

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GENERAL ELECTRIC CAPITAL
CORPORATION,

Plaintiff,

v.

ONCOLOGY ASSOCIATES OF OCEAN
COUNTY LLC, et al.,

Defendants.

Civil No. 10-1972 (AET)

ORDER

THOMPSON, U.S.D.J.

For the reasons stated in this Court’s Opinion on this same day

IT IS on this 12th day of December, 2011

ORDERED that Defendants OAOC’s Motion for a New Hearing and Immediate Stay to Conduct Discovery into Improper Stealth Agreement Between Co-Defendant Berkowitz and Plaintiff General Electric Capital Corporation [Docket # 54] is DENIED; and it is

ORDERED that Defendants OAOC’s Motion to Strike Co-Defendant Dr. Berkowitz’s Reply Brief is DENIED, however the Court has disregarded the Berkowitz filing for the purposes of its review [52]; and it is

ORDERED that Defendants’ OAOC’s Motion to Stay Proceedings and for Appropriate Equitable Relief is DENIED [27]; and it is

ORDERED that the Report and Recommendation issued by Magistrate Judge Tonianne J. Bongiovanni is hereby adopted, as modified [44]; and it is

ORDERED that a Writ of Replevin shall issue effective January 2, 2012, commanding the U.S. Marshal to assist and take possession of the Varian Linear Accelerator and a Goldseal Lightspeed QX/I with Oncology Package, along with any other medical equipment to which it is entitled (collectively, the "Equipment") presently in the possession of Oncology Associates of Ocean County, LLC, located at 19 Mule Road, Toms River, NJ 08755, and the U.S. Marshal is directed to oversee re-possession by Plaintiff and/or its agents or representatives; and it is

ORDERED that if Defendant Oncology Associates has relocated any Equipment to any location inside or outside of the jurisdiction that the Defendant shall retrieve such Equipment and advise the U.S. Marshal of the same within two days of the attempt at repossession; and it is

ORDERED that a copy of this Order shall be served by the Plaintiff within (5) days of the Writ of Replevin's effective date.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.