

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.

**SIXTH INTERIM APPLICATION OF THE
WAGNER LAW GROUP FOR ALLOWANCE OF COMPENSATION
AS ERISA AND EMPLOYEE BENEFITS ATTORNEY FOR ASSIGNEE
FOR THE PERIOD OF JUNE 1, 2021, THROUGH OCTOBER 31, 2021²**

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.

² Wagner did not provide services during the month of June 2021.

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 **\$1,425.00**³ for the period of June 1, 2021, through October 31, 2021 (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 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, May 15, 2020, August 24, 2020, October 13, 2020, and August 31, 2021, Wagner Law received payments for fees and costs incurred through May 31, 2021, totaling \$79,631.49.

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 3.0 hours in rendering necessary and beneficial legal services to the Assignee and is owed fees in the amount of \$1,425.00.

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. The fees and costs will be paid through the ERISA Plan.

WHEREFORE, Wagner Law respectfully requests that the Court allow compensation to Wagner Law in the amount of **\$1,425.00** for services rendered to the Assignee during the Allowance Period and authorizing payment in the amount of **\$1,425.00**.

/s/ Scott A. Stichter

Scott A. Stichter (FBN 0710679)
Stichter, Riedel, Blain & Postler, P.A.
110 E. Madison Street, Suite 200
Tampa, Florida 33602
Telephone: (813) 229-0144
Email: sstichter@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 18th day of November, 2021, 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/ Scott A. Stichter

Scott A. Stichter

MASTER LIMITED NOTICE SERVICE LIST

October 1, 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)

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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;
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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
c/o Gunster, Yoakley & Stewart, P.A.
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mlinares@bushross.com; ksprehn@bushross.com

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c/o Walters Levine Lozano & Degrave
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Tampa, Florida 33606
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EFO Laser Spine Institute, Ltd.
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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 Holdings, L.P.,
EFO Genpar, Inc.
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Email: kwaterway@bergersingerman.com

Laser Spine Institute, LLC
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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
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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

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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.

EXHIBIT A

**SIXTH INTERIM APPLICATION OF THE
WAGNER LAW GROUP FOR ALLOWANCE OF COMPENSATION
AS ERISA AND EMPLOYEE BENEFITS ATTORNEY FOR ASSIGNEE
FOR THE PERIOD OF JUNE 1, 2021, THROUGH OCTOBER 31, 2021**



THE WAGNER
LAW GROUP

125 High Street
Oliver Street Tower, 5th Floor
Boston, MA 02110
Tel: (617) 357-5200
www.wagnerlawgroup.com

July 31, 2021

Invoice No. 162819

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

Re: Laser Spine Institute, LLC

Duplicate

Please note our new address:

The Wagner Law Group
125 High Street
Oliver Street Tower, 5th Floor
Boston, Massachusetts 02110

Fees

			Rate	Hours	
07/02/2021	RCW	E-mail exchange with Mark Parisi regarding accountants' question as to whether fees paid by plan are settlor expenses; review chart from Angie Stawicki regarding same.	475.00	0.20	95.00
07/13/2021	RCW	E-mail exchange with Mark Parisi regarding Form 5500 inquiries from CPAs; review materials on Vanguard website regarding same.	475.00	0.50	237.50
07/14/2021	RCW	E-mail exchange with Mark Parisi regarding administrative expense status of invoices; review invoices regarding same.	475.00	0.30	142.50
07/29/2021	RCW	Review Form 5500 information on Vanguard website.	475.00	0.50	237.50
07/30/2021	RCW	Review audit report for 2020 5500; e-mail exchange with Mark Parisi regarding same.	475.00	0.30	142.50
		For Current Services Rendered		1.80	855.00
		Total Current Work			855.00
		Previous Balance			\$20,264.12
		Balance Due			<u>\$21,119.12</u>



Invoice No. 162819

2

Aged Due Amounts

<u>Stmt Date</u>	<u>Stmt #</u>	<u>Billed</u>	<u>Due</u>
07/31/2020	156059	2,443.50	550.12
08/31/2020	156516	1,752.75	1,752.75
09/30/2020	157083	5,899.50	5,899.50
10/31/2020	157606	2,522.25	2,522.25
11/30/2020	158186	1,197.00	1,197.00
12/31/2020	158589	4,797.50	4,797.50
01/31/2021	159170	2,470.00	2,470.00
02/28/2021	159762	427.50	427.50
03/31/2021	160784	267.50	267.50
04/30/2021	161233	47.50	47.50
05/31/2021	161728	332.50	332.50
			<u>20,264.12</u>

Client Funds

Beginning Client Funds Balance	\$31,921.62
Ending Client Funds Balance	\$31,921.62



THE WAGNER
LAW GROUP

125 High Street
Oliver Street Tower, 5th Floor
Boston, MA 02110
Tel: (617) 357-5200
www.wagnerlawgroup.com

August 31, 2021

Invoice No. 163865

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

Re: Laser Spine Institute, LLC

Duplicate

Please note our new mailing address:

