

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.

**THIRD INTERIM APPLICATION OF THE
WAGNER LAW GROUP FOR ALLOWANCE OF COMPENSATION
AS ERISA AND EMPLOYEE BENEFITS ATTORNEY FOR ASSIGNEE
FOR THE PERIOD OF NOVEMBER 1, 2019 THROUGH FEBRUARY 29, 2020**

The Wagner Law Group (“Wagner Law”), pursuant to the *Order Granting Assignee’s Motion for Order Establishing Procedures for Monthly and Interim Compensation and*

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.

Reimbursement of Expenses for Professionals, dated May 28, 2019 (the “**Interim Compensation Order**”), respectfully applies for allowance of compensation for services rendered as ERISA and employee benefits counsel to the Assignee in the amount of \$6,349.50² for the period of November 1, 2019 through February 29, 2020 (the “**Allowance Period**”). In support of its request, Wagner Law 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**”).

² The amount requested is after application of a ten percent (10%) courtesy discount.

4. Pursuant to the Interim Compensation Order, Wagner Law submitted its monthly statements for the Allowance Period. No payment has been made to Wagner Law for fees and costs incurred during the Allowance Period.

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. Wagner Law was authorized by this Court to represent the Assignee as ERISA and employee benefits counsel in the Assignment Cases.

7. During the Allowance Period, Wagner Law expended a total of 15.0 hours in rendering necessary and beneficial legal services to the Assignee, and is owed fees in the amount of \$6,349.50.

8. Copies of Wagner Law 's invoices for the services rendered are attached hereto as

Composite Exhibit A.

9. Wagner Law has provided the Assignee valuable legal advice with respect to ERISA and employee benefit matters.

WHEREFORE, Wagner Law respectfully requests that the Court allow compensation to Wagner Law in the amount of **\$6,349.50** for services rendered to the Assignee during the Allowance Period and authorizing payment in the amount of **\$6,349.50**.

/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 13th day of March, 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@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

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
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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

**THIRD INTERIM APPLICATION OF THE
WAGNER LAW GROUP FOR ALLOWANCE OF COMPENSATION
AS ERISA AND EMPLOYEE BENEFITS ATTORNEY FOR ASSIGNEE
FOR THE PERIOD OF NOVEMBER 1, 2019 THROUGH FEBRUARY 29, 2020**



99 Summer Street, 13th Floor
Boston, MA 02110
Tel. 1-617-357-5200
www.wagnerlawgroup.com

November 30, 2019

Soneet Kapila
Kapila Mukamal
1000 South Federal Hgwy, Ste. 200
Fort Lauderdale, FL 33316

Invoice No. 151866

Re: Laser Spine Institute, LLC

Duplicate

Fees

			Rate	Hours	
11/01/2019	RCW	E-mail exchange with Soneet Kapila and Edward Peterson regarding Millennium agreement; attention to items for which changes are desired.	475.00	0.50	237.50
11/04/2019	RCW	Review and revise draft e-mail to Rey Jomarron regarding comments on agreement; review e-mails from Soneet Kapila and Edward Peterson regarding same; telephone conference and e-mail exchange with Rey Jomarron regarding logistics for proposing changes to agreement; e-mail to Soneet Kapila and Edward Peterson regarding same.	475.00	0.70	332.50
11/05/2019	RCW	Review and revise draft agreement with Millennium; e-mail exchange with Rey Jomarron regarding same; e-mail to Edward Peterson regarding proper language to refer to LSI and Mr. Kapila; telephone conference with Thomas Perks and Michael McCullough regarding Vanguard windup services.	475.00	1.00	475.00
11/06/2019	RCW	Review and revise draft agreement with Millennium; e-mail to Edward Peterson regarding proper language to refer to LSI and Mr. Kapila;	475.00	1.50	712.50
11/11/2019	RCW	Review e-mail exchange between Michael McCullough and Mark Parisi; review Millennium responses to request for agreement changes.	475.00	0.30	142.50
11/12/2019	RCW	E-mail exchange with Thomas Perks regarding Vanguard questions; conference with and e-mail to Rey Jomarron regarding Millennium responses to request for agreement changes.	475.00	0.30	142.50
11/18/2019	RCW	Review e-mail exchange between Michael McCullough, Mark Parisi, and Luis Arce regarding payment of Regions invoice.	475.00	0.10	47.50



