

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

In re:

LASER SPINE INSTITUTE, LLC,¹

Assignor,

to

SONEET KAPILA,

Assignee.

Case No. 2019-CA-002762
Division L

ASSIGNEE'S MOTION TO LIMIT NOTICE

Assignee, Soneet Kapila of KapilaMukamal (“Assignee”), by and through his undersigned attorneys, hereby files this motion pursuant to § 727.111(6) of the Florida Statutes, requesting entry of an order limiting the persons and entities to whom notice of certain matters must be provided. In support of this motion, the Assignee states as follows:

Background

1. On March 14, 2019, Laser Spine Institute, LLC (“LSI”) 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 “LSI Assignment Case”).

¹ Prior to filing this motion, the Assignee sought to administratively consolidate the assignment case of Laser Spine Institute, LLC with the assignment cases of the following entities: LSI Management Company, LLC; Laser Spine Institute Consulting, LLC; CLM Aviation, LLC; Medical Care Management Services, LLC; LSI HoldCo, LLC; Laser Spine Surgical Center, LLC; Laser Spine Surgery Center of Arizona, LLC; Laser Spine Surgery Center of Cincinnati, LLC; Laser Spine Surgery Center of St. Louis, LLC; Laser Spine Surgery Center of Pennsylvania, LLC; Laser Spine Surgery Center of Oklahoma, LLC; Laser Spine Surgery Center of Warwick, LLC; Laser Spine Surgery Center of Cleveland, LLC; Total Spine Care, LLC; and Spine DME Solutions, LLC.

2. Simultaneous with the filing of the LSI Assignment Case, the Assignee filed fifteen other Petitions commencing assignment for the benefit of creditors proceedings (the “**Affiliated Assignment Cases**”) for 15 affiliates² of LSI (collectively, and together with LSI, the “**Assignors**”).

3. By separate motion, the Assignee has sought to administratively consolidate the Affiliated Assignment Cases with the LSI Assignment Case (collectively, the “**Assignment Cases**”) pursuant to Florida Rule of Civil Procedure 1.270(a).

Relief Requested

4. The schedules delivered by the Assignors in connection with their Assignment Cases reflect thousands of creditors and other parties-in-interest. The Assignee, in the course of performing his duties, will need to bring numerous matters to the Court throughout these proceedings. If the Assignee is required to notice all creditors with each motion or notice filed, the cost of providing such notice would be unduly burdensome and costly to the assignment estates. The Assignee therefore requests the Court limit the notice required to be provided in these Assignment Cases consistent with the procedures outlined below.

5. Section 727.111 of the Florida Statutes governs the notice required in assignment for the benefit of creditors proceedings. The statute permits the Court, for good cause shown and without notice of hearing, to limit the parties to whom notice may be given. Fla. Stat. § 727.111(6). Indeed, the statute permits the Court to rule on many matters without notice or hearing, unless notice is specifically required to be provided for the particular action under Chapter 727. *See* Fla. Stat. § 727.111(9).

² *See* footnote 1, *supra*, listing the affiliates.

6. The Assignee seeks to limit notice to a designated list of creditors and interested parties, composed of (i) the Assignors; (ii) the Assignors' counsel; (iii) all secured creditors; (iv) any party named in the particular motion or notice being filed; and (v) all other interested parties who file with the clerk and serve on the undersigned attorneys either a notice of appearance or a request to receive all notices in the Assignment Cases. The Assignee will also post all motions and notices on an official website for the Assignment Cases.

7. Additionally, the Assignee also will serve the final notice of case closing and related reports to all creditors at the conclusion of the Assignment Cases.

8. The relief requested in this motion is in the best interests of the creditors and the estate due to the significant savings of expenses related to postage, copying, and mailing copies of documents filed by the Assignee to the entire creditor body. The cost savings constitutes good cause for the relief requested herein. Additionally, granting this motion at this stage of the case will enable the estates to reap the maximum benefit of the cost savings.

9. The relief requested herein is reasonable and will not harm any creditors or parties-in-interest. The Assignee will serve this motion and the order granting it upon all creditors, notifying them of the opportunity to be added to the service list. Any creditor can simply file and serve a request for notice on the Assignee if it wishes to receive all future notices or motions.

10. Because the statute authorizes the Court to consider this Motion without notice of hearing, and because the relief requested herein is most effective if granted in the early stage of the case, the Assignee requests the entry of an order without notice of hearing.

WHEREFORE, the Assignee respectfully requests that this Court enter an order limiting notice pursuant to Fla. Stat. §727.111(6) and that the Court order such other and further relief as is just and proper.

Dated: March 22, 2019

/s/ Edward J. Peterson

Harley E. Riedel (FBN 183628)

Edward J. Peterson (FBN 0014612)

Matthew B. Hale (FBN 0110600)

Stichter, Riedel, Blain & Postler, P.A.

110 E. Madison Street, Suite 200

Tampa, Florida 33602

Telephone: (813) 229-0144

Facsimile: (813) 229-1811

Email: hriedel@srbp.com; epeterson@srbp.com

mhale@srbp.com

Counsel for Assignee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been sent by electronic mail on this 22nd day of March, 2019 to:

Toby Gerber, Esquire
toby.gerber@nortonrosefulbright.com
Counsel for Texas Capital Bank, as Administrative Agent

Lara Fernandez, Esquire
lfernandez@trenam.com
mmosbach@trenam.com
mwoods@trenam.com
Counsel for Texas Capital Bank, as Administrative Agent

Jennifer Altman, Esquire
jennifer.altman@pillsburylaw.com
Counsel for Joe Samuel Bailey, et al.

Kenneth Mather, Esquire
kmather@gunster.com
Counsel for Joe Samuel Bailey, et al.

Stuart Markman, Esquire
smarkman@kmf-law.com
Counsel for Joe Samuel Bailey, et al.

Nicole Greenblatt, Esquire
nicole.greenblatt@kirkland.com
Counsel for Assignors

Jessica Crane, Esquire
Jessica@CraneLaw.com
Pleadings@CraneLaw.com

Michelle Erin Nadeau, Esquire
mnadeau@employeeights.com
rbarack@employeeights.com
jackie@employeeights.com

Ryan D Barack, Esquire
rbarack@employeeights.com
jackie@employeeights.com
mnadeau@employeeights.com

Stephanie C. Lieb, Esquire
SLieb@trenam.com
dmedina@trenam.com
ohoepner@trenam.com

/s/ Edward J. Peterson

Edward J. Peterson