

SRBP STICHTER, RIEDEL, BLAIN & POSTLER, P.A.
ATTORNEYS AT LAW

TAMPA | FORT MYERS | PENSACOLA | DESTIN

DON M. STICHTER
1929 - 2019
RICHARD C. PROSSER
1950 - 2017
B. MICHAEL BACHMAN, JR.
RUSSELL M. BLAIN
JODI DANIEL DUBOSE
BECKY FERRELL-ANTON
DANIEL R. FOGARTY
MATTHEW B. HALE
AMY DENTON HARRIS
BARBARA A. HART

MICHAEL J. HOOI
ELENA PARAS KETCHUM
STEPHEN R. LESLIE
EDWARD J. PETERSON, III
CHARLES A. POSTLER
HARLEY E. RIEDEL, II
MARK F. ROBENS
SUSAN HEATH SHARP
SCOTT A. STICHTER
G. CHRISTOPHER MEYER
OF COUNSEL

REPLY TO TAMPA

July 3, 2019

Honorable Scott Stephens
Edgecomb Courthouse
800 E. Twiggs St., Room 503
Tampa, FL 33602

Re: Laser Spine Institute, LLC, Consolidated Case No. 2019-CA-2762

Dear Judge Stephens:

Our firm represents Soneet Kapila, the Assignee in the assignment for the benefit of creditors cases of Laser Spine Institute, LLC and 15 related entities, now consolidated under the above-referenced case. Enclosed for your consideration is a proposed Order Denying Claimant Jonna Lemieux's Motion for Relief From Stay.

Entry of the proposed order has been agreed to by the Assignee, counsel for movant, Jonna Lemieux, and separate counsel for opposition parties (a) Shirley and John Langston, and (b) Kenneth Winkler. Accordingly, I submit that it is appropriate for you to sign the proposed orders.

Should Your Honor have any questions or require anything further, please do not hesitate to contact us.

Respectfully,



Matthew B. Hale

MBH

Enclosures

cc: All Counsel of Record via electronic filing

110 EAST MADISON STREET-SUITE 200
TAMPA, FLORIDA 33602-4700
T 813.229.0144
F 813.229.1811

1342 COLONIAL BOULEVARD-SUITE H57
FORT MYERS, FLORIDA 33907-1009
T 239.939.5518
F 239.939.5568

41 NORTH JEFFERSON STREET-SUITE 111
PENSACOLA, FLORIDA 32502-5669
T 850.637.1836
F 850.791.6545

4475 LEGENDARY DRIVE-SUITE 40
DESTIN, FLORIDA 32541-9306
T 850.460.7676
F 850.424.6604

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

In re:

Laser Spine Institute, LLC ¹	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.

**ORDER DENYING CLAIMANT
JONNA LEMIEUX'S MOTION FOR RELIEF FROM STAY**

THIS CASE came on for hearing on June 27, 2019 at 2:00 p.m. upon Claimant Jonna Lemieux's Motion for Relief From Stay (the "**Motion**")². Prior to the hearing, the Assignee's

¹ 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.

² Unless otherwise defined herein, capitalized terms have the same meanings ascribed to them in the Motion.

Response to Jonna Lemieux’s Motion for Relief From Stay (the “**Assignee’s Response**”); Shirley and John Langston’s Opposition to Entry of any Orders Granting “Stay Relief” as to Court Cases Pending on Date of Assignments, Including Jonna Lemieux’s Motion for Relief From Stay (the “**Opposition**”); Kenneth Winkler’s Joinder in Opposition to Entry of Any Order Granting “Stay Relief” as the Court Case is Pending on Date of Assignments, Including Jonna Lemieux’s Motion for Relief From Stay (the “**Opposition Joinder**”); and National Fire & Marine Insurance Company’s Response to Jonna Lemieux’s Motion for Relief from Stay (the “**National Fire Response**”) were filed with the Court.

Prior to the commencement of the assignment cases, the Claimant filed a lawsuit against certain defendants, including Laser Spine Institute, LLC, in a case which was assigned Case No. 16-CA-4548 (the “**State Court Action**”). The Motion seeks relief to continue prosecution of the State Court Action and to pursue relief against Assignors’ insurance proceeds. The Response consents to the relief requested in the Motion. The Opposition asserts that the relief is not necessary as the commencement of an assignment case does not operate as a stay of actions against the assignor. The Court, having considered the Motion, the Assignee’s Response, the Opposition, the Opposition Joinder, and the National Fire Response and being fully advised of the record, finds that the Motion should be denied, as set forth in this Order. Accordingly, it is

ORDERED:

1. The Motion is denied, as moot.
2. The request for relief to continue prosecution of the State Court Action, including proceeding against any insurance policies or coverage potentially providing indemnity for amounts awarded in the State Court Action, is denied as moot since the commencement of the assignment cases does not result in a stay of the State Court Litigation.

3. In no event shall the Claimant seek to satisfy any judgment obtained against the Assignors in the State Court Action through levy, execution, attachment, or the like against assets of the estate in the possession, custody, or control of the Assignee.

4. In making this ruling, this Court makes no findings or conclusions as to whether any insurance policies provide coverage for any amounts that may be awarded in the State Court Action and all parties preserve all claims and defenses as to any insurance policies or coverage potentially providing indemnity for amounts awarded in the State Court Action.

DONE AND ORDERED in Hillsborough County, Florida this _____ day of July, 2019.

Steven Scott Stephens
Circuit Court Judge

Copy to: Counsel of record