

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

STUART KAPLAN,
individually, and on behalf
of all others similarly
situated,

Plaintiff,

v.

Case No: 2:16-cv-210-FtM-99MRM

21ST CENTURY ONCOLOGY
HOLDINGS, INC.,

Defendant.

JOHN DICKMAN, individually,
and on behalf of all others
similarly situated,

Plaintiff,

v.

Case No: 2:16-cv-218-FtM-99MRM

21ST CENTURY ONCOLOGY
HOLDINGS, INC. and 21ST
CENTURY ONCOLOGY, INC.,

Defendants.

RONA POLOVOY, individually
and on behalf of all others
similarly situated,

Plaintiff,

v.

Case No: 2:16-cv-219-FtM-99MRM

21ST CENTURY ONCOLOGY
HOLDINGS, INC.,

Defendant.

JIM BIMONTE, individually
and on behalf of others
similarly situated and MARY
ANN RODRIGUEZ, individually
and on behalf of others
similarly situated,

Plaintiffs,

v.

Case No: 2:16-cv-223-FtM-99MRM

21ST CENTURY ONCOLOGY, INC.,
21ST CENTURY ONCOLOGY, LLC,
21ST CENTURY ONCOLOGY
MANAGEMENT SERVICES, INC.,
21ST CENTURY ONCOLOGY
SERVICES, LLC, and 21ST
CENTURY ONCOLOGY HOLDINGS,
INC.,

Defendants.

STACEY SCHWARTZ,
individually and on behalf
of themselves and others
similarly situated and
JUDITH CABRERA,
individually and on behalf
of themselves and others
similarly situated,

Plaintiffs,

v.

Case No: 2:16-cv-241-FtM-99MRM

21ST CENTURY ONCOLOGY
HOLDINGS, INC.,

Defendant.

ROBERT RUSSELL,
individually and on behalf
of all others similarly
situated,

Plaintiff,

v.

Case No: 2:16-cv-242-FtM-29MRM

21ST CENTURY ONCOLOGY
HOLDINGS, INC.,

Defendant.

FRANK BABURCHAK,
individually and on behalf
of all others similarly
situated, LANA IZWORSKI,
individually and on behalf
of all others similarly
situated, JEREMY MILLER,
individually and on behalf
of all others similarly
situated, KATHLEEN SHAVER,
individually and on behalf
of all others similarly
situated, DOLORES STUBBS,
individually and on behalf
of all others similarly
situated, and KAREN
VOSGAIAN, individually and
on behalf of all others
similarly situated,

Plaintiffs,

v.

Case No: 2:16-cv-245-FtM-29MRM

21ST CENTURY ONCOLOGY, LLC,
jointly and severally, 21ST
CENTURY ONCOLOGY, INC.,
jointly and severally, 21ST
CENTURY ONCOLOGY MANAGEMENT
SERVICES, INC., jointly and
severally, 21ST CENTURY
ONCOLOGY SERVICES, LLC,
jointly and severally, and
21ST CENTURY ONCOLOGY
HOLDINGS, INC., jointly and
severally,

Defendants.

MARY BARBIERI, individually
and on behalf of all others
similarly situated,

Plaintiff,

v.

Case No: 2:16-cv-252-FtM-99MRM

21ST CENTURY ONCOLOGY
HOLDINGS, INC.,

Defendant.

WILHELM RADAUSCHER,
individually and on behalf
of all others similarly
situated, ELIZABETH
CETRULO, individually and on
behalf of all others
similarly situated, and
DAVID GLICKMAN,
individually and on behalf
of all others similarly
situated,

Plaintiffs,

v.

Case No: 2:16-cv-257-FtM-99MRM

21ST CENTURY ONCOLOGY
HOLDINGS, INC.,

Defendant.

MAUREEN TRELEASE,
individually and on behalf
of others similarly
situated,

Plaintiff,

v.

Case No: 2:16-cv-258-FtM-99MRM

21ST CENTURY ONCOLOGY
HOLDINGS, INC.,

Defendant.

GEORGE DELGADO,
individually and on behalf
of all others similarly
situated,

Plaintiff,

v.

Case No: 2:16-cv-259-FtM-99MRM

21ST CENTURY ONCOLOGY
HOLDINGS, INC.,

Defendant.

TIMOTHY MEULENBERG,
individually and on behalf
of others similarly situated
and SHARON MACDERMID,
individually and on behalf
of others similarly
situated,

Plaintiffs,

v.

Case No: 2:16-cv-332-FtM-29MRM

21ST CENTURY ONCOLOGY
HOLDINGS, INC.,

Defendant.

GAYLE BIRKEN-SIKORA,
individually and on behalf
of others similarly
situated, MATTHEW SIKORA,
individually and on behalf
of others similarly
situated, SUSAN LEWIN,

individually and on behalf
of others similarly
situated, JEFFREY LEWIN,
individually and on behalf
of others similarly
situated, JON LOKIETZ,
individually and on behalf
of others similarly
situated, CARYN
BENDETOWIES, individually
and on behalf of others
similarly situated, and RITA
MARX, individually and on
behalf of others similarly
situated,

Plaintiffs,

v.

Case No: 2:16-cv-334-FtM-99CM

21ST CENTURY ONCOLOGY
HOLDINGS, INC., 21ST CENTURY
ONCOLOGY, LLC, 21ST CENTURY
ONCOLOGY, INC., 21ST CENTURY
ONCOLOGY MANAGEMENT
SERVICES, INC., and 21ST
CENTURY ONCOLOGY SERVICES,
LLC,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation, filed July 21, 2016 in each of the above-captioned cases, recommending that the Motions to Consolidate be granted in part and denied in part and that the

Motions for Appointment of Interim Class Counsel be denied as moot. No objections have been filed and the time to do so has expired.¹

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.

¹ The Court notes that on July 29, 2016, a related case was transferred from the United States District Court for the Southern District of Florida. See Benzion v. 21st Century Oncology, LLC, Case No. 2:16-cv-00591-UA-MRM. The Agreed Motion to Consolidate and Stay Deadlines in Benzion, requesting the same relief recommended by the Magistrate Judge, will be addressed by separate Order.

Accordingly, it is now

ORDERED:

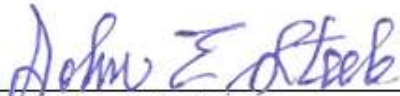
1. The Report and Recommendation is hereby **adopted** and the findings incorporated herein.

2. Plaintiffs' Motions to Consolidate are **GRANTED in part and DENIED in part.**

3. The Clerk is directed to consolidate the cases as set forth in the Report and Recommendation.

4. All other pending motions, including plaintiffs' Motions for Appointment of Interim Class Counsel, are **denied as moot** with leave to re-file in the consolidated case within fourteen days of this Opinion and Order.

DONE and ORDERED at Fort Myers, Florida, this 10th day of August, 2016.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Mac R. McCoy
United States Magistrate Judge

Counsel of Record
Unrepresented parties