

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

In re:

Laser Spine Institute, LLC.¹
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
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

Case No. 2019-CA-2762
Case No. 2019-CA-2764
Case No. 2019-CA-2765
Case No. 2019-CA-2766
Case No. 2019-CA-2767
Case No. 2019-CA-2768
Case No. 2019-CA-2769
Case No. 2019-CA-2770
Case No. 2019-CA-2771
Case No. 2019-CA-2772
Case No. 2019-CA-2773
Case No. 2019-CA-2774
Case No. 2019-CA-2775
Case No. 2019-CA-2776
Case No. 2019-CA-2777
Case No. 2019-CA-2780

Assignors,

Consolidated Case No.
2019-CA-2762

to

Soneet Kapila,

Division L

Assignee.

**FOURTH INTERIM APPLICATION OF THE
WAGNER LAW GROUP FOR ALLOWANCE OF COMPENSATION
AS ERISA AND EMPLOYEE BENEFITS ATTORNEY FOR ASSIGNEE
FOR THE PERIOD OF MARCH 1, 2020 THROUGH JUNE 30, 2020**

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.

The Wagner Law Group (“**Wagner Law**”), 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 Order**”), respectfully applies for allowance of compensation for services rendered as ERISA and employee benefits counsel to the Assignee in the amount of **\$11,285.99**² for the period of March 1, 2020 through June 30, 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.

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

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, 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. Pursuant to Orders entered by the Court on March 17, 2020 and May 15, 2020, Wagner Law received payments for fees and costs incurred through October 31, 2019, totaling \$39,838.50.

6. 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

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

8. During the Allowance Period, Wagner Law expended a total of 26.4 hours in rendering necessary and beneficial legal services to the Assignee, and is owed fees in the amount of \$11,285.99.

9. Copies of Wagner Law 's invoices for the services rendered are attached hereto as **Composite Exhibit A.**

10. 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 **\$11,285.99** for services rendered to the Assignee during the Allowance Period and authorizing payment in the amount of **\$11,285.99**.

/s/ Edward J. Peterson

Edward J. Peterson (FBN 0014612)
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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 26th day of August, 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.
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Tampa, Florida 33602

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Secured Creditors:

CarePayment, LLC (MAIL RETURNED)
5300 Meadow Rd., #400
Lake Oswego, OR 97035

Steris Corporation
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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)

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Terry and Sherry Legg
c/o Colling Gilbert Wright & Carter, LLC
801 N. Orange Avenue, Ste. 830
Orlando, FL 32801
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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
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Michael W. Perry, M.D.
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EFO Holdings, L.P.
EFO Genpar, Inc.
EFO Laser Spine Institute, Ltd.
c/o Samuel J. Capuano
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EFO Genpar, Inc.
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c/o/ Kenneth W. Waterway
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Laser Spine Institute, LLC
CLM Aviation, LLC
LSI HoldCo, LLC
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Laser Spine Surgery Center of Cleveland, LLC
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Case No. 2019-CA-2780

Assignors,

Consolidated Case No.
2019-CA-2762

to

Soneet Kapila,

Division L

Assignee.

COMPOSITE EXHIBIT A

**FOURTH INTERIM APPLICATION OF THE
WAGNER LAW GROUP FOR ALLOWANCE OF COMPENSATION
AS ERISA AND EMPLOYEE BENEFITS ATTORNEY FOR ASSIGNEE
FOR THE PERIOD OF MARCH 1, 2020 THROUGH JUNE 30, 2020**



