

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.

**FIRST INTERIM APPLICATION
OF FISHERBROYLES, LLP FOR ALLOWANCE OF
COMPENSATION AS HEALTHCARE ATTORNEY FOR ASSIGNEE
FOR THE PERIOD OF MARCH 27, 2019 THROUGH JUNE 30, 2019**

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.

The Assignee seeks to take the action described herein. Objections must be filed and served within twenty-one (21) days from the service of this Application. In the event an objection is timely filed and served, the Court will hold a hearing on August 28, 2019 at 2:00 p.m. to consider any timely filed objections, and to consider the *First Interim Application of FisherBroyles, LLP for Allowance of Compensation Healthcare Attorney for Assignee for the Period of March 27, 2019 through June 30, 2019* before the Honorable Judge Steven Scott Stephens, Hearing Room 512, 800 East Twiggs Street, Tampa, Florida 33602.

If no objection is timely filed and served, then all creditors and parties in interest have consented to the relief sought in this Application and the Assignee shall submit a proposed order to the Court. The deadline to object is twenty-one (21) days from service of this Application.

FisherBroyles, LLP (“**FisherBroyles**”), pursuant to the *Order Granting Assignee’s Motion for Order Establishing Procedures for Monthly and Interim Compensation and Reimbursement of Expenses for Professionals*, dated May 28, 2019 (the “**Interim Compensation Order**”), respectfully applies for allowance of compensation for services rendered as healthcare counsel to the Assignee in the amount of **\$13,600.00** for the period of March 27, 2019 through June 30, 2019 (the “**Allowance Period**”). In support of its request, FisherBroyles states the following:

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 Chapter 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 with LSI, the “**Assignors**”).

3. On May 28, 2019, the Court entered the *Order Granting Assignee’s Motion for Order Establishing Procedures for Monthly and Interim Compensation and Reimbursement of Expenses for Professionals* (the “**Interim Compensation Order**”).

4. Pursuant to the Interim Compensation Order, FisherBroyles submitted its monthly statements for the Allowance Period. No objections were filed to the monthly statements for April and May. The deadline to object to the June monthly statement has not yet passed. Therefore, the sum of \$10,464.00 was paid to FisherBroyles, which represented eighty percent (80%) of the requested fees for the period of March 27, 2019 through May 31, 2019. No payment has been made to FisherBroyles as to the June 2019 monthly statement.

5. The Interim Compensation Order further authorized the professionals to file interim fee applications every 120 days, with the first interim fee application being filed on or after June 30, 2019, representing fees and costs incurred from March 14, 2019 through June 30, 2019.

Description of Services and Benefits

6. FisherBroyles was authorized by this Court to represent the Assignee as healthcare counsel in the Assignment Cases.

7. During the Allowance Period, FisherBroyles expended a total of 34.0 hours in rendering necessary and beneficial legal services to the Assignee, and is owed fees in the amount of \$13,600.00.

8. Copies of FisherBroyles’ invoices for the services rendered are attached hereto as **Composite Exhibit A.**

9. FisherBroyles has provided valuable assistance on a variety of issues related to the Health Insurance Portability and Accountability Act of 1996 and compliance with healthcare laws and regulations in general.

WHEREFORE, FisherBroyles respectfully requests that the Court allow compensation to FisherBroyles in the amount of **\$13,600.00** for services rendered to the Assignee during the Allowance Period and authorizing, after application of amounts paid pursuant to the Interim Compensation Order in the amount of \$10,464.00, payment in the amount of **\$3,136.00**.

/s/ Edward J. Peterson _____

Edward J. Peterson (FBN 0014612)
Stichter, Riedel, Blain & Postler, P.A.
110 E. Madison Street, Suite 200
Tampa, Florida 33602
Telephone: (813) 229-0144
[Email: epeterson@srbp.com](mailto:epeterson@srbp.com);
Counsel for Assignee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the a true and correct copy of the foregoing Application has been furnished on this 25th day of July, 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

July 16, 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: [ngreensblatt@kirkland.com](mailto:n greensblatt@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

Soneet Kapila
c/o Genovese Joblove & Battista, P.A.
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Miami, Florida 33131
Email: pbattista@gjb-law.com, ggarno@gjb-law.com

Soneet Kapila
c/o Roche, McLean & Sbar, P.A.
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Secured Creditors:

CarePayment, LLC (MAIL RETURNED)
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 (MAIL RETURNED)
6352 S. Jones Blvd., #400
Las Vegas, NV 89118

