

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.

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**ASSIGNEE'S MOTION TO EMPLOY RISK MANAGEMENT  
SOLUTIONS, INC. AS RISK MANAGEMENT CONSULTANT**

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

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<sup>1</sup> On April 8, 2019, the Court entered an order administratively consolidating 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 risk management firm of Risk Management Solutions, Inc. in the Assignment Cases for the purpose of assisting the Assignee with insurance consulting services, including risk management assessment. 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 Risk Management Solutions, Inc. (“**RMS**”), *nunc pro tunc* to April 11, 2019, as his risk management consultant for the purpose of assisting the Assignee with insurance consulting services, including, but not limited to, risk management assessment (collectively, the “**Insurance Services**”) on the terms set forth in the engagement letter attached as **Exhibit A**.

### Relief Requested

4. One of the Assignee's duties is "to the extent necessary, employ at the expense of the estate one or more . . . or other professional persons. . . to assist the assignee in carrying out his or her duties under this chapter." Fla. Stat. § 727.108(7). The Assignee has selected RMS because it has considerable experience in the area of insurance risk management. The Assignee believes that RMS is well qualified to represent him in these proceedings.

5. RMS 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.

6. RMS proposes to perform the Insurance Services on behalf of the Assignee on an hourly basis at the rates normally charged for matters of this nature, plus out-of-pocket expenses. RMS has advised the Assignee that its current hourly rate is \$425.00.

7. The employment of RMS is in the best interests of creditors because such employment will result in cost savings and additional protection of the assignment estates due to the Insurance Services.

WHEREFORE, the Assignee respectfully requests that he be authorized to employ and appoint RMS to represent him in the Assignment Cases under Fla. Stat. § 727.108(7), *nunc pro tunc* to April 11, 2019 and that the Court order such other and further relief as is just and proper.

Dated: April 16, 2019

/s/ Edward J. Peterson  
Edward J. Peterson (FBN 0014612)  
Matthew B. Hale (FBN 110600)  
Stichter, Riedel, Blain & Postler, P.A.  
110 E. Madison Street, Suite 200  
Tampa, Florida 33602  
Telephone: (813) 229-0144  
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Counsel for Assignee

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing Motion has been furnished on this 16<sup>th</sup> day of April, 2019 by the Court's electronic system to all parties receiving electronic service, and by either U.S. mail or electronic mail to the parties listed on the Limited Notice Parties list attached.

*/s/ Edward J. Peterson* \_\_\_\_\_

Edward J. Peterson

MASTER LIMITED NOTICE SERVICE LIST

April 15, 2019

**Assignors and Assignor's Counsel: (via the Court's electronic servicing system)**

CLM Aviation, LLC  
LSI HoldCo, LLC  
LSI Management Company, LLC  
Laser Spine Surgery Center of Arizona, LLC  
Laser Spine Surgery Center of Cincinnati, LLC  
Laser Spine Surgery Center of Cleveland, LLC  
Laser Spine Surgical Center, LLC  
Laser Spine Surgery Center of Pennsylvania, LLC  
Laser Spine Surgery Center of St. Louis, LLC  
Laser Spine Surgery Center of Warwick, LLC  
Laser Spine Institute, LLC  
Medical Care Management Services, LLC  
Spine DME Solutions, LLC  
Total Spine Care, LLC  
Laser Spine Institute Consulting, LLC  
Laser Spine Surgery Center of Oklahoma, LLC  
c/o Nicole Greensblatt, Esq.  
Kirkland & Ellis, LLP  
601 Lexington Avenue  
New York, NY 10022  
Email: [ngreenblatt@kirkland.com](mailto:ngreenblatt@kirkland.com)

**Assignee and Assignee's Counsel (via the Court's electronic servicing system)**

Soneet Kapila  
c/o Stichter Riedel, Blain & Postler, P.A.  
Attn: Edward J. Peterson, Esq.  
110 E. Madison Street, Suite 200  
Tampa, Florida 33602

