

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**ROY THOMAS MOULD, on behalf of
himself & all others similarly situated,**

Plaintiff,

-vs-

Case No. 6:06-cv-362-Orl-28DAB

**PAINCARE HOLDINGS, INC., RANDY
LUBINSKY, & MARK SZPORKA,**

Defendant.

**STEPHEN HOFMAYER, on behalf of
himself and all others similarly situated,**

Plaintiff,

-vs-

Case No. 6:06-cv-363-Orl-28DAB

**PAINCARE HOLDINGS, INC.; RANDY
LUBINSKY; and MARK SZPORKA,**

Defendants.

**MILTON PFEIFFER, on behalf of
himself and all others similarly situated,**

Plaintiff,

-vs-

Case No. 6:06-cv-373-Orl-28DAB

**PAINCARE HOLDINGS, INC., RANDY
LUBINSKY, MARK SZPORKA,**

Defendants.

**MICHAEL CHOPYK, on behalf of
himself and all others similarly situated,**

Plaintiff,

-vs-

Case No. 6:06-cv-374-Orl-28DAB

**PAINCARE HOLDINGS, INC., RANDY
LUBINSKY and MARK SZPORKA,**

Defendants.

**BENJAMIN ATLURI, on behalf of
himself and all others similarly situated,**

Plaintiff,

-vs-

Case No. 6:06-cv-379-Orl-28DAB

**PAINCARE HOLDINGS, INC., RANDY
LUBINSKY and MARK SZPORKA,**

Defendants.

**MARK J. ZAUSMER, on behalf of
himself and all others similarly situated,**

Plaintiff,

-vs-

Case No. 6:06-cv-396-Orl-28DAB

**PAINCARE HOLDINGS, INC., RANDY
LUBINSKY and MARK SZPORKA,**

Defendants.

**MARGARET HANSEN, on behalf of
herself and all others similarly situated,**

Plaintiff,

-vs-

Case No. 6:06-cv-417-Orl-28DAB

**PAINCARE HOLDINGS, INC., RANDY
LUBINSKY and MARK SZPORKA,**

Defendants.

**DONALD G. MARKS, on behalf of
himself and all others similarly situated,**

Plaintiff,

-vs-

Case No. 6:06-cv-490-ORL-28DAB

**PAINCARE HOLDINGS, INC., RANDY
LUBINSKY and MARK SZPORKA,**

Defendants.

**CONRAD L. HOOVER, on behalf of
himself and all others similarly situated,**

Plaintiff,

-vs-

Case No. 6:06-cv-512-Orl-28DAB

**PAINCARE HOLDINGS, INC., RANDY
LUBINSKY and MARK SZPORKA,**

Defendants.

**SHEPPARD L. MASAREK, on behalf of
himself and all others similarly situated,**

Plaintiff,

-vs-

Case No. 6:06-cv-587-Orl-28DAB

**PAINCARE HOLDINGS, INC., RANDY
LUBINSKY and MARK SZPORKA,**

Defendants.

**JEFFREY A. MILLER, HENRY MILLER,
JUDY MILLER and KAREN MILLER, on
behalf of themselves and for a class of
similarly situated persons,**

Plaintiff,

-vs-

Case No. 6:06-cv-676-Orl-28DAB

PAINCARE HOLDINGS, INC.,

Defendant.

ORDER

This case is before the Court on the following Motions:

Case No. 6:06-cv-362

1. Motion to Consolidate Cases, Appoint Lead Plaintiff and Approve Selection of Lead and Liaison Counsel (V.I.) (Doc. No. 11) filed May 19, 2006.
2. Motion for Consolidation, Appointment of Lead Plaintiffs and Approval of Selection of Co-Lead Counsel (Mould Group) (Doc. No. 12) filed May 19, 2006.

3. Agreed Motion to Set Initial Time Limits For Affirmative and Responsive Pleadings (Doc. No. 17) filed May 19, 2006.

4. Motion to Consolidate Cases, Appoint Lead Plaintiff and For Approval of Lead Counsel (Chopyk Group) (Doc. No. 21) filed May 19, 2006.

5. Motion for Leave to File a Reply (Doc. No. 44) filed June 21, 2006.

Case No. 6:06-cv-363:

6. Motion to Consolidate Cases, Appoint Lead Plaintiff, and Approve Selection of Lead Counsel (V.I.) (Doc. No. 10) filed May 19, 2006.

7. Motion to Set Initial Time Limits (Doc. No. 13) filed May 19, 2006.

Case No. 6:06-cv-373:

8. Motion to Consolidate Cases, Appoint Lead Plaintiff and Approve Selection of Lead Counsel (V.I.) (Doc. No. 8) filed May 19, 2006.

9. Motion to Set Initial Time Limits (Doc. No. 11) filed May 19, 2006.

Case No. 6:06-cv-374

10. Motion to Consolidate Cases, Appoint Lead Plaintiff and Approve Selection of Lead Counsel (V.I.) (Doc. No. 9) filed May 19, 2006.

11. Motion to Set Initial Time Limits (Doc. No. 12) filed May 19, 2006.

12. Motion to Consolidate Cases, Appoint Lead Plaintiff and Approve Lead Counsel (Chopyk Group) (Doc. No. 13) filed May 19, 2006.