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

March 31, 2020

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

Invoice No. 154046

Re: Laser Spine Institute, LLC

Duplicate

Fees

			Rate	Hours	
03/10/2020	RCW	E-mail exchange with Sholom M. Fine regarding help with testing needed; e-mail exchange with Mark Parisi regarding same.	475.00	0.20	95.00
03/11/2020	RCW	E-mail exchange with Mark Parisi regarding data needed for testing, and prior e-mail exchange with Kimberly Gorham; e-mail exchange with Edward Peterson regarding Order; review Order.	475.00	0.60	285.00
03/12/2020	RCW	Review materials from Vanguard regarding testing; e-mail exchange with Mark Parisi regarding same.	475.00	0.80	380.00
03/13/2020	RCW	Review e-mail exchange between Kimberly Gorham and Mark Parisi regarding testing; e-mail exchange with Mark Parisi regarding same.	475.00	0.20	95.00
03/17/2020	RCW	E-mail exchange with Mark Parisi regarding populating Vanguard testing template; access portal.	475.00	1.10	522.50
03/18/2020	RCW	E-mail exchange with Mark Parisi regarding populating Vanguard testing template; review payroll data; e-mail exchange with Mark Parisi regarding what is or may be needed to provide it; review e-mails regarding signing of Vanguard testing engagement letter; e-mail exchange with Kevin McCoy regarding handling of invoices that are to be paid by the plan.	475.00	0.90	427.50
03/19/2020	RCW	E-mail exchange with Mark Parisi regarding Vanguard testing materials; review Vanguard data base regarding same; review 2018 Vanguard Questionnaire.	475.00	0.60	285.00
03/30/2020	RCW	E-mail exchange with Mark Parisi regarding Vanguard information request.	475.00	0.30	142.50
03/31/2020	RCW	E-mail exchange with Soneet Kapila and Mark Parisi regarding Vanguard information requests.	475.00	<u>0.10</u>	<u>47.50</u>



Invoice No. 154046

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	Rate	Hours	
For Current Services Rendered		4.80	2,280.00
10.00% Courtesy Discount			-228.00
03/31/2020. Net Fees after Courtesy Discount			<u>2,052.00</u>
Total Current Work			2,052.00
Previous Balance			\$27,045.00
Balance Due			<u>\$29,097.00</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
02/29/2020	153404	85.50	85.50
			<u>27,045.00</u>



99 Summer Street, 13th Floor
Boston, MA 02110
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April 30, 2020

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

Invoice No. 154696

Re: Laser Spine Institute, LLC

Duplicate

Fees

			Rate	Hours	
04/01/2020	RCW	Redact Board Minutes that provide for plan termination; e-mail exchange with Soneet Kapila and Mark Parisi regarding same; e-mail to Thomas Perks and other Vanguard representatives regarding plan termination resolution; review questions regarding questionnaire; e-mail to Mark Parisi regarding same.	475.00	1.20	570.00
04/02/2020	RCW	Send Redacted Board Minutes to Thomas Perks and Mark Parisi; review payroll data with a view to uploading same to Vanguard portal; e-mail exchange with Thomas Perks and others regarding Minutes, regarding questions as to items on questionnaire, and regarding issues as to how to upload payroll data into Vanguard system.	475.00	0.60	285.00
04/03/2020	RCW	E-mail exchange with Kimberly Gorham regarding providing info to Vanguard.	475.00	0.30	142.50
04/06/2020	RCW	Review e-mail exchange between Thomas Perks and Kevin McCoy regarding court order appointing WLG as ERISA Counsel.	475.00	0.10	47.50
04/09/2020	RCW	Review Vanguard Portal regarding 2019 Questionnaire; e-mail to Kimberly Gorham regarding same, and regarding instructions for converting spreadsheet data to prefilled template; e-mail exchange with Mark Parisi regarding same.	475.00	0.50	237.50
04/14/2020	RCW	Review and complete 2019 Questionnaire; e-mail exchange with Kimberly Gorham regarding same; e-mail exchange with Mark Parisi regarding same.	475.00	1.00	475.00
04/15/2020	RCW	E-mail exchange with Kimberly Gorham regarding 2019 Questionnaire; e-mail exchange with Mark Parisi regarding same; review exchange between Mark Parisi and Kimberly Gorham regarding corrections to data; review charts regarding same.	475.00	0.60	285.00

