

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.

**AMENDED SECOND INTERIM APPLICATION OF RISK MANAGEMENT
SOLUTIONS, INC. FOR ALLOWANCE OF COMPENSATION
FOR THE PERIOD OF JULY 1, 2019 THROUGH OCTOBER 31, 2019**

Risk Management Solutions, Inc. (“RMS”), 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**”

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.

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

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 3rd day of February, 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@employeerights.com
mnadeau@employeerights.com
Jackie@employeerights.com

Heather Emby
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

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: mмосbach@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; aalpert@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, LLLC
EFO Holdings, L.P.
EFO Genpar, Inc.
EFO Laser Spine Institute, Ltd.
c/o Samuel J. Capuano
BERGER SINGERMAN LLP
1450 Brickell Avenue, Suite 1900
Miami, FL 33131
Email: Primary: drt@bergersingerman.com; scapuano@bergersingerman.com;
fsellers@bergersingerman.com

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

Toby L. Gerber, Esq.
Ryan E. Manns, Esq.
Norton Rose Fulbright US LLP
2200 Ross Avenue
Dallas, TX 75201-7932

Edward J. Peterson, Esq.
Stichter Riedel Blain & Postler P.A.
110 East Madison St., Suite 200
Tampa, FL 33602

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

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>
Total Due - Professional Services & Expenses	\$ 11,623.75

Wire-Transfer Instructions:

Routing # 267084131

JP Morgan Chase Bank, N.A.
1025 71st 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
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	27.35 HOURS @ \$425.00	\$ 11,623.75
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TOTAL DUE		\$ 11,623.75
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M = Medical Malpractice Matters
G = General Insurance Matters

RISK MANAGEMENT SOLUTIONS, INC.

RICK FENSTERMACHER
PRINCIPAL
RFENSTERMACHER@BELLSOUTH.NET

INVOICE

September 6, 2019

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

Toby L. Gerber, Esq.
Ryan E. Manns, Esq.
Norton Rose Fulbright US LLP
2200 Ross Avenue
Dallas, TX 75201-7932

Edward J. Peterson, Esq.
Stichter Riedel Blain & Postler P.A.
110 East Madison St., Suite 200
Tampa, FL 33602

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

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

12.55 Hours @ \$425.00	\$ 5,333.75
Total – Fees	\$ 5,333.75
Total – Expenses	\$ 0.00
Total Due - Professional Services & Expenses	\$ 5,333.75

Wire-Transfer Instructions:

Routing # 267084131

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

For Credit To:

Account # 563612907
Risk Management Solutions, Inc.

CLIENT: Laser Spine Institute - Soneet Kapila Assignee

Time & Expenses

AUGUST, 2019

DATE	TASK	HOURS
8/1/2019	G Email from RCP - req Cert for Valley Bank from Insource;	0.1
8/2/2019	M Recheck r/p calcs, respond to Patterson email;	0.2
8/5/2019	M Email RCP re r/p status;	0.15
8/7/2019	M Various Emails RCP re ret prems; prep explanation for Kapila;	0.75
8/8/2019	M Emails Kapila & Patterson re r/p's; T/C & emails Stichter re pending items;	1.35
8/9/2019	M Emails Patterson re final r/p calcs and revised date; Email RCP for current Loss Run;	0.6
8/13/2019	M Review & comment on SRBP memo.	2.6
8/14/2019	M Email addl comments on memo; t/c Stichter; email addl revisions;	1.35
8/15/2019	M Review new MedPro Loss Runs, prep email with comments for Assignee & counsel;	1.1
8/22/2019	M Conf call with Assignee & counsel, research pertinent provisions & prep email;	1.25
8/22/2019	G Follow-up with RCP on WC audit & property r/p's;	0.2
8/23/2019	M Review & comment on communication to MedPro;	0.2
	G prep email to Hale re recovery opportunities; transmit prop endt to McCoy; emails re Cincinnati status;	0.85
8/26/2019	G T/C Kapila & McCoy re pending items; misc emails;	0.5
	M Various emails re MedPro offer;	0.6
8/29/2019	M Review medmal case settlement agreement; receive & review canc. Endt.	0.75
	TOTAL	12.55
	12.55 HOURS @ \$425.00	\$ 5,333.75
	TOTAL DUE	\$ 5,333.75

M = Medical Malpractice Matters

G = General Insurance Matters

RISK MANAGEMENT SOLUTIONS, INC.

RICK FENSTERMACHER
PRINCIPAL
RFENSTERMACHER@BELLSOUTH.NET

INVOICE

October 4, 2019

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

Toby L. Gerber, Esq.
Ryan E. Manns, Esq.
Norton Rose Fulbright US LLP
2200 Ross Avenue
Dallas, TX 75201-7932

Edward J. Peterson, Esq.
Stichter Riedel Blain & Postler P.A.
110 East Madison St., Suite 200
Tampa, FL 33602

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

Professional Services rendered September 1, 2019 – September 30, 2019 per attached:

20.70 Hours @ \$425.00	<u>\$ 8,797.50</u>
Total – Fees	\$ 8,797.50
Total – Expenses	<u>\$ 0.00</u>
Total Due - Professional Services & Expenses	\$ 8,797.50

Wire-Transfer Instructions:

Routing # 267084131

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

For Credit To:

Account # 563612907
Risk Management Solutions, Inc.

