

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

COUNTY OF MONMOUTH, NEW
JERSEY, on behalf of itself and all
others similarly situated

Plaintiff,

v.

Case No: 2:18-cv-201-FtM-38MRM

FLORIDA CANCER SPECIALISTS,
P.L., 21ST CENTURY ONCOLOGY,
LLC, WILLIAM N. HARWIN and
DANIEL DOSORETZ,

Defendants.

ORDER¹

This matter comes before the Court on Defendants' Notice of Related Action. ([Doc. 16](#)). Defendants advise that Plaintiff's Complaint cites and incorporates the same allegations as those in the related case of *United States of America, ex. rel. Sharon Dill v. Florida Cancer Specialist*, No. 16-cv-87, from which the Undersigned recused. (*Id.*).

A federal judge must "disqualify [her]self in any proceeding in which [her] impartiality might reasonably be questioned." [28 U.S.C. § 455\(a\)](#). Any doubt "must be resolved in favor of recusal." *Id.* The purpose of [§ 455](#) is "to promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible." [Liljeberg v. Health Servs. Acquisition Corp.](#), 486 U.S. 847, 865 (1988); see also [United States v.](#)

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Cerceda, 188 F.3d 1291, 1293 (11th Cir. 1999) (requiring recusal when the objective circumstances create an appearing of partiality). Recusal is appropriate when “an objective, disinterested, lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant doubt about the judge’s impartiality.” *Parker v. Connors Steel Co.*, 855 F.2d 1510, 1524 (11th Cir. 1988). Any doubts must resolve in favor of the moving party. See *Murray v. Scott*, 253 F.3d 1308, 1310 (11th Cir. 2001).


Against this legal backdrop, the Undersigned finds a conflict of interest. The Undersigned recused herself from the related case, *United States of America, ex. rel. Sharon Dill v. Florida Cancer Specialist*, No. 16-cv-87, to avoid even the appearance of partiality because of the Undersigned’s spouse had a connection to the other pending federal litigation involving Defendant 21st Century Oncology. Because the cases are related, the Undersigned must also recuse from this case.

Accordingly, it is now

ORDERED:

- (1) The Honorable Sheri Polster Chappell is **RECUSED** from the above-captioned case.
- (2) The Clerk of the Court is directed to **REASSIGN** the case to another United States District Judge.

DONE and **ORDERED** in Fort Myers, Florida this 6th day of April 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record