

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

In re:

Laser Spine Institute, LLC¹	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,	Case No. 2019-CA-2767
LLC 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

Division L

Soneet Kapila,

Assignee.

¹ On April 8, 2019, the Court entered an order administratively consolidating this case with the assignment cases (collectively, the “Assignment Cases” or the “Assignment Estates”) 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”).

**MOTION FOR EXTENSION OF TIME TO RESPOND TO
OBJECTION TO WARN ACT PLAINTIFFS' PROOFS OF CLAIM**

Class Representatives Heather Embry and Deanna Ali (“Class Representative” or “Plaintiffs”), by and through their undersigned counsel, hereby move for an order extending the time to respond to Laserscopic Spinal Centers Of America, Inc. (“LSCA”), Laserscopic Medical Clinic, LLC (“LMC”) and Laserscopic Spine Centers of America, Inc. (“Spine”) (collectively the “Laserscopic Claimants”) Objection to WARN Act Plaintiffs’ Proofs of Claim. In support, Class Representatives state as follows:

1. Lawsuits alleging violations of the WARN Act were filed by Deanna Ali on March 4, 2019 against LSI and LSI Management, LLC; by Heather Embry on March 4, 2019 against LSI, LSI Management, and LSI Holdco; and by Duane Higdon on March 4, 2019 against LSI, LSI Management, and LSI Holdco in the United States District Court for the Middle District of Florida. The District Court subsequently entered an order consolidating the matters, certifying a class, and appointing Ms. Ali and Ms. Embry as the class representatives (the “Class Representatives”).

2. On or about July 11, 2019, the Class Representatives filed proofs of claims asserting an entitlement to 60-days’ back pay and benefits for approximately 516 individuals, which the Class Representatives estimate to exceed \$13 million.

3. On or about June 29, 2021, Laserscopic Spinal Centers of America, Inc. (“LSCA”), Laserscopic Medical Clinic, LLC (“LMC”) and Laserscopic Spine Centers of America, Inc. (“Spine”) (collectively the “Laserscopic Claimants”) filed an Objection to WARN Act Plaintiffs’ Proofs of Claim.

4. The parties have already agreed to extensions in the District Court litigation to allow the mediation process to go forward. Prior to the June 21, 2021, mediation with the Assignee, the District granted the parties Motion to Stay or Abstain Action in Favor of Pending

Claims Litigation in State Assignment Proceedings (Doc. 42). Though settlement was not reached at mediation, the parties have continued good faith negotiations towards resolution.

5. Currently, counsel for the Receiver is in the process of scheduling mediation with the Laserscopic Claimants, which would include potential resolution of Plaintiffs' WARN Act claims.

6. Given the class nature of the allegations, the parties anticipate that litigation would be extensive, costly and burdensome. However, a successful mediation would avoid these costs and burdens, while expediting resolution of this matter.

7. Accordingly, this litigation will not be delayed by the extension of time sought by Plaintiffs and no party will be prejudiced.

8. In addition, the interests of justice will be served by granting the brief relief sought by this motion.

9. Undersigned counsel reached out to counsel for the Laserscopic Claimants to seek his consent to this motion and was advised they do not oppose the relief sought in this motion.

10. Should mediation not be successful, Class Representative requests additional time to prepare a response and seek an additional thirty (30) days after mediation is declared an impasse to respond to the Objection.

Therefore, Plaintiffs request an extension of time of thirty (30) day after mediation is declared an impasse to respond to the Objection.

DATED this 16th day of July, 2021.

Respectfully submitted,

/s/ Ryan D. Barack

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished via the Court's E-Filing Portal on July 16, 2021, to all counsel of record.

/s/ Brandon J. Hill
BRANDON J. HILL