

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 19-21258-CIV-SCOLA

Richard Cole, on behalf of himself and all
others similarly situated,
Plaintiff,

vs.

United Healthcare Insurance Company,
Defendant.

_____ /

Order of Recusal

The undersigned judge, to whom this cause was assigned, recuses himself and refers this cause to the Clerk of Court for reassignment pursuant to 28 U.S.C. § 455 and Local Rule 3.6 for the following reasons:

In early 2017, the Court was diagnosed with prostate cancer. In determining the best course of treatment, the Court consulted with top medical experts throughout the country. All the experts opined that if I opted for radiation treatment, proton radiation was by far the wiser course of action. Although the Court opted for surgery, rather than radiation, those opinions still resonant.

Further, a very close friend of the Court was diagnosed with cancer in 2015. He opted to have proton radiation treatment at M.D. Anderson in Houston. His health care provider, United Healthcare, refused to pay for the treatment. Fortunately, he had the resources to pay \$150,000 for the treatment and only upon threat of litigation did United Healthcare agree to reimburse him.

It is undisputed among legitimate medical experts that proton radiation therapy is not experimental and causes much less collateral damage than traditional radiation. To deny a patient this treatment, if it is available, is immoral and barbaric.

The Court's opinions in this matter prevent it from deciding this case fairly and impartially.

DONE AND ORDERED in Miami, Florida, this 29th day of April, 2019.



Robert N. Scola, Jr.
United States District Judge