. 1st DCA

1980)(dismissing appeal based on long-standing rule that judgment or decree wholly in favor of a party may not be appealed by that party). See also N. Shore Bank v. Town of Surfside, 72 So. 2d 659, 661 (Fla. 1954)(dismissing appeal of wholly favorable final decree, which held public improvement certificates, owned by appellants, to be legal and valid obligations of town); Credit Indus. Co. v. Remark Chem. Co., 67 So. 2d 540, 541 (Fla. 1953)(dismissing appeal of wholly favorable final order granting appellant’s motion for summary decree); Lovett v. Lovett, 112 So. 768, 782 (Fla. 1927)(“[I]rregularities in chancery practice committed at the defendant’s instance and by his consent, are not available to reverse a final decree entered against him.”); Witt v. Baars, 18 So. 330, 330 (Fla. 1895)(“The bill having been dismissed as to the appellant Mary Witt, no relief whatever having been granted against her, or any liability adjudged against her or her estate, she cannot appeal; and the appeal as to her should be dismissed . . .”).

DISMISSED.

KAHN, C.J., BARFIELD and ALLEN, JJ., CONCUR.