

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

In re:

Laser Spine Institute, LLC.¹
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
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

Case No. 2019-CA-2762
Case No. 2019-CA-2764
Case No. 2019-CA-2765
Case No. 2019-CA-2766
Case No. 2019-CA-2767
Case No. 2019-CA-2768
Case No. 2019-CA-2769
Case No. 2019-CA-2770
Case No. 2019-CA-2771
Case No. 2019-CA-2772
Case No. 2019-CA-2773
Case No. 2019-CA-2774
Case No. 2019-CA-2775
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.

**SECOND INTERIM APPLICATION OF FISHERBROYLES, LLP
FOR ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF
EXPENSES AS HEALTHCARE ATTORNEY FOR ASSIGNEE FOR THE
PERIOD OF JULY 1, 2019² THROUGH OCTOBER 31, 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.

² FisherBroyles did not provide any services during the month of July 2019.

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 attorney to the Assignee in the amount of **\$3,520.00** and reimbursement for expenses incurred in the amount of **\$82.05** for a total allowance of **\$3,602.05** for the period of July 1, 2019 through October 31, 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.

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 payments were made.

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 8.8 hours in rendering necessary and beneficial legal services to the Assignee, and is owed fees in the amount of \$3,520.00.

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 **\$3,520.00** for professional services rendered during the Allowance Period and reimbursement of FisherBroyles' expenses in the amount of **\$82.05** incurred on behalf of the Assignee during the Allowance Period, for a total allowance of **\$3,602.05**, and authorizing payment in the amount of **\$3,602.05**.

/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 a true and correct copy of the foregoing Application has been furnished on this 31st day of January, 2020, 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

January 14, 2020

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

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.
Attn: Greg Garno, Esq. and Paul Battista, Esq.
100 Southeast Second Street, Suite 4400
Miami, Florida 33131
Email: pbattista@gjb-law.com, ggarno@gjb-law.com

Soneet Kapila
c/o Roche, McLean & Sbar, P.A.
Attn: Robert Roche, Jonathan Sbar, Andrea Holder
2309 S. MacDill Avenue
Tampa, FL 33629
Email: roche@rmslegal.com, aholder@rmslegal.com, jsbar@rmslegal.com

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)

Highwoods Realty Limited Partnership
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.
401 E. Jackson Street, Ste 2500
Tampa, FL 33602
Email: wschifino@gunster.com (primary)
kmather@gunster.com (primary)
jbennett@gunster.com (primary)
cwarder@gunster.com (secondary)
tkennedy@gunster.com (secondary)

Deanna Ali
c/o Jessica Crane, Esq.
Crane Law, P.A.
13555 Automobile Blvd., Ste 560
Clearwater, FL 33762
Email: Jessica@CraneLaw.com

Heather Emby
c/o Jessica Crane, Esq.
Crane Law, P.A.
13555 Automobile Blvd., Ste 560
Clearwater, FL 33762
Email: Jessica@CraneLaw.com

Deanna Ali
c/o Kwall Barack Nadeau PLLC
304 S. Belcher Rd. Ste C
Clearwater, FL 33765
Email: rbarack@employeeights.com
mnadeau@employeeights.com
Jackie@employeeights.com

Heather Emby
c/o Kwall Barack Nadeau PLLC
304 S. Belcher Rd. Ste C
Clearwater, FL 33765
Email: rbarack@employeeerights.com
mnadeau@employeeerights.com
Jackie@employeeerights.com

Texas Capital Bank, N.A.
c/o Trenam Kemker
101 E. Kennedy Blvd., Ste 2700
Tampa, FL 33602
Primary Email: slieb@trenam.com
Secondary Email: mmosbach@trenam.com
Tertiary Email: dmedina@trenam.com

DBF-LSI, LLC
c/o Michael C. Markham, Esq.
401 E. Jackson Street, Suite 3100
Tampa, Florida 33602
Email: mikem@jpfirm.com; minervag@jpfirm.com

Shirley and John Langston
c/o Donald J. Schutz, Esq.
535 Central Avenue
St. Petersburg, Florida 33701
Email: donschutz@netscape.net; don@lawus.com

Jared W. Headley
c/o Cameron M. Kennedy, Esq.
Searcy Denney Scarola, et al
517 North Calhoun Street
Tallahassee, Florida 32301
Email: kennedyteam@searcylaw.com; cmk@searcylaw.com

Deanna E. Ali
c/o Brandon J. Hill, Esq.
Wenzel Fenton Cabassa P.A.
1110 N. Florida Avenue, Suite 300
Tampa, Florida 33602
Email: bhill@wfclaw.com; twells@wfclaw.com

MedPro Group
c/o Jeffery Warren, Esq. and Adam Alpert, Esq.
Bush Ross, P.A.
P.O. Box 3913
Tampa, FL 33601-3913
Email: jwarren@bushross.com; aalperts@bushross.com;
mlinares@bushross.com; ksprehn@bushross.com