Invoice No. 151866

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			Rate	Hours	
11/19/2019	RCW	Telephone conference with Jim Van Duerm, of Millennial, regarding Millennial contract provisions.	475.00	0.50	237.50
11/25/2019	RCW	E-mail exchange with Thomas Perks regarding windup logistics; review most recent Millennium agreement version; e-mail to Meaghan D. Barnett regarding comparing recent Millennium response with what was submitted to them.	475.00	0.30	142.50
11/26/2019	RCW	Review most recent Millennium agreement version; e-mail to Thomas Perks regarding need for contact information for Millennium; e-mail to Soneet Kapila and Edward Peterson regarding Millennium agreement.	475.00	1.00	475.00
11/27/2019	RCW	E-mail exchange with Soneet Kapila, Edward Peterson, and Mark Parisi regarding Millennium agreement and discussions with Vanguard; review March 8 Board minutes; e-mail exchange with Soneet Kapila and Edward Peterson regarding options for proving plan termination resolution to Vanguard; telephone conference with Edward Peterson regarding same and re legal significance of Millennium Agreement and strategy for getting court approval of same.	475.00	0.80	380.00
11/28/2019	RCW	E-mail exchange with Soneet Kapila, Edward Peterson, and Mark Parisi regarding options for presenting proof of Board's plan termination vote to Vanguard and Millennium.	475.00	0.10	47.50
		For Current Services Rendered		7.10	3,372.50
		10.00% Courtesy Discount			-337.25
		11/30/2019. Net Fees after Courtesy Discount			3,035.25
		Total Current Work			3,035.25
		Previous Balance			\$20,695.50
		Balance Due			<u>\$23,730.75</u>

Aged Due Amounts

Stmt Date	Stmt #	Billed	Due
05/31/2019	147746	7,510.50	4,785.75
06/30/2019	148234	1,282.50	1,282.50
07/31/2019	149409	2,954.25	2,954.25
08/31/2019	150196	3,764.25	3,764.25
09/30/2019	150738	4,018.50	4,018.50
10/31/2019	151210	3,890.25	3,890.25

Invoice No. 151866

20,695.50



99 Summer Street, 13th Floor
Boston, MA 02110
Tel. 1-617-357-5200
www.wagnerlawgroup.com

December 31, 2019

Soneet Kapila
Kapila Mukamal
1000 South Federal Hgwy, Ste. 200
Fort Lauderdale, FL 33316

Invoice No. 152424

Re: Laser Spine Institute, LLC

Duplicate

Fees

			Rate	Hours	
12/02/2019	RCW	E-mail exchange with Thomas Perks regarding plan windup logistics; e-mail to Soneet Kapila regarding same.	475.00	0.40	190.00
12/03/2019	RCW	E-mail exchange with Soneet Kapila and Edward Peterson regarding windup steps; e-mail exchange with Rey Jomarron regarding need to get court approval of agreement, and realistic target date for windup.	475.00	0.30	142.50
12/04/2019	RCW	E-mail exchange with Mary Mullins regarding Regions invoice.	475.00	0.30	142.50
12/06/2019	RCW	E-mail exchange with Thomas Perks regarding old Vanguard invoices and regarding windup logistics; e-mail to Mark Parisi regarding invoices.	475.00	0.30	142.50
12/09/2019	RCW	E-mail exchange with Kimberly Gorham regarding LSI plan windup.	475.00	0.20	95.00
12/10/2019	RCW	E-mail exchange with Kimberly Gorham regarding LSI plan windup; telephone conference with Edward Peterson regarding getting court approval of Millennium agreement.	475.00	0.10	47.50
12/11/2019	RCW	E-mail exchange with Kimberly Gorham regarding LSI plan windup.	475.00	0.10	47.50
12/12/2019	RCW	Download Vanguard compliance documents; e-mail exchange with Kimberly Gorham regarding same.	475.00	0.20	95.00
	RCW	Describe purpose of Milliman agreement for Edward Peterson; e-mail exchange with Edward Peterson regarding same.	475.00	0.50	237.50
	RCW	E-mail exchange with Mark Parisi regarding Vanguard invoices.	475.00	0.10	47.50
12/17/2019	RCW	E-mail exchange with Edward Peterson regarding Millennium fee schedule and draft motion to approve engagement of Millennium;			



Invoice No. 152424

2

	Rate	Hours	
identify and review fee schedule; review and revise Motion to approve engagement of Millennium; e-mail exchange with Kevin McCoy regarding same, and regarding changes to status report.	475.00	0.80	380.00
For Current Services Rendered		3.30	1,567.50
10.00% Courtesy Discount			-156.75
12/31/2019. Net Fees after Courtesy Discount			1,410.75
Total Current Work			1,410.75
Previous Balance			\$23,730.75
Balance Due			<u>\$25,141.50</u>

Aged Due Amounts

<u>Stmt Date</u>	<u>Stmt #</u>	<u>Billed</u>	<u>Due</u>
05/31/2019	147746	7,510.50	4,785.75
06/30/2019	148234	1,282.50	1,282.50
07/31/2019	149409	2,954.25	2,954.25
08/31/2019	150196	3,764.25	3,764.25
09/30/2019	150738	4,018.50	4,018.50
10/31/2019	151210	3,890.25	3,890.25
11/30/2019	151866	3,035.25	<u>3,035.25</u>
			23,730.75



99 Summer Street, 13th Floor
Boston, MA 02110
Tel. 1-617-357-5200
www.wagnerlawgroup.com

January 31, 2020

Soneet Kapila
Kapila Mukamal
1000 South Federal Hgwy, Ste. 200
Fort Lauderdale, FL 33316