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

Maricopa County Treasurer
c/o Peter Muthig, Esq.
222 N. Central Ave., #1100
Phoenix, AZ 85004
Email: muthigk@maco.maricopa.gov

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

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c/o Eric E. Ludin, Esq.
Tucker & Ludin, P.A.
5235 16th Street North
St. Petersburg, FL 33703-2611
Email: ludin@tuckerludin.com; erin@ludinlaw.com

Terry and Sherry Legg
c/o Colling Gilbert Wright & Carter, LLC
801 N. Orange Avenue, Ste. 830
Orlando, FL 32801
Email: JGilbert@TheFloridaFirm.com; RGilbert@TheFloridaFirm.com;
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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Tampa, FL 33602
Email: wschifino@gunster.com (primary)
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Secondary Email: mмосbach@trenam.com
Tertiary Email: dmedina@trenam.com

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c/o Michael C. Markham, Esq.
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Tampa, FL 33601-3913
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mlinares@bushross.com; ksprehn@bushross.com

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service@scottmillerlawoffice.com; amy@scottmillerlawoffice.com

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Estate of Sharon Kimble
c/o Luis Martinez – Monfort
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Tampa Florida 33602
Primary Email: lmmonfort@gbmmlaw.com; litigation@gbmmlaw.com

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Weiss Family Management, LLLP
Michael C. Weiss, D.O.
c/o V. Stephen Cohen, Esq.
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Primary: scohen@bajocuva.com; heckman@bajocuva.com

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William P. Esping
James S. St. Louis, D.O.
Michael W. Perry
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EFO Holdings, L.P.,
EFO Genpar, Inc.
EFO Laser Spine Institute, Ltd.
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Fort Lauderdale, Florida 33301
Email drt@bergersingerman.com; jwertman@bergersingerman.com;
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Dr. James St. Louis
c/o Herbert Donica, Esq.
Donica Law Firm, P.A.
307 South Boulevard, Suite D
Tampa, FL 33606
Email: herb@donicalaw.com

Laser Spine Institute, LLC
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
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Case No. 2019-CA-2776
Case No. 2019-CA-2777
Case No. 2019-CA-2780

Assignors,

Consolidated Case No.
2019-CA-2762

to

Soneet Kapila,

Division L

Assignee.

COMPOSITE EXHIBIT A

**FIRST INTERIM APPLICATION
OF FISHERBROYLES, LLP FOR ALLOWANCE OF
COMPENSATION AS HEALTHCARE ATTORNEY FOR ASSIGNEE
FOR THE PERIOD OF MARCH 27, 2019 THROUGH JUNE 30, 2019**

FISHERBROYLES®

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www.fisherbroyles.com

Soneet R. Kapila

1000 South Federal Highway, Ste. 200

Ft. Lauderdale, FL 33315

June 11, 2019

Client: 012074

Matter: 000001

Invoice #: 249108

RE: Special Healthcare Counsel

For Professional Services Rendered Through April 30, 2019

Total Services	\$8,400.00
Total Current Charges	\$8,400.00
TOTAL AMOUNT DUE	\$8,400.00

Remittance Options

Payment by Check

CHECKS ONLY PLEASE - NO CORRESPONDENCE
Please make checks payable to FisherBroyles, LLP
and remit to an address below:

Standard Mail: P.O. Box 935079
Atlanta, GA 31193-5079

FedEx/UPS: 3585 Atlanta Avenue
Lockbox #935079
Hapeville, GA 30354

Payment by Wire Transfer or ACH

Please confirm remittance details via email to
accounting@fisherbroyles.com

Account Name: FisherBroyles LLP
Bank Name: Wells Fargo Bank, N.A.
Bank Address: 4454 Roswell Road NE
Atlanta, GA 30342

Account #: 7218707870
ABA Routing: 121000248 - Wire Transfers
061000227 - ACH/Direct Deposit
SWIFT Code: WFBIUS6S