13. Motion for Leave to File Reply (Doc. No. 26) filed June 21, 2006.

Case No. 6:06-cv-379

14. Motion to Consolidate Cases, Appoint Lead Plaintiff and Approve Selection of Lead Counsel (V.I.) (Doc. No. 12) filed May 19, 2006.

15. Motion to Set Initial Time Limits (Doc. No. 15) filed May 19, 2006.

Case No. 6:06-cv-396

16. Motion to Consolidate Cases, Appoint Lead Plaintiff and Approve Lead Counsel (V.I.) (Doc. No. 17) filed May 19, 2006.

17. Motion to Set initial Time Limits (Doc. No. 20) filed May 19, 2006.

Case No. 6:06-cv-417

18. Motion to Consolidate cases, Appoint Lead Plaintiff and Approve Selection of Lead Counsel (V.I.) (Doc. No. 11) filed May 19, 2006.

19. Motion to Set Initial Limits (Doc. No. 14) filed may 19, 2006.

Case No. 6:06-cv-490

20. Motion to Consolidate Cases, Appoint Lead Plaintiff and Approve Selection of Lead Counsel (V.I.) (Doc. No. 8) filed May 19, 2006.

21. Motion to Set Initial Time Limits (Doc. No. 11) filed May 19, 2006.

Case No. 6:06-cv-512

22. Motion to Consolidate Cases, Appoint Lead Plaintiff and Approve Selection of Counsel (V.I.) (Doc. No. 13) filed May 19, 2006.

23. Motion to Set Initial Time Limits (Doc. No. 16) filed may 19, 2006.

Case No. 6:06-cv-587

24. Motion to Consolidate Cases, Appoint Lead Plaintiff and Approve Selection of Lead Counsel (V.I.) (Doc. No. 9) filed May 19, 2006.

25. Motion to Set Initial Time Limits (Doc. No. 12) filed May 19, 2006.

Case No. 6:06-cv-676

26. Motion to Consolidate Cases, Appoint Lead Plaintiff and Approve Selection of Lead Counsel (Miller Group) (Doc. No. 5) filed May 18, 2006.

27. Motion to Set Initial Time Limits (Doc. No. 11) filed May 19, 2006.

28. Amended Motion to Consolidate Cases, Appoint Lead Plaintiff and Approve Selection of Lead Counsel (V.I.) (Doc. No. 12) filed May 22, 2006.

The United States Magistrate Judge has submitted a report recommending that motions 1, 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, and 28 be granted in part and denied in part¹, motions 3, 7, 9, 11, 15, 17, 19, 21, 23, 25, and 27 be denied as moot and motions 5 and 13 be denied.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation. Therefore, it is **ORDERED** as follows:

1. That the Report and Recommendation filed June 23, 2006 (Doc. No. 45) and as amended on June 28, 2006 (Doc. No. 47) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

¹The report and recommendation filed at Doc. 45 recommended that the motion to approve selection of lead and liaison counsel be denied pending additional filings. The Amendment to the Report and Recommendation recommended approval of lead counsel and liaison counsel after receipt of supplemental memorandum (Doc. 46).

2. The actions listed in the above styled matters are hereby consolidated into Case No. 6:06-cv-362, the Lead Case. The action will henceforth be captioned as "*In re PainCare Holdings Securities Litigation*", Case No. 6:06-cv-362-Orl-28DAB.

3. All future papers, pleadings and motions should be filed in this re-captioned lead case.

4. The Employees' Retirement System of the Government of the Virgin Islands is appointed Lead Plaintiff.

5. The law firm of Barrack, Rodos & Bacine is approved as Lead Counsel and the firm of Williams, Schifino, Mangione & Steady, P.A. is approved as Liaison Counsel.

6. Lead Plaintiff is allowed to file an Amended Complaint effectuating the consolidation of the related cases within twenty-five (25) days from the date of this Order.

7. Defendants shall have thirty (30) days from service, if not already served at the time of filing the Amended Complaint, and if served as of the filing date of the Amended Complaint, thirty (30) days from the filing date, to answer or otherwise respond to the Amended Complaint.

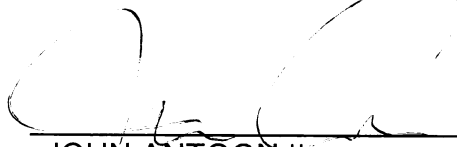
8. The parties are ordered to comply with the Related Case Order and Notice (Doc. No. 3) filed March 28, 2006 and file a Case Management Report as directed therein.

9. Motion numbers 3, 7, 9, 11, 15, 17, 19, 21, 23, 25 and 27 above are **DENIED** as moot.

10. Motion numbers 5, and 13 above are **DENIED**.

11. The Clerk is directed to administratively close dockets 6:06-cv-363; 6:06-cv-373; 6:06-cv-374; 6:06-cv-379; 6:06-cv-396; 6:06-cv-417; 6:06-cv-490; 6:06-cv-512; 6:06-cv-587; and 6:06-cv-676.

DONE and **ORDERED** in Chambers, Orlando, Florida this 27 day of July, 2006.



JOHN ANTOON II
United States District Judge

Copies furnished to:

United States Magistrate Judge
Counsel of Record
Unrepresented Party