The Wagner Law Group
125 High Street
Oliver Street Tower, 5th Floor
Boston, Massachusetts 02110

Fees

			Rate	Hours	
08/03/2021	RCW	Review management report to auditor for 2020 5500; e-mail exchange with Mark Parisi regarding same.	475.00	0.40	190.00
08/06/2021	RCW	E-mail exchange with Mark Parisi regarding plan amendments; review e-mail from Angie Stawicki regarding same and next steps	475.00	0.30	142.50
		For Current Services Rendered		0.70	332.50
		Total Current Work			332.50
		Previous Balance			\$21,119.12

Payments

08/31/2021		Payment from Client Funds			-550.12
08/31/2021		Payment from Client Funds			-1,752.75
08/31/2021		Payment from Client Funds			-5,899.50
08/31/2021		Payment from Client Funds			-2,522.25
08/31/2021		Payment from Client Funds			-1,197.00
08/31/2021		Payment from Client Funds			-4,797.50
08/31/2021		Payment from Client Funds			-2,470.00
08/31/2021		Payment from Client Funds			-427.50
08/31/2021		Payment from Client Funds			-267.50



Invoice No. 163865

08/31/2021	Payment from Client Funds	-47.50
08/31/2021	Payment from Client Funds	-332.50
	Total Payments	<u>-20,264.12</u>
	Balance Due	<u>\$1,187.50</u>

Aged Due Amounts

<u>Stmt Date</u>	<u>Stmt #</u>	<u>Billed</u>	<u>Due</u>
07/31/2021	162819	855.00	<u>855.00</u>
			855.00

Client Funds

	Beginning Client Funds Balance	\$31,921.62
08/31/2021	Payment from Client Funds	-550.12
08/31/2021	Payment from Client Funds	-1,752.75
08/31/2021	Payment from Client Funds	-5,899.50
08/31/2021	Payment from Client Funds	-2,522.25
08/31/2021	Payment from Client Funds	-1,197.00
08/31/2021	Payment from Client Funds	-4,797.50
08/31/2021	Payment from Client Funds	-2,470.00
08/31/2021	Payment from Client Funds	-427.50
08/31/2021	Payment from Client Funds	-267.50
08/31/2021	Payment from Client Funds	-47.50
08/31/2021	Payment from Client Funds	-332.50
	Ending Client Funds Balance	<u>\$11,657.50</u>



THE WAGNER
LAW GROUP

125 High Street
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Boston, MA 02110
Tel: (617) 357-5200
www.wagnerlawgroup.com

September 30, 2021

Invoice No. 164299

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

Re: Laser Spine Institute, LLC

Please note our new mailing address:

The Wagner Law Group
125 High Street
Oliver Street Tower, 5th Floor
Boston, Massachusetts 02110

Fees

			Rate	Hours	
09/16/2021	RCW	E-mails from Vanguard regarding Form 5500 materials; e-mail exchange between Mike McCullough and Michelle Paul, and e-mail to Mark Parisi, all regarding additional uncashed checks.	475.00	0.30	142.50
09/21/2021	RCW	E-mails from Vanguard and e-mail to Mark Parisi regarding Form 5500.	475.00	<u>0.10</u>	<u>47.50</u>
		For Current Services Rendered		0.40	190.00
		Total Current Work			190.00
		Previous Balance			\$1,187.50
		Balance Due			<u>\$1,377.50</u>

Aged Due Amounts

Stmt Date	Stmt #	Billed	Due
07/31/2021	162819	855.00	855.00
08/31/2021	163865	332.50	<u>332.50</u>
			1,187.50

Client Funds

Beginning Client Funds Balance	\$11,657.50
Ending Client Funds Balance	\$11,657.50



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Oliver Street Tower, 5th Floor
Boston, MA 02110
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October 31, 2021

Invoice No. 165579

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

Re: Laser Spine Institute, LLC

Please remit payment to:

The Wagner Law Group
125 High Street
Oliver Street Tower, 5th Floor
Boston, Massachusetts 02110

Fees

			Rate	Hours	
10/01/2021	RCW	E-mail exchange with Mark Parisi regarding status of 5500.	475.00	0.10	47.50
		For Current Services Rendered		0.10	47.50
		Total Current Work			47.50
		Previous Balance			\$1,377.50
		Balance Due			<u>\$1,425.00</u>

Aged Due Amounts

<u>Stmt Date</u>	<u>Stmt #</u>	<u>Billed</u>	<u>Due</u>
07/31/2021	162819	855.00	855.00
08/31/2021	163865	332.50	332.50
09/30/2021	164299	190.00	190.00
			<u>1,377.50</u>

Client Funds

Beginning Client Funds Balance	\$11,657.50
Ending Client Funds Balance	\$11,657.50