Pay securely online: www.wagnerlawgroup.com/invoice



Invoice No. 154696

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			Rate	Hours	
04/16/2020	RCW	E-mail exchange with Kimberly Gorham and Mark Parisi regarding corrected testing; check MyPlanManager regarding updated files.	475.00	0.20	95.00
04/21/2020	RCW	E-mail to Edward Peterson re status of Order approving Millennium agreement.	475.00	0.10	47.50
04/22/2020	RCW	E-mail exchange with Mary Mullins and Mark Parisi regarding unpaid Regions invoices.	475.00	0.10	47.50
04/27/2020	RCW	E-mail from Vanguard regarding data errors; review data error chart; e-mail exchange with Mark Parisi regarding same; e-mail exchange with Kimberly Gorham and Alicia Rodriguez regarding same; e-mail from Vanguard re Form 5500 filing package.	475.00	0.80	380.00
04/28/2020	RCW	E-mail from Vanguard regarding fee disclosures; download same; forward to Mark Parisi.	475.00	0.30	142.50
04/29/2020	RCW	E-mail exchange with Mark Parisi regarding status of Millennium Order.	475.00	0.10	47.50
		For Current Services Rendered		5.90	2,802.50
		10.00% Courtesy Discount			-280.25
		04/30/2020. Net Fees after Courtesy Discount			2,522.25
		Total Current Work			2,522.25
		Previous Balance			\$29,097.00
		Balance Due			<u>\$31,619.25</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
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
02/29/2020	153404	85.50	85.50
03/31/2020	154046	2,052.00	2,052.00

Pay securely online: www.wagnerlawgroup.com/invoice

Invoice No. 154696

3

29,097.00



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May 31, 2020

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Fort Lauderdale, FL 33316

Invoice No. 155256

Re: Laser Spine Institute, LLC

Duplicate

Fees

			Rate	Hours	
05/01/2020	RCW	Review e-mail exchange between Mark Parisi and Donna Ellis regarding status of Millennium Order and timeline for proceeding with 2019 and 2020 audits; review Vanguard fee disclosure notice; work on e-mail to Mark Parisi regarding notice.	475.00	0.80	380.00
05/04/2020	RCW	Review materials from Edward Peterson, including Millennium order; e-mail to Kimberly Gorham regarding status of discrimination testing.	475.00	0.20	95.00
05/05/2020	RCW	E-mail exchange with Kimberly Gorham regarding discrimination testing; e-mail exchange with Mark Parisi regarding same; review report for participant Robert Blok; e-mail exchange with Mark Parisi and Kimberly Gorham regarding excess.	475.00	0.40	190.00
05/06/2020	RCW	E-mail from Kimberly Gorham on Vanguard's secure system; review form; e-mail to Mark Parisi regarding same; e-mail exchange with Kimberly Gorham regarding completion of form; review completed form and e-mail to Luis Arce; review form signed by Luis Arce.	475.00	0.30	142.50
05/08/2020	RCW	E-mail exchange with Thomas Perks regarding status of Millennium order.	475.00	0.10	47.50
05/18/2020	RCW	E-mail exchange with Kimberly Gorham regarding Vanguard testing engagement letter and termination board resolution followup.	475.00	0.30	142.50
05/19/2020	RCW	E-mail exchange with Kimberly Gorham regarding Vanguard testing engagement letter and termination board resolution followup; e-mail exchange with Mark Parisi regarding windup timeline.	475.00	0.20	95.00
05/20/2020	RCW	E-mail exchange with Kimberly Gorham regarding Vanguard testing; review testing reports; e-mail to Jon C. Schultze regarding possible testing alternatives; e-mail to Mark Parisi regarding same.	475.00	0.90	427.50

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			Rate	Hours	
05/21/2020	JCS	Attention to nondiscrimination testing issues; reviewing applicable guidance; drafting explanation of rules.	475.00	3.75	1,781.25
	RCW	E-mail exchange with Jon C. Schultze regarding possible testing alternatives.	475.00	0.20	95.00
05/22/2020	JCS	Attention to nondiscrimination testing issues; reviewing applicable guidance; drafting explanation of rules; attention to emails with Roberta Watson and additional research regarding options.	475.00	4.00	1,900.00
	RCW	E-mail exchange with Jon C. Schultze regarding possible testing alternatives.	475.00	0.30	142.50
05/25/2020	RCW	E-mail to Kimberly Gorham regarding possible ADP retesting following 415 corrections.	475.00	0.10	47.50
05/26/2020	RCW	E-mail exchange with Kimberly Gorham regarding possible ADP testing.	475.00	0.10	47.50
05/27/2020	RCW	E-mail exchange with colleagues regarding possible ADP testing options.	475.00	0.20	95.00
		For Current Services Rendered		11.85	5,628.75
		10.00% Courtesy Discount			-562.88
		05/31/2020. Net Fees after Courtesy Discount			5,065.87
		Total Current Work			5,065.87
		Previous Balance			\$31,619.25

