

CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

In re:

LSI MANAGEMENT COMPANY, LLC,

Assignors,

Case No. 2019-CA-2766

to

SONEET KAPILA,

Assignee.

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**ASSIGNEE'S MOTION FOR ORDER AUTHORIZING
REJECTION OF LEASES AND DIRECTING THAT THE
EFFECTIVE DATE OF REJECTION BE THE DATE OF ABANDONMENT**

Assignee, Soneet Kapila of KapilaMukamal (“Assignee”), by and through his undersigned attorneys, hereby moves the Court, pursuant to the provisions of §§ 727.108(5) and 727.110(3) of the Florida Statutes, for the entry of an order authorizing rejection of certain leases under which the applicable Assignor, LSI Management Company, LLC (the “Applicable Assignor”), is the lessee, effective as of the date of abandonment of the leased properties. In support of this motion, the Assignee states as follows:

Background

1. On March 14, 2019, LSI Management Company, LLC, the Applicable Assignor, executed and delivered an assignment for the benefit of creditors to the Assignee. The Assignee filed a Petition with the Court on March 14, 2019, commencing an assignment for the benefit of

creditors proceeding pursuant to Section 727 of the Florida Statutes (the “**Applicable Assignment Case**”).¹

2. One of the Assignee’s duties is to reject unexpired leases of nonresidential real property that are financially burdensome to the assignment estate.

3. In winding up the affairs of the Applicable Assignor, the Assignee is vacating and abandoning properties in Ohio and Missouri leased by the Applicable Assignor. The timing of abandoning these properties depends on the Assignee’s use of the properties, the amount and type of equipment and other personal property left in them, and other factors.

4. The Assignee will be filing Notices of Rejection of Leases (the “**Notices**”) as his team vacates and abandons the following financially burdensome properties:

- (a) 644 Eden Park Drive, Cincinnati, Ohio, 45202; and
- (b) 450 N. New Ballas Road, Creve Coeur, Missouri, 65141.

5. The Assignee and his team will be working to abandon the properties as soon as practicable. The Assignee’s team will be in contact with the lessors of each of these properties leading up to the abandonment, and the Assignee will file and serve the Notices on the lessors of the rejected leases upon abandonment.

Relief Requested

6. The Assignee seeks the Court’s authorization of the lease rejections set forth above pursuant to §§ 727.108(5) and 727.110(3), Florida Statutes, effective as of the date the Assignee abandons the property set forth in each of the Notices to be filed.

¹ Simultaneous with the filing of the Applicable Assignment Case, the Assignee filed fifteen other Petitions commencing assignment for the benefit of creditors proceedings for 15 affiliates of the Applicable Assignor. By separate motion, the Assignee will be seeking to administratively consolidate the sixteen affiliated assignment cases under the assignment case of Laser Spine Institute, LLC, Case No. 2019-CA-2762.

7. Section 727.108 of the Florida Statutes provides that one of the Assignee's duties is, "[t]o the extent reasonable in the exercise of the assignee's business judgment, reject an unexpired lease of nonresidential real property or of personal property under which the assignor is the lessee." Fla. Stat. § 727.108(5). Further, § 727.108 expressly grants the Court the power to "[a]uthorize the assignee to reject an unexpired lease of nonresidential real property or of personal property under which the assignor is the lessee pursuant to s. 727.108(5)." Fla. Stat. § 727.109(6).

8. The leased properties, which the Assignee is now in the process of abandoning are financially burdensome to the estate and the rejection of such leases creates a savings to the estate, which ultimately benefits creditors.

9. Accordingly, the Court's authorization of each lease rejection set forth above, as of the date each leased property is abandoned, will conserve estate resources and judicial resources and will benefit the creditors of the applicable estate.

WHEREFORE, the Assignee respectfully requests the Court grant this motion and order that the leases described herein shall be rejected, effective as of the date of abandonment set forth in the Notices to be filed, and that the Court grant such other relief as is just and proper.

Dated: March 15, 2019

/s/ Edward J. Peterson

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Counsel for Assignee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been sent by either electronic mail or U.S. mail on this 15th day of March, 2019 to:

Eden Park Medical Center, LLC
Attn: Jeffrey O'Brien
2770 Indian River Blvd., Suite 501
Vero Beach, FL 32960

Eden Park Medical Center, LLC
Attn: Robert Grammen
Blueprint Sarasota
2770 Indian River Blvd, #500
Vero Beach, FL 32960

Eden Park Medical Center, LLC
Attn: Ray Monteleone
Uyona Management, LLC
612 SE 5th Avenue, Suite 6
Fort Lauderdale, FL 33301

Eden Park Medical Center, LLC
Attn: Ron Gargano
PIV Group, LLC
2221 Acorn Palm Road
Boca Raton, FL 33432

Eden Park Medical Center, LLC
Attn: David Goduti
Blueprint Sarasota
9115 Galleria Ct, Suite 115
Naples, FL 31409

Creve Coeur Medical Properties, LP
c/o Saul Ewing Arnstein & Lehr
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1500 Market St., 38th Floor
Philadelphia, PA 19102-2186

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/s/ Edward J. Peterson

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