Invoice No. 152923

Re: Laser Spine Institute, LLC

Duplicate

Fees

			Rate	Hours	
01/21/2020	SMF	Email exchange with Roberta Casper Watson regarding compliance documentation.	450.00	0.10	45.00
	RCW	Review e-mails from Kimberly Gorham regarding annual testing, etc.; review data questionnaire; e-mail exchange with Sholom M. Fine regarding same; e-mail exchange with Thomas Perks regarding status of testing data and engagement letter; e-mail to Soneet Kapila and Mark Parisi regarding Vanguard information requests and possible sources of information.	475.00	1.10	522.50
01/22/2020	RCW	E-mail exchange with Thomas Perks regarding invoices; telephone conference and e-mail exchange with Edward Peterson regarding status of motion to allow engagement of Millennium and plan of action once that is approved; e-mail exchange with Kimberly Gorham regarding Vanguard data requests; review e-mail from Mark Parisi to Dyan Swann regarding compliance questionnaire items.	475.00	0.50	237.50
01/23/2020	RCW	E-mail exchange with Edward Peterson regarding motion to allow engagement of Millennium; review and revise draft motion.	475.00	0.70	332.50
01/24/2020	RCW	E-mail exchange with Kimberly Gorham regarding 2019 compliance testing; e-mail exchange with Mark Parisi regarding same.	475.00	0.30	142.50
01/27/2020	RCW	E-mail exchange with Edward Peterson regarding Motion for approval to hire Millennium.	475.00	0.10	47.50
01/28/2020	RCW	E-mail exchange with Edward Peterson regarding need for participant info to serve Motion; e-mail exchange with Edward Peterson, Kevin McCoy, and Mark Parisi regarding same.	475.00	0.20	95.00



Invoice No. 152923

2

			Rate	Hours	
01/29/2020	RCW	E-mail exchange with Michael McCullough regarding names and addresses of participants; access Vanguard name and address data; e-mail to Mark Parisi and Edward Peterson regarding same.	475.00	0.40	190.00
01/30/2020	RCW	E-mail exchange with Mark Parisi and Edward Peterson regarding data from Vanguard and strategy for notifying participants of Motion.	475.00	0.30	142.50
01/31/2020	MDB	Research regarding name of plan; email exchange with Roberta Casper Watson regarding same; email to Edward Peterson regarding same.	250.00	0.30	75.00
	RCW	Telephone conference and e-mail exchange with Edward Peterson regarding strategy for notifying participants of Motion and/or transfer to Millennium; review draft notice; e-mail exchange with Meaghan D. Barnett regarding name of plan.	475.00	0.40	190.00
		For Current Services Rendered		4.40	2,020.00
		10.00% Courtesy Discount			-202.00
		01/31/2020. Net Fees after Courtesy Discount			1,818.00
		Total Current Work			1,818.00
		Previous Balance			\$25,141.50
		Balance Due			<u>\$26,959.50</u>

Aged Due Amounts

<u>Stmt Date</u>	<u>Stmt #</u>	<u>Billed</u>	<u>Due</u>
05/31/2019	147746	7,510.50	4,785.75
06/30/2019	148234	1,282.50	1,282.50
07/31/2019	149409	2,954.25	2,954.25
08/31/2019	150196	3,764.25	3,764.25
09/30/2019	150738	4,018.50	4,018.50
10/31/2019	151210	3,890.25	3,890.25
11/30/2019	151866	3,035.25	3,035.25
12/31/2019	152424	1,410.75	1,410.75
			<u>25,141.50</u>



99 Summer Street, 13th Floor
 Boston, MA 02110
 Tel. 1-617-357-5200
 www.wagnerlawgroup.com

February 29, 2020

Soneet Kapila
 Kapila Mukamal
 1000 South Federal Hgwy, Ste. 200
 Fort Lauderdale, FL 33316

Invoice No. 153404

Re: Laser Spine Institute, LLC

Duplicate

Fees

			Rate	Hours	
02/04/2020	RCW	Telephone conference and e-mail exchange with Edward Peterson regarding strategy for notifying participants of Motion and/or transfer to Millennium; review draft notice; e-mail exchange with Meaghan D. Barnett regarding name of plan.	475.00	0.10	47.50
02/18/2020	RCW	E-mail exchange with Kimberly Gorham regarding requests for information.	475.00	<u>0.10</u>	<u>47.50</u>
		For Current Services Rendered		0.20	95.00
		10.00% Courtesy Discount			<u>-9.50</u>
		02/29/2020. Net Fees after Courtesy Discount			85.50
		Total Current Work			85.50
		Previous Balance			\$26,959.50
		Balance Due			<u>\$27,045.00</u>

Aged Due Amounts

<u>Stmt Date</u>	<u>Stmt #</u>	<u>Billed</u>	<u>Due</u>
05/31/2019	147746	7,510.50	4,785.75
06/30/2019	148234	1,282.50	1,282.50
07/31/2019	149409	2,954.25	2,954.25
08/31/2019	150196	3,764.25	3,764.25
09/30/2019	150738	4,018.50	4,018.50
10/31/2019	151210	3,890.25	3,890.25
11/30/2019	151866	3,035.25	3,035.25
12/31/2019	152424	1,410.75	1,410.75
01/31/2020	152923	1,818.00	1,818.00
			<u>26,959.50</u>