

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

In re:

Laser Spine Institute, LLC <sup>1</sup>	Case No. 2019-CA-2762
CLM Aviation, LLC	Case No. 2019-CA-2764
LSI HoldCo, LLC	Case No. 2019-CA-2765
LSI Management Company, LLC	Case No. 2019-CA-2766
Laser Spine Surgery Center of Arizona, LLC	Case No. 2019-CA-2767
Laser Spine Surgery Center of Cincinnati, LLC	Case No. 2019-CA-2768
Laser Spine Surgery Center of Cleveland, LLC	Case No. 2019-CA-2769
Laser Spine Surgical Center, LLC	Case No. 2019-CA-2770
Laser Spine Surgery Center of Pennsylvania, LLC	Case No. 2019-CA-2771
Laser Spine Surgery Center of St. Louis, LLC	Case No. 2019-CA-2772
Laser Spine Surgery Center of Warwick, LLC	Case No. 2019-CA-2773
Medical Care Management Services, LLC	Case No. 2019-CA-2774
Spine DME Solutions, LLC	Case No. 2019-CA-2775
Total Spine Care, LLC	Case No. 2019-CA-2776
Laser Spine Institute Consulting, LLC	Case No. 2019-CA-2777
Laser Spine Surgery Center of Oklahoma, LLC	Case No. 2019-CA-2780

Assignors,

Consolidated Case No.  
2019-CA-2762

to

Soneet Kapila,

Division L

Assignee,

**MOTION TO EMPLOY THE WAGNER LAW  
GROUP AS ERISA AND EMPLOYEE BENEFITS ATTORNEY FOR ASSIGNEE**

Soneet Kapila (“Assignee”), by and through his undersigned attorneys, hereby files this motion pursuant to Florida Rule of Civil Procedure 1.100(b) and § 727.108(7) of the Florida

<sup>1</sup> At a hearing held on March 22, 2019, the Court administratively consolidated this case 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.

Statutes, to employ the law firm of The Wagner Law Group as his attorneys in the Assignment Cases (defined below). 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**”).

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

3. The Assignee seeks authority to employ The Wagner Law Group (“**Wagner Law**”), a law firm whose attorneys are admitted to practice in this Court, as counsel in the Assignment Cases to advise him regarding issues relating to the Employee Retirement Income Security Act of 1974 (ERISA) and other employee benefits matters. The nature of the Assignors’ business necessitated immediate assistance of counsel on a variety of issues related to ERISA and employee benefits. The Assignee therefore seeks an order authorizing the retention of Wagner Law *nunc pro tunc* to March 26, 2019.

### Relief Requested

4. One of the Assignee's duties is "to the extent necessary, employ at the expense of the estate one or more . . . attorneys . . . to assist the assignee in carrying out his or her duties under this chapter." Fla. Stat. § 727.108(7). Accordingly, the Assignee seeks to employ Wagner Law as counsel. The Assignee has selected Wagner Law because they have considerable experience in ERISA and employee benefit matters. The Assignee believes that Wagner Law is well qualified to represent him in these proceedings. The professional services Wagner Law is to render are as follows:

- a) To give the Assignee legal advice with respect to ERISA and employee benefit matters; and
- b) To perform all other legal services as may be requested by the Assignee.

5. Wagner Law represents no interest adverse to the Assignee or to the estates in the matters upon which it is to be engaged by the Assignee, and its employment would be to the best interest of this assignment.

WHEREFORE, the Assignee respectfully requests that he be authorized to employ and appoint The Wagner Law Group to represent the Assignee in the Assignment Cases under Fla. Stat. § 727.108(7), *nunc pro tunc* to March 26, 2019, and that the Court order such other and further relief as is just and proper.

/s/ Matthew B. Hale

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Counsel for Assignee

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing Motion has been furnished on this 1st day of April, 2019 by the Court's electronic system to all parties receiving electronic service and via electronic mail to:

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*/s/ Matthew B. Hale*

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Matthew B. Hale