Cosgrove Enterprises, Inc.
c/o Walters Levine Lozano & Degrave
601 Bayshore Blvd., Ste 720
Tampa, Florida 33606
Email: hdegrave@walterslevine.com; jduncan@walterslevine.com

Cherish Collins
c/o Heather N. Barnes, Esq.
The Yerrid Law Firm
101 E. Kennedy Boulevard, Suite 3910
Tampa, FL 33602
Email: hbarnes@yerridlaw.com; evento@yerridlaw.com

Timothy Farley and Marilyn Farley
c/o Heather N. Barnes, Esq.
The Yerrid Law Firm
101 E. Kennedy Boulevard, Suite 3910
Tampa, FL 33602
Email: hbarnes@yerridlaw.com; evento@yerridlaw.com

Holland & Knight, LLP
c/o W. Keith Fendrick, Esq.
Post Office Box 1288
Tampa, Florida 33601-1288
Email: keith.fendrick@hkclaw.com; andrea.olson@hkclaw.com

Kenneth Winkler
c/o William E. Hahn, Esq.
310 S. Fielding Ave.
Tampa, FL 33606
Email: bill@whahn-law.com; Kelly@whahn-law.com

Ray Monteleone
c/o Hill, Ward & Henderson, P.A.
101 East Kennedy Boulevard
Bank of America Plaza, Suite 3700
Tampa, Florida 33601-2231
dennis.waggoner@hwhlaw.com; julie.mcdaniel@hwhlaw.com; patrick.mosley@hwhlaw.com;
tricia.elam@hwhlaw.com; ghill@hwhlaw.com; jessica.simpson@hwhlaw.com

William Horne and WH, LLC
c/o Hill, Ward & Henderson, P.A.
101 East Kennedy Boulevard
Bank of America Plaza, Suite 3700
Tampa, Florida 33601-2231
dennis.waggoner@hwhlaw.com; julie.mcdaniel@hwhlaw.com; patrick.mosley@hwhlaw.com;
tricia.elam@hwhlaw.com; ghill@hwhlaw.com; jessica.simpson@hwhlaw.com

Jonna Lemeiux
Law Offices of Scott M. Miller
Cambridge Square
1920 Boothe Circle, Suite 100
Longwood, Florida 32750
service@scottmillerlawoffice.com; amy@scottmillerlawoffice.com

Robert Kimble, Administrator and Personal Rep of
Estate of Sharon Kimble
c/o Luis Martinez – Monfort
400 North Ashely Drive, Suite 1100
Tampa Florida 33602
Primary Email: lmmonfort@gbmmlaw.com; litigation@gbmmlaw.com

Weiss Family Management, LLLP
c/o V. Stephen Cohen, Esq.
100 North Tampa Street, Suite 1900
Tampa, FL 33602
Primary: scohen@bajocuva.com; lheckman@bajocuva.com

Michael C. Weiss, D.O. **(via USPS mail)**
Independent Orthopedics, P.A.,
3225 South Macdill Avenue
STE 129-348
Tampa, FL 33629
Cell: (954) 494-7995
Cell: (954) 328-9441
Email: spinedoc@me.com; partyplans2@aol.com

Robert P. Grammen
William P. Esping
James S. St. Louis, D.O.
Michael W. Perry
M.D., MMPerry Holdings, LLLC
EFO Holdings, L.P.,
EFO Genpar, Inc.
EFO Laser Spine Institute, Ltd.
BERGER SINGERMAN LLP
350 East Las Olas Boulevard, Suite 1000
Fort Lauderdale, Florida 33301
Email: drt@bergersingerman.com; jwertman@bergersingerman.com;
guso@bergersingerman.com; fsellers@bergersingerman.com

Cystal and Leonard Tinelli
c/o Donald J. Schutz, Esq.
535 Central Avenue
St. Petersburg, Florida 33701
Email: donschutz@netscape.net; don@lawus.com

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

Jonathan Lewis
c/o Peter A. Siddiqui, Esq.
Katten Muchin Rosenman
525 West Monroe Street
Chicago, IL 60661-3693
Email: peter.siddiqui@kattenlaw.com

Robert P. Grammen
William P. Esping
Michael W. Perry, M.D.
MMPerry Holdings, LLC
EFO Holdings, L.P.
EFO Genpar, Inc.
EFO Laser Spine Institute, Ltd.
c/o Samuel J. Capuano
BERGER SINGERMANN LLP
1450 Brickell Avenue, Suite 1900
Miami, FL 33131
Email: Primary: drt@bergersingerman.com; scapuano@bergersingerman.com;
fsellers@bergersingerman.com

