

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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**SECOND INTERIM APPLICATION OF RISK MANAGEMENT  
SOLUTIONS, INC. FOR ALLOWANCE OF COMPENSATION  
FOR THE PERIOD OF JULY 1, 2019 THROUGH OCTOBER 31, 2019<sup>2</sup>**

Risk Management Solutions, Inc. (“RMS”), pursuant to the *Order Granting Assignee’s  
Motion for Order Establishing Procedures for Monthly and Interim Compensation and*

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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.

<sup>2</sup> Risk Management Solutions, Inc. did not provide services to the Assignee during the months of August 2019 through October 2019.

*Reimbursement of Expenses for Professionals*, dated May 28, 2019 (the “**Interim Compensation Order**”), respectfully applies for allowance of compensation for services rendered as risk management consultant to the Assignee in the amount of **\$33,766.25** for the period of July 1, 2019 through October 31, 2019 (the “**Allowance Period**”). In support of its request, RMS 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, RMS submitted its monthly statements for the Allowance Period. No payments have been 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. RMS was authorized by this Court to represent the Assignee as risk management consultant in the Assignment Cases.

7. During the Allowance Period, RMS expended a total of 79.45 hours in rendering necessary and beneficial services to the Assignee, and is owed fees in the amount of \$33,766.25.

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

9. RMS has provided valuable services as risk management consultant and has assisted the Assignee with insurance consulting services that have resulted in substantial savings for the assignment estates. Without limitation, RMS was instrumental in procuring general liability insurance that resulted in substantial savings to the estates.

WHEREFORE, RMS respectfully requests that the Court allow compensation to RMS in the amount of **\$33,766.25** for services rendered to the Assignee during the Allowance Period and authorizing payment in the amount of **\$33,766.25**.

/s/ Edward J. Peterson  
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Counsel for Assignee

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Application has been furnished on this 31<sup>st</sup> 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  
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**Assignee and Assignee's Counsel (via the Court's electronic servicing system)**

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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](mailto: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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EFO Laser Spine Institute, Ltd.  
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Michael W. Perry, M.D.  
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EFO Holdings, L.P.  
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EFO Laser Spine Institute, Ltd.  
c/o Samuel J. Capuano  
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# COMPOSITE A

# RISK MANAGEMENT SOLUTIONS, INC.

RICK FENSTERMACHER  
PRINCIPAL  
RFENSTERMACHER@BELLSOUTH.NET

## INVOICE

August 5, 2019

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

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Tampa, FL 33602

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

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Professional Services rendered July 1, 2019 – July 31, 2019 per attached:

27.35 Hours @ \$425.00	<u>\$ 11,623.75</u>
Total – Fees	\$ 11,623.75
Total – Expenses	<u>\$ 0.00</u>
<b>Total Due - Professional Services &amp; Expenses</b>	<b>\$ 11,623.75</b>

Wire-Transfer Instructions:

Routing # 267084131

JP Morgan Chase Bank, N.A.  
1025 71<sup>st</sup> Street  
Miami Beach, FL 33141

For Credit To:

Account # 563612907  
Risk Management Solutions, Inc.

CLIENT: Laser Spine Institute - Soneet Kapila Assignee

Time & Expenses

JULY, 2019

DATE	TASK	HOURS
7/2/2019	G T/C Kapila re: agent/broker conduct, strategy & next steps;	0.25
	T/C Andrew Pickle at Marsh re historical background on broker relationships with LSI including execs contacts at AB Risk, coverage & account service challenges,	1.1
7/3/2019	M Conf. call Kapila & SRBP, consensus on next steps. Draft language for SRBP communication to MedPro; multiple emails re actions; revise website wording to incorporate MedPro request for posting ROR letter; Review LSI archive files for missing Certs, locate 2, still missing 3; prep draft language for SRBP, assemble package of physician-defendant Certs and representative samples; email re possible causes of action.	6.15
7/8/2019	M Various emails with assignee & counsel re website updates;	1.2
	G Various mails with Fugate re: status of St. Louis equipment and evidence of coverage from Centurion; confirmed current coverage is compliant; status of property at remaining locations	0.95
	G Follow-up on status of WC audit for 2018-2019, prep worksheet for test audit;	0.8
7/9/2019	G Prep pending items lists for Ironwood & RCP; receive & review excess Cyber policy & forward to Kapila; inquire status of independent contrs & cyber indemnity, summarize current & "tail" costs;	1.7
	M Email McCoy re malpractic inquiry from former EE;	0.15
7/10/2019	G Emails to brokers for missing WC policies & audits; review prior audit status; receive & review missing docs;	1.1
7/11/2019	G Various emails re: 2017 & 2018 WC audits, guidance on 2019 Audit for Luis Arce, review Hartford audit worksheets, advise McCoy of est. \$100k return premium; check status of Ohio WC.	2.15
7/15/2019	G Emails Weiss re RCP check, verify amt with policy endt.	0.2
7/16/2019	M Review current filings; email SRBP re indemnity recovery; T/C Stichter & Patterson to discuss;	0.5
	Emails Patterson re Tinelli claim reporting & drft response;	0.2
7/17/2019	M Advise KM of website issues; Review new Natl Ind & Natl F&M filings, prep email to SRBP re claim defects	1.15
	G Follow-up emails RCP re r/p to finance co.	0.25
7/18/2019	G Review Fee App, add redactions & return to SRBP	0.65
	M 3 T/C's Stichter re MedPro claim; various emails;	1.1
7/19/2019	M Emails re MedPro claim, incl PFA	0.75
	G Email Insource re primary GL cover	0.1
7/20/2019	G Review primary GL replacement policy; transmit to Kapila;	0.55
7/23/2019	M Emails McCoy & Peterson re former employee coverage request	0.4
	G Various emails follow-up RCP re misc policies, property coverage limit reduction and valuation method; deletion of MO location	1.1

7/24/2019	M	Review & re-draft demand letter to MedPro; validate ret prem calcs.	1.2
	M	Various emails follow-up with RCP on excess Medmal canc refunds;	0.5
	G	Various emails re Property refund, timing & application to premium finance balance, impact/reduction in 8/1 payment; receive, review and transmit top excess Cyber policy;	1.65
7/25/2019	M	Review & edit MedPro draft letter, with highlight endt #7 & PFA, misc emails;	0.65
7/26/2019	G	Review filed Fee App; review website for other filing updates	0.5
7/27/2019	G	Email re budget/cash flow for PFA	0.1
7/29/2019	M	Review & edit draft Motion re SI compliance;	0.25

TOTAL 27.35

27.35 HOURS @ \$425.00 \$ 11,623.75

**TOTAL DUE \$ 11,623.75**

M = Medical Malpractice Matters  
G = General Insurance Matters