

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

In re:

Laser Spine Institute, LLC	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.

**ASSIGNEE'S OBJECTION TO SHIRLEY AND
JOHN LANGSTON'S MOTION TO COMPEL ASSIGNEE
TO PURSUE OR ASSIGN ALL CLAIMS AGAINST THIRD
PARTIES RELATING TO THE VIOLATION OF STATUTORY SELF-
INSURANCE REQUIREMENTS TO MEDICAL MALPRACTICE PLAINTIFFS**

Assignee, Soneet Kapila of KapilaMukamal, LLP, as assignee of Laser Spine Institute, LLC and the above-captioned affiliate assignors (the "**Assignee**"), by and through his undersigned attorneys, files this his Objection to Shirley and John Langston's Motion to Compel Assignee to Pursue or Assign All Claims Against Third Parties Relating to the Violation of Statutory Self-Insurance Requirements to Medical Malpractice Plaintiffs (the "**Motion**"). The Motion should be

denied for two reasons. First, the Motion appears to be based on the mistaken belief that the Assignee is not reviewing all potential claims and causes of action or has made the decision not to prosecute certain causes of action. Second, the claims and causes of action that are the subject of the Motion belong to the Assignee and should not be abandoned, much less to the movant for no consideration.

Applicable Florida law sets forth requirements for doctors to practice medicine, including certain self-insurance requirements. The Motion asserts that the Assignors violated state law by failing to post an escrow or establish other protections.

The Motion appears to be based on the faulty premise that the Assignee has already determined not to assert any claims related to the self-insurance program and that the Assignee has no intention or motivation to pursue such claims. The Assignee is in the process of investigating all potential claims, including all claims that may exist arising out of the manner in which officers and directors conducted business prior to the filing of the assignment cases. Since the filing of the cases, the Assignee has been working diligently to marshal and liquidate assets and work with parties in interest on time sensitive issues. As time has allowed, the Assignee has begun the process of reviewing potential causes of action and claims.

To the extent meritorious claims exist, the Assignee intends to prosecute or sell and assign the right to prosecute such claims pursuant to § 727.108(1). The Assignee is making considerable headway with respect to the duties under applicable law to prosecute or sell and assign meritorious tort claims and causes of action. For example, he has already interviewed litigation counsel to pursue causes of action and has proposed and, in some cases executed, tolling agreements with various parties who might be defendants in litigation. The timing and method of pursuing litigation or selling and assigning the right to prosecute litigation is within the sound business judgment of

the Assignee and should not be disturbed absent compelling circumstances.

The Assignee contends that the claims sought to be abandoned by the Motion are property of the assignment estates. The Motion seeks to compel claims belonging to the estates to be abandoned to a single creditor for no consideration or benefit to the assignment estates. The Assignee submits that such relief is inconsistent with § 727.108(1).

WHEREFORE, the Assignee respectfully requests that the Motion be denied and for such other relief as may be just.

/s/ Scott A. Stichter

Harley E. Riedel (FBN 183628)

Scott A. Stichter (FBN 0710679)

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