COMPOSITE A

FISHERBROYLES®

A LIMITED LIABILITY PARTNERSHIP

www.fisherbroyles.com

Soneet R. Kapila

1000 South Federal Highway, Ste. 200

Ft. Lauderdale, FL 33315

September 05, 2019

Client: 012074

Matter: 000001

Invoice #: 264744

RE: Special Healthcare Counsel

For Professional Services Rendered Through August 31, 2019

Total Services	\$960.00
Total Current Charges	\$960.00
Previous Balance	\$3,136.00
TOTAL AMOUNT DUE	\$4,096.00

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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September 05, 2019

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Matter: 000001

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Page: 1

RE: Special Healthcare Counsel

For Professional Services Rendered Through August 31, 2019

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
08/26/2019	RVB	Telephone conference with E. Peterson, Esq. and S. Kapila and team to discuss medical records matter.	1.10	400.00	\$440.00
08/28/2019	RVB	Research regarding HIPAA and bankruptcy matters; begin preparing letter to state/federal agencies regarding disposition of medical records.	1.30	400.00	\$520.00
Total Professional Services			2.40		\$960.00

Total Services \$960.00

Total Current Charges \$960.00

Previous Balance \$3,136.00

TOTAL AMOUNT DUE \$4,096.00

TIMEKEEPER SUMMARY

Person	Hours	Rate	Amount
RVB Radha Bachman	2.40	\$400.00	\$960.00

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Soneet R. Kapila

1000 South Federal Highway, Ste. 200

Ft. Lauderdale, FL 33315

October 08, 2019

Client: 012074

Matter: 000001

Invoice #: 271652

RE: Special Healthcare Counsel

For Professional Services Rendered Through September 30, 2019

Total Services	\$1,160.00
Total Disbursements	\$82.05
Total Current Charges	\$1,242.05
Previous Balance	\$4,096.00
TOTAL AMOUNT DUE	\$5,338.05

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

October 08, 2019

Client: 012074

Matter: 000001

Invoice #: 271652

Page: 1

RE: Special Healthcare Counsel

For Professional Services Rendered Through September 30, 2019

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
09/05/2019	RVB	Analyze revisions to letter regarding patient records.	0.50	400.00	\$200.00
09/06/2019	RVB	Review and revise Medical records letter and transmit to S. Kapila and K. McCoy.	0.50	400.00	\$200.00
09/11/2019	RW1	Review and revise the Medical Records Letter to State Agencies.	0.40	400.00	\$160.00
09/13/2019	RVB	Review and revise letter re: Medical Records; confer with E. Peterson and S. Kapila; finalize packages for all three recipients.	1.50	400.00	\$600.00
Total Professional Services			2.90		\$1,160.00

DISBURSEMENTS

Date	Description of Disbursements	Amount
09/13/2019	Postage - FedEx overnight delivery. 3 separate envelopes.	\$82.05
Total Disbursements		\$82.05

Total Services	\$1,160.00
Total Disbursements	\$82.05
Total Current Charges	\$1,242.05
Previous Balance	\$4,096.00
TOTAL AMOUNT DUE	\$5,338.05

TIMEKEEPER SUMMARY				
Person		Hours	Rate	Amount
RVB	Radha Bachman	2.50	\$400.00	\$1,000.00
RW1	Ryan Wierenga	0.40	\$400.00	\$160.00

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Soneet R. Kapila

1000 South Federal Highway, Ste. 200

Ft. Lauderdale, FL 33315

November 04, 2019

Client: 012074

Matter: 000001

Invoice #: 274655

RE: Special Healthcare Counsel

For Professional Services Rendered Through October 31, 2019

Total Services	\$1,400.00
Total Current Charges	\$1,400.00
Previous Balance	\$5,338.05
TOTAL AMOUNT DUE	\$6,738.05

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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Soneet R. Kapila

1000 South Federal Highway, Ste. 200

Ft. Lauderdale, FL 33315

November 04, 2019

Client: 012074

Matter: 000001

Invoice #: 274655

Page: 1

RE: Special Healthcare Counsel

For Professional Services Rendered Through October 31, 2019

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
10/14/2019	RVB	Call with S. Kapila, K. McCoy and E. Peterson regarding medical records issue.	0.60	400.00	\$240.00
10/15/2019	RVB	Call with DOH investigator regarding medical records letter; prepare email to S. Kapila regarding same.	1.30	400.00	\$520.00
10/22/2019	RVB	Prepare for and attend call with DOH.	0.80	400.00	\$320.00
10/30/2019	RVB	Analyze documents provided by K. McCoy regarding medical record migration; prepare email to DOH investigator regarding same.	0.80	400.00	\$320.00
Total Professional Services			3.50		\$1,400.00

Total Services \$1,400.00

Total Current Charges \$1,400.00

Previous Balance \$5,338.05

TOTAL AMOUNT DUE \$6,738.05

TIMEKEEPER SUMMARY

Person	Hours	Rate	Amount
RVB Radha Bachman	3.50	\$400.00	\$1,400.00