Payments

05/20/2020	Payment - Thank you. Check No. 596094	-14,091.25
06/01/2020	Payment - Thank you. Check No. 1910	-570.00
06/01/2020	Payment - Thank you. Check No. 1009	-5,498.15
	Total Payments	-20,159.40
	Balance Due	<u>\$16,525.72</u>

Aged Due Amounts

<u>Stmt Date</u>	<u>Stmt #</u>	<u>Billed</u>	<u>Due</u>
10/31/2019	151210	3,890.25	536.10
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

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02/29/2020	153404	85.50	85.50
03/31/2020	154046	2,052.00	2,052.00
04/30/2020	154696	2,522.25	2,522.25
			<u>11,459.85</u>



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Boston, MA 02110
Tel. 1-617-357-5200
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June 30, 2020

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

Invoice No. 155684

Re: Laser Spine Institute, LLC

Duplicate

Fees

			Rate	Hours	
06/02/2020	RCW	Review regs regarding distribution of excess elective contributions.	475.00	0.50	237.50
06/16/2020	RCW	E-mail exchange with Kimberly Gorham regarding refunds to address testing failures; e-mail exchange with Thomas Perks regarding windup status; e-mail to Mark Parisi regarding same; e-mail to Jon C. Schultze regarding same.	475.00	0.30	142.50
06/17/2020	JCS	Conversation with Roberta Watson regarding options to resolve plan termination issues and reviewing prior emails regarding the same.	475.00	0.75	356.25
	RCW	Conference and e-mail exchange with Jon C, Schultze regarding options for handling testing issues; attention to same; review prior e-mails regarding same; e-mail to Kimberly Gorham regarding possible retesting based on full plan year.	475.00	0.70	332.50
06/18/2020	RCW	E-mail exchange with Kimberly Gorham regarding redoing testing; e-mail exchange with Mark Parisi regarding same; e-mail exchange with Soneet Kapila regarding windup timing.	475.00	0.60	285.00
06/19/2020	RCW	E-mail exchange with Kimberly Gorham regarding redoing testing; e-mail exchange with Mark Parisi and Soneet Kapila regarding testing and windup timing.	475.00	0.30	142.50
	JCS	E-mail exchange with Roberta Casper Watson regarding testing and windup.	475.00	0.10	47.50
06/20/2020	RCW	E-mail exchange with Jon C. Schultze regarding testing and windup.	475.00	0.10	47.50
06/23/2020	RCW	E-mail exchange with Rey Jomarron regarding logistics for engaging Millennium; review latest changes to agreement.	475.00	0.20	95.00
06/24/2020	RCW	E-mail exchange with Juliana Ghio regarding Millennium agreement;			

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Invoice No. 155684

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			Rate	Hours	
		review final agreement; e-mail from Kimberly Gorham regarding redoing testing.	475.00	0.20	95.00
06/25/2020	RCW	E-mail exchange with Meaghan D. Barnett regarding Millennium Agreement.	475.00	0.10	47.50
		For Current Services Rendered		3.85	1,828.75
		10.00% Courtesy Discount			-182.88
		06/30/2020. Net Fees after Courtesy Discount			1,645.87
		Total Current Work			1,645.87
		Previous Balance			\$16,525.72
		Balance Due			<u>\$18,171.59</u>

Aged Due Amounts

<u>Stmt Date</u>	<u>Stmt #</u>	<u>Billed</u>	<u>Due</u>
10/31/2019	151210	3,890.25	536.10
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
02/29/2020	153404	85.50	85.50
03/31/2020	154046	2,052.00	2,052.00
04/30/2020	154696	2,522.25	2,522.25
05/31/2020	155256	5,065.87	5,065.87
			<u>16,525.72</u>