

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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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**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.<sup>1</sup>

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.

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<sup>1</sup> 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:**

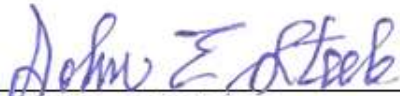
1. The Report and Recommendation is hereby **adopted** and the findings incorporated herein.

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.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

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

Counsel of Record  
Unrepresented parties