CLIENT: Laser Spine Institute - Soneet Kapila Assignee

Time & Expenses

SEPTEMBER, 2019

DATE	TASK	HOURS
9/3/2019	M Multiple Emails with Assignee & counsel re return premium settlement and claim settlement agreements; addl research re A/R related to open cases.	2.45
	G Emails and docs to Assignee re return premiums; emails brokers re status of refunds;	1.2
9/4/2019	G Emails and docs to counsel re return premiums; emails brokers re status of cancellations; follow-up on Cincinnati vacate; misc. ins matters.	1.75
	M Review Medpro counsel open claims listing, compare to Loss Run, create new spreadsheet to track developments;	1.4
9/7/2019	G Review & validate Hartford WC final audit, distribute to assignee & counsel; Emails re Excess Mgmt Liability "tail" for Hudson Ins. Co.	1.35
9/8/2019	M Emails with docs to assist in tracing A/R balances;	0.5
9/9/2019	G Prep invoice & task detail for August, email to list;	0.4
9/10/2019	G Prep status & non-response of Excess policies canc, email recommend to Assignee; advise brokers of pending legal action.	1.35
9/11/2019	G Prep detailed Memo for Assignee & counsel re Excess policies, action plan and exec contacts at brokers, intermediaries and insurers for demand letter;	3.25
9/12/2019	M Receive Berkely canc endt, note incorrect date and email broker for revision;	0.25
9/13/2019	M Prep return premium summary for "tower" policies; email to Assignee & counsel;	0.75
	G Email counsel re xs D&O tail confirmation	0.2
9/16/2019	G Confirm Cinci property removal, email to delete from policy;	0.5
	G Emails re Scottsdale & Tampa vacate timelines;	0.25
9/18/2019	G Prep summary of open items; email Assignee re: upcoming issues;	1
9/19/2019	G Update on tank liability at Tampa location, req canc docs from RCP;	0.6
9/23/2019	M Review & comments on A/R schedule, compare to Loss Runs, various emails; follow-up on Tower cancellation docs.	1.6
	G Send updated EPL policy to SRBP;	0.2
9/24/2019	G Transmit Tank LPR to RCP for processing;	0.2
9/25/2019	M Prep addl comments on AR; receive, review & transmit Tower canc endts.	0.75
9/30/2019	M T/C Stichter; email McCoy for clarification;	0.75

TOTAL 20.7

20.7 HOURS @ \$425.00 \$ 8,797.50

TOTAL DUE \$ 8,797.50

M = Medical Malpractice Matters

G = General Insurance Matters

RISK MANAGEMENT SOLUTIONS, INC.

RICK FENSTERMACHER
PRINCIPAL
RFENSTERMACHER@BELLSOUTH.NET

INVOICE

November 7, 2019

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

Toby L. Gerber, Esq.
Ryan E. Manns, Esq.
Norton Rose Fulbright US LLP
2200 Ross Avenue
Dallas, TX 75201-7932

Edward J. Peterson, Esq.
Stichter Riedel Blain & Postler P.A.
110 East Madison St., Suite 200
Tampa, FL 33602

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

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

18.85 Hours @ \$425.00	<u>\$ 8,011.25</u>
Total – Fees	\$ 8,011.25
Total – Expenses	<u>\$ 0.00</u>
Total Due - Professional Services & Expenses	\$ 8,011.25

Wire-Transfer Instructions:

Routing # 267084131

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

For Credit To:

Account # 563612907
Risk Management Solutions, Inc.

CLIENT: Laser Spine Institute - Soneet Kapila Assignee

Time & Expenses

OCTOBER, 2019

DATE	TASK	HOURS
10/1/2019	M Emails re AR & side-letter	0.85
10/2/2019	M Review & research AR schedule; prep for conf call;	1
	G Emails re Tampa EDP location	
10/3/2019	M Conf call Assignee & counsel re AR	0.75
	G Various emails re Cigna canc.	0.55
10/4/2019	G T/c Stichter re Cigna; email McCoy;	0.2
	G Verify & transmit Tank Liability canc endt to Assignee;	0.15
10/5/2019	M Develop workbook template with AR & claim info	1.9
10/7/2019	G Review large volume of docs related to Cigna Empl Medical Plan, t/c Nicol Schmidt at RCP to obtain policy docs, prep detailed Memo to Assgnee & Counsel with background & recommended actions.	6.3
10/8/2019	G Update on Scottsdale vacate status	0.6
10/10/2019	G Follow-up on Cigna docs; T/C Cigna GC Combs, email Order, email Stichter;	1
10/14/2019	G Emails re Cigna; conf call Assignee & counsel	1.1
10/15/2019	G Review Stichter memo revisions, emails;	0.6
10/16/2019	G Follow-up with broker on r/p's;	0.1
10/17/2019	G Revise memo re Medical plan and distribute; emails re r/p's;	1.2
10/18/2019	G Emails re return premiums;	0.75
10/22/2019	G Review & distribute Cigna NDA; emails Cigna re modifications;	1.15
	M Emails re MedPro refund & receivables	
10/23/2019	G Emails confirming return premiums amounts & release; Cigna follow-up;	0.65
	TOTAL	18.85
	18.85 HOURS @ \$425.00	\$ 8,011.25
	TOTAL DUE	\$ 8,011.25

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G = General Insurance Matters