**Secured Creditors:**

CarePayment, LLC  
5300 Meadow Rd., #400  
Lake Oswego, OR 97035

Steris Corporation  
5960 Heisley Rd.  
Mentor, OH 44060

CIT Bank, N.A.  
10201 Centurion Pkwy., #400  
Jacksonville, FL 32256

Medport Billing, LLC  
6352 S. Jones Blvd., #400  
Las Vegas, NV 89118

U.S. Bank Equipment Finance  
1310 Madrid St.  
Marshall, MN 56258

**Those Parties and Attorneys Formally Requesting Notice (via the Court's electronic servicing system unless otherwise noted)**

Highwoods Realty Limited Partnership  
c/o Eric E. Ludin, Esq.  
Tucker & Ludin, P.A.  
5235 16<sup>th</sup> Street North  
St. Petersburg, FL 33703-2611  
Email: [ludin@tuckerludin.com](mailto:ludin@tuckerludin.com); [erin@ludinlaw.com](mailto:erin@ludinlaw.com)

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Orlando, FL 32801  
Email: [JGilbert@TheFloridaFirm.com](mailto:JGilbert@TheFloridaFirm.com); [RGilbert@TheFloridaFirm.com](mailto:RGilbert@TheFloridaFirm.com);  
[CertificateofService@TheFloridaFirm.com](mailto:CertificateofService@TheFloridaFirm.com)

Joe Bailey; Mark Miller; Ted Suhl; Laserscopic Spinal Centers of America, Inc.; Laserscopic Medical Clinic, LLC; Laserscopic Surgery Center of Florida, LLC; Laserscopic Diagnostic Imaging; Laserscopic Spinal Center of Florida, LLC; and Tim Langford  
c/o Gunster, Yoakley & Stewart, P.A.  
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Secondary Email: [mmosbach@trenam.com](mailto:mmosbach@trenam.com)  
Tertiary Email: [dmedina@trenam.com](mailto:dmedina@trenam.com)

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MedPro Group  
c/o Jeffery Warren, Esq. and Adam Alpert, Esq.  
Bush Ross, P.A.  
P.O. Box 3913  
Tampa, FL 33601-3913



# EXHIBIT A

# RISK MANAGEMENT SOLUTIONS, INC.

RICK FENSTERMACHER  
PRINCIPAL  
RFENSTERMACHER@BELLSOUTH.NET

April 11, 2019

Soneet R. Kapila, Assignee  
Laser Spine Institute, LLC  
c/o KapilaMukamal, LLP  
1000 South Federal Highway, Suite 200  
Ft. Lauderdale, FL 33316

RE: Risk Management Services

Dear Mr. Kapila:

I am pleased to provide this letter of engagement covering activities related to general risk management consulting services in connection with your duties as Assignee for Laser Spine Institute, LLC and related entities in the assignment cases pending in the Circuit Court for Hillsborough County (the "Assignment Court"). All services and reports will be performed under your direction or your designee(s).

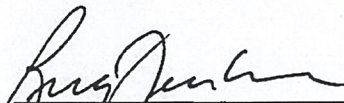
Throughout the engagement, I will provide objective advice and strategy consultation, as requested. However, you shall have the ultimate responsibility for acceptance and implementation of any recommendations or to pursue other courses of action.

I understand that all communications in regards to this matter, as well as any information developed or received by me pursuant to this engagement, whether written or oral, will be treated as confidential. Accordingly, I agree, subject to applicable law or court order, not to disclose any of our communications, or any information received or developed in the course of my work for you, to any person or entity apart from such other persons or entities as you or your associates may designate. I further agree to obtain the same commitment of confidentiality in writing from any third party retained, upon your written approval, to assist in the performance of services on your behalf.

Fees for my services will be charged based upon the amount of time spent on the project, at the current hourly rate of \$425.00, plus out-of-pocket expenses. All fees and expenses will be subject to approval of the Assignment Court. In no event shall Soneet Kapila or KapilaMukamal, LLP be liable for any fees or costs hereunder.

If this letter conforms to your understanding of my engagement, please sign one copy of this letter and return it to me.

Sincerely,



Rick Fenstermacher  
Principal  
Risk Management Solutions, Inc.



Soneet R. Kapila  
Assignee  
Laser Spine Institute, LLC