Tax ID No. 56-2332885

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www.fisherbroyles.com

Soneet R. Kapila

1000 South Federal Highway, Ste. 200
Ft. Lauderdale, FL 33315

June 11, 2019

Client: 012074
Matter: 000001
Invoice #: 249108
Page: 1

RE: Special Healthcare Counsel

For Professional Services Rendered Through April 30, 2019

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
03/27/2019	RVB	Review issues regarding request by physician for surgical templates and correspond with counsel regarding same.	0.40	400.00	\$160.00
03/28/2019	RVB	Review ABC filing and related documents; analyze issues related to Business Associate Agreement request from assignor; attend call with client and counsel; correspondence regarding potential buyers of LSI assets.	4.30	400.00	\$1,720.00
03/29/2019	NW	Teleconference with Radha Bachman regarding HIPAA consent and filing of civil law suit.	0.10	400.00	\$40.00
03/29/2019	RVB	Review and markup business associate agreement; review case filing and role of Assignee in case; review HIPAA regulations; call with E. Peterson regarding BAA process and POC process; review draft POC documents; review correspondence from E. Ketchum, Esq.; calls and emails with potential asset purchase prospects and Assignee regarding same.	4.60	400.00	\$1,840.00
04/01/2019	RVB	Analyze HIPAA regulations regarding disclosure of PHI in POC process; prepare draft language and email to co-counsel.	1.40	400.00	\$560.00
04/03/2019	RVB	Review issues regarding need for BAAs and letters to patients re: records.	0.90	400.00	\$360.00
04/04/2019	RVB	Call with E. Peterson, K. McCoy and S. Kapila regarding patient records and notifications; review correspondence regarding patient account collection.	1.10	400.00	\$440.00
04/08/2019	RVB	Review newspaper listing for records; emails with S. Kapila and E. Peterson regarding same.	0.50	400.00	\$200.00

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
04/10/2019	RVB	Prepare Subcontractor BAA; emails with counsel regarding same; call with S. Stichter regarding litigation record disclosure.	1.60	400.00	\$640.00
04/11/2019	RVB	Review issues regarding litigation records and disclosure of same to physicians; call with C. Knopik, S. Kapila, K. McCoy and S. Stichter regarding same.	1.10	400.00	\$440.00
04/16/2019	RVB	Review Motion re: Patient Information/Creditors; emails with counsel regarding same.	0.90	400.00	\$360.00
04/17/2019	RVB	Review and revise Motion for Protection of Patient Information; review Order re: same; review issues regarding case log disclosures.	2.20	400.00	\$880.00
04/23/2019	RVB	Review and revise Subcontractor BAA for Buell & Elligett.	0.40	400.00	\$160.00
04/25/2019	RVB	Review and revise Wagner Law Group SubBAA.	0.40	400.00	\$160.00
04/26/2019	RVB	Review issues and documentation regarding LSI ASC quarterly reporting matter; emails with K. McCoy regarding same.	0.40	400.00	\$160.00
04/30/2019	RVB	Review issues regarding Q1 certifications and ASC licensure matters; emails with K. McCoy regarding same.	0.70	400.00	\$280.00
Total Professional Services			21.00		\$8,400.00

Total Services	\$8,400.00
Total Current Charges	\$8,400.00
TOTAL AMOUNT DUE	\$8,400.00

TIMEKEEPER SUMMARY				
Person		Hours	Rate	Amount
RVB	Radha Bachman	20.90	\$400.00	\$8,360.00
NW	Nicole Waid	0.10	\$400.00	\$40.00

FISHERBROYLES®

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www.fisherbroyles.com

Soneet R. Kapila

1000 South Federal Highway, Ste. 200

Ft. Lauderdale, FL 33315

June 11, 2019

Client: 012074

Matter: 000001

Invoice #: 249109

RE: Special Healthcare Counsel

For Professional Services Rendered Through May 31, 2019

Total Services	\$4,680.00
Total Current Charges	\$4,680.00
Previous Balance	\$8,400.00
TOTAL AMOUNT DUE	\$13,080.00

Remittance Options

Payment by Check

CHECKS ONLY PLEASE - NO CORRESPONDENCE
Please make checks payable to FisherBroyles, LLP
and remit to an address below:

Standard Mail: P.O. Box 935079
Atlanta, GA 31193-5079

FedEx/UPS: 3585 Atlanta Avenue
Lockbox #935079
Hapeville, GA 30354

Payment by Wire Transfer or ACH

Please confirm remittance details via email to
accounting@fisherbroyles.com

Account Name: FisherBroyles LLP
Bank Name: Wells Fargo Bank, N.A.
Bank Address: 4454 Roswell Road NE
Atlanta, GA 30342

Account #: 7218707870
ABA Routing: 121000248 - Wire Transfers
061000227 - ACH/Direct Deposit
SWIFT Code: WFBIUS6S

