

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.

**ORDER ON ASSIGNEE’S MOTION TO DETERMINE PROCEDURES
FOR REQUESTS FOR LEGAL FILES IN ASSIGNEE’S POSSESSION**

THIS CASE came for hearing on April 29, 2020 at 1:30 p.m. upon Assignee’s Motion for Procedures for Requests for Legal Files in Assignee’s Possession (the “**Motion**”) filed by Soneet Kapila, as Assignee in the Assignment Cases. At the hearing, the Court also considered (i) the

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 (collectively, the “**Assignors**”).

Assignee's Motion for Entry of Order Authorizing and Directing Holland & Knight to Turn Over Assignor Client Files, and (ii) the Defendants' Motion to Require Assignee to Turn Over Client Files (collectively, the "**Companion Motions**"), which were also being heard at the same hearing pursuant to the terms of the Stipulation of Counsel filed in the Assignment Cases. The Court, having considered the agreement of the parties, finds that the Motion should be granted under the terms set forth herein. Accordingly, it is

ORDERED

1. The Motion is GRANTED.
2. Any party requesting legal files in possession of the Assignee (a "**Requesting Party**") shall submit a request (a "**Legal File Request**"), in writing, to the Assignee, c/o Edward J. Peterson, Esq., Stichter, Riedel, Blain & Postler, P.A., 110 East Madison St., Suite 200, Tampa, Florida 33629, Email: epeterson@srbp.com. The Legal File Request shall (i) specify the case style of the litigation involved; (ii) identify the requesting party and the party's involvement in such litigation; and (iii) identify the documents requested.
3. Upon receiving a Legal File Request, the Assignee shall have twenty-one (21) days to respond to the requesting party, in writing. In his response, the Assignee shall (i) state whether the requested files are in the possession of the Assignee, and (ii) provide a cost estimate for locating, producing and, if applicable, the professional fees for reviewing the documents prior to production (a "**Cost Estimate**"); and (iii) provide notice and the Cost Estimate to all other co-defendants in the applicable lawsuit that a party has submitted a Legal File Request. Any party receiving notice under subsection (iii) above shall have fourteen (14) days to send notice to the Assignee that it will join the Legal File Request (a "**Joinder Party**"). Provided, however, the

Cost Estimate for a party requesting copies of any files in which it was or is a co-defendant of an Assignor shall not include any professional fees for reviewing the files prior to production.

4. A Requesting Party and any Joinder Parties shall have fourteen (14) days to object to the Cost Estimate through written transmission to the Assignee's counsel *via* the email address identified above. Upon receiving an objection to a Cost Estimate, the Assignee and the objecting party or parties shall confer in good faith in an effort to resolve the objection(s) to the Cost Estimate. If the parties are unable to resolve the objection, the objecting party shall file an "Objection to the Assignee's Cost Estimate in Connection with Legal File Request" with the Assignment Court and notice such objection for hearing. The reasonableness of the Cost Estimate shall be resolved by this Court.

5. After any objections to the Cost Estimate have been resolved, the Requesting Parties and the Joinder Parties shall be obligated to reimburse the Assignee for actual costs incurred, up to the Cost Estimate. The reimbursement shall be divided evenly between the Requesting Party and any Joinder Parties. Payment of the Cost Estimate shall be a precondition to receipt of the requested files.

DONE AND ORDERED in Hillsborough County, Florida this ____ day May, 2020.

Electronically Conformed 5/22/2020

~~Steven Scott Stephens~~

Steven Scott Stephens
Circuit Court Judge

Copy to: Counsel of record