

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,

\_\_\_\_\_  
LSI Management Company, LLC

Case No. 2019-CA-2766

Applicable Assignor.  
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**ASSIGNEE'S MOTION FOR ORDER AUTHORIZING  
REJECTION OF SOFTWARE LICENSE AND SERVICES AGREEMENT  
WITH NEXTGEN HEALTHCARE INFORMATION SYSTEMS, LLC**

<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.

Assignee, Soneet Kapila of KapilaMukamal, as assignee of LSI Management Company, LLC (“**Assignee**”), by and through his undersigned attorneys, hereby moves the Court, pursuant to the provisions of §§ 727.108(5) and 727.110(3) of the Florida Statutes, for the entry of an order authorizing rejection of that certain agreement with NextGen Healthcare Information Systems, LLC (“**NextGen**”) under which LSI Management Company, LLC (“**LSI Management**”) is the customer. In support of this motion, the Assignee states as follows:

### **Background**

1. On March 14, 2019, LSI Management 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 Section 727 of the Florida Statutes.<sup>2</sup>

2. On June 23, 2014, LSI Management and NextGen entered into a Software License and Services Agreement (the “**Agreement**”) whereby LSI Management leased certain software from NextGen and NextGen agreed to perform certain maintenance services related to the software.

3. One of the Assignee’s duties is to reject unexpired leases that are financially burdensome to the assignment estate.

### **Relief Requested**

4. The Assignee seeks the Court’s authorization of the rejection of the Agreement pursuant to §§ 727.108(5) and 727.110(3), Florida Statutes, effective as of the date of this motion.

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<sup>2</sup> Simultaneous with the filing of the assignment case for LSI Management Company, LLC, the Assignee filed fifteen other Petitions commencing assignment for the benefit of creditors proceedings for 15 affiliates of the Applicable Assignor. By separate motion, the Assignee will be seeking to administratively consolidate the sixteen affiliated assignment cases under the assignment case of Laser Spine Institute, LLC, Case No. 2019-CA-2762.

5. Section 727.108 of the Florida Statutes provides that one of the Assignee's duties is, "[t]o the extent reasonable in the exercise of the assignee's business judgment, reject an unexpired lease of nonresidential real property or of personal property under which the assignor is the lessee." Fla. Stat. § 727.108(5). Further, § 727.108 expressly grants the Court the power to "[a]uthorize the assignee to reject an unexpired lease of nonresidential real property or of personal property under which the assignor is the lessee pursuant to s. 727.108(5)." Fla. Stat. § 727.109(6).

6. The Court's authorization of the lease rejection set forth above will conserve estate resources and judicial resources and will benefit the creditors of the assignment estate.

WHEREFORE, the Assignee respectfully requests the Court enter an order granting this Motion, rejecting the Agreement effective as of the date of this motion, and granting such other relief as is just and proper.

*/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 has been furnished on this 13<sup>th</sup> 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 and to:

NextGen Healthcare Information Systems, LLC  
795 Horsham Rd.  
Horsham, PA 19044

*/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)**

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