Tax ID No. 56-2332885

FISHERBROYLES®

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www.fisherbroyles.com

Soneet R. Kapila

1000 South Federal Highway, Ste. 200
Ft. Lauderdale, FL 33315

June 11, 2019

Client: 012074
Matter: 000001
Invoice #: 249109
Page: 1

RE: Special Healthcare Counsel

For Professional Services Rendered Through May 31, 2019

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
05/01/2019	RVB	Prepare for meeting with Mr. Kapila; travel to and attend meeting with Mr. Kapila and E. Peterson to discuss medical records matter.	1.50	400.00	\$600.00
05/08/2019	RVB	Research regarding medical record maintenance; prepare memo regarding medical records.	2.80	400.00	\$1,120.00
05/10/2019	RVB	Legal research; prepare memorandum regarding medical records matters.	1.10	400.00	\$440.00
05/10/2019	RW1	Review and provide comments to a Memo re the Medical Records Options in Florida.	0.40	400.00	\$160.00
05/13/2019	RVB	Review Clary Agreement; comments from E. Peterson, Esq.	0.50	400.00	\$200.00
05/14/2019	RVB	Revise Medical Records Custodian Agreement.	1.40	400.00	\$560.00
05/14/2019	RVB	Review and revise Medical Records Custodian Agreement.	1.10	400.00	\$440.00
05/17/2019	RVB	Review Clary Agreement; call with K. McCoy regarding same; follow-up with E. Peterson.	1.10	400.00	\$440.00
05/21/2019	RVB	Call with E. Peterson regarding potential interviews with former LSI employees.	0.40	400.00	\$160.00
05/24/2019	RVB	Review comments from lender's counsel; call with E. Peterson; review response to lender's counsel's email; review Clary Agreement; prepare Clary BAA.	1.40	400.00	\$560.00
Total Professional Services			11.70		\$4,680.00

Total Services	\$4,680.00
Total Current Charges	\$4,680.00
Previous Balance	\$8,400.00
TOTAL AMOUNT DUE	\$13,080.00

TIMEKEEPER SUMMARY				
Person		Hours	Rate	Amount
RVB	Radha Bachman	11.30	\$400.00	\$4,520.00
RW1	Ryan Wierenga	0.40	\$400.00	\$160.00

FISHERBROYLES®

A LIMITED LIABILITY PARTNERSHIP

www.fisherbroyles.com

Soneet R. Kapila

1000 South Federal Highway, Ste. 200
Ft. Lauderdale, FL 33315

July 08, 2019

Client: 012074
Matter: 000001
Invoice #: 253479

RE: Special Healthcare Counsel

For Professional Services Rendered Through June 30, 2019

Total Services	\$520.00
Total Current Charges	\$520.00
Previous Balance	\$13,080.00
<i>Less Payments</i>	<i>(\$10,464.00)</i>
TOTAL AMOUNT DUE	\$3,136.00

Remittance Options

Payment by Check

CHECKS ONLY PLEASE - NO CORRESPONDENCE
Please make checks payable to FisherBroyles, LLP
and remit to an address below:

Standard Mail: P.O. Box 935079
Atlanta, GA 31193-5079

FedEx/UPS: 3585 Atlanta Avenue
Lockbox #935079
Hapeville, GA 30354

Payment by Wire Transfer or ACH

Please confirm remittance details via email to
accounting@fisherbroyles.com

Account Name: FisherBroyles LLP
Bank Name: Wells Fargo Bank, N.A.
Bank Address: 4454 Roswell Road NE
Atlanta, GA 30342

Account #: 7218707870
ABA Routing: 121000248 - Wire Transfers
061000227 - ACH/Direct Deposit
SWIFT Code: WFBIUS6S

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Soneet R. Kapila

1000 South Federal Highway, Ste. 200

Ft. Lauderdale, FL 33315

July 08, 2019

Client: 012074

Matter: 000001

Invoice #: 253479

Page: 1

RE: Special Healthcare Counsel

For Professional Services Rendered Through June 30, 2019

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
06/11/2019	RVB	Review Order Granting Motion regarding fees; prepare invoices; emails with Assignee counsel regarding same.	0.30	400.00	\$120.00
06/18/2019	RVB	Review issues regarding request for records in workers comp claim; respond to emails regarding same.	0.30	400.00	\$120.00
06/26/2019	RVB	Correspond with R. Watson regarding Sub-BAA finalization; analyze issues regarding destruction of records; confer with M. Hale, Esq.	0.70	400.00	\$280.00
Total Professional Services			1.30		\$520.00

Total Services	\$520.00
Total Current Charges	\$520.00
Previous Balance	\$13,080.00
Less Payments	(\$10,464.00)
TOTAL AMOUNT DUE	\$3,136.00

TIMEKEEPER SUMMARY

Person	Hours	Rate	Amount
RVB Radha Bachman	1.30	\$400.00	\$520.00