

NOT FOR PUBLICATION

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

DONNA GARBACCIO, ET AL.,

Plaintiffs,

v.

ST. JOSEPH'S HOSPITAL AND MEDICAL
CENTER AND SUBSIDIARIES, ET AL.,

Defendants.

Civil Action No. 16-2740

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

John Michael Vazquez, U.S.D.J.

This matter comes before the Court on two motions: (1) motion of Plaintiff Dana Garbaccio through her counsel Cohen Milstein Sellers & Toll, LLC ("Cohen Milstein") and Keller Rohrback, L.L.P. ("Keller Rohrback") (collectively, "Garbaccio's Counsel") to appoint interim lead plaintiff and interim co-lead counsel [D.E. 64]; and (2) motion of Plaintiffs Mary Lynne Barker, Anne Marie Dalio and Dorothy Flar, through their counsel Kessler Topaz Meltzer & Check, LLP ("KTMC") and Izard, Kindall & Raabe ("IKR") (collectively, "Barker's Counsel") to appoint interim co-lead counsel [D.E. 70]. Both motions are opposed by the respective Plaintiffs, and unopposed by Defendants. In response to these motions, on March 13, 2017, Magistrate James B. Clark filed a Report and Recommendation ("R&R"). D.E. 94. In his R&R, Judge Clark recommended that this Court grant in part and deny in part Garbaccio's motion and deny Barker's motion. *Id.* Judge Clark recommended that no interim lead plaintiff be appointed at this time and further recommended appointing Garbaccio's Counsel as interim co-lead counsel. *Id.* The parties

were given notice that, pursuant to Federal Rule of Civil Procedure 72(b)(2) and Local Civil Rule 71.1(c)(2), they had fourteen days to file an objection to Judge Clark's R&R. To date, it appears that neither party has objected. The Court has conducted a review of the record and of Judge Clark's R&R for clear error,¹ and for good cause shown,

IT IS on this 29th day of March, 2017,

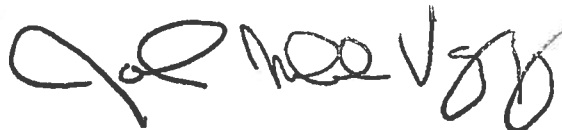
ORDERED that the R&R filed March 13, 2017 (D.E. 94) is **ADOPTED**² and made part of this Order; and it is further

ORDERED that Garbaccio's motion (D.E. 64) is **GRANTED IN PART** and **DENIED IN PART**; and it is further

ORDERED that Barker's motion (D.E. 70) is **DENIED**; and it is further

ORDERED that no interim lead plaintiff will be appointed at this time; and it is further

ORDERED that Cohen Milstein Sellers & Toll, LLC and Keller Rohrback, L.L.P. are appointed as interim co-lead counsel.



John Michael Vazquez, U.S.D.J.

¹ *De novo* review is required when an objection is made. 21 U.S.C. § 636(b)(1). *See also* Fed.R.Civ.P. 72(b)(3). However, when no objection is made, the Court reviews a magistrate judge's R&R for clear error. *McKean v. Colvin*, 150 F. Supp. 3d 406, 409-10 (M.D. Pa. 2015).

² The Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).