

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.

ASSIGNEE'S MOTION TO SUBSTITUTE
VENABLE, LLP AS SPECIAL COUNSEL FOR THE ASSIGNEE

NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST A HEARING

TO CREDITORS AND OTHER INTERESTED PARTIES:

PLEASE TAKE NOTICE that, pursuant to Section 727.111(4) of the Florida Statutes, 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.

Court may consider the relief requested in this motion without further notice or hearing unless a party in interest files an objection within 21 days from the date this paper is served. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court Clerk of Court for Hillsborough County, Florida at 800 E. Twiggs Street, Tampa, Florida 33602 (or electronically if electronic filing is required), and serve a copy on the assignee's attorney, Scott A. Stichter, Esquire, at 110 E. Madison St., Suite 200, Tampa, FL 33602, and any other appropriate person.

If you do not file an objection within the time permitted, the Assignee and the Court will presume that you do not oppose the granting of the relief requested in the paper.

Soneet Kapila, in his capacity as Assignee of Laser Spine, Inc. (“**Assignee**”), by and through his undersigned attorneys, hereby files this Motion to Substitute Special Counsel, and says:

1. On June 24, 2019, the Assignee filed a *Motion to Employ Genovese Joblove & Battista, P.A. and Rocke, McLean & Sbar, P.A. as Special Litigation Counsel and to Pay Fees on a Contingency Fee Basis* (the “**Employment Motion**”). On July 29, 2019, the Court entered an order granting the Employment Motion on the terms set forth in the Contingency Fee Contract (the “**Contract**”), a copy of which was attached as Composite Exhibit B to the Employment Motion.

2. Effective January 1, 2023, the attorneys, paraprofessionals and staff of Genovese, Joblove & Battista, P.A. (“**GJB**”) joined Venable, LLP (“**Venable**”). In connection therewith, the Assignee seeks to retain Venable as Assignee’s special litigation counsel in this matter, and for a substitution of Venable in place of GJB as special litigation counsel for the Assignee, under the same terms as the Contract.

3. The same attorneys who represented the Assignee at GJB are responsible for representing the Assignee at Venable.

4. As a result, Venable needs to be substituted for GJB as special counsel for the Assignee in the Assignment Case, *nunc pro tunc* to January 1, 2023. The Assignee will compensate Venable in accordance with the terms of the Employment Motion.

5. Attached to this Motion is the proposed form of Order granting this Motion.

WHEREFORE, the Assignee respectfully requests that the Court grant this motion; enter an order substantially in the form of the order attached as **Exhibit A** to this Motion; substitute Venable for GJB as special counsel for the Assignee *nunc pro tunc* to January 1, 2023; provide that Venable will be compensated in accordance with the terms of the Employment Motion; and for such other and further relief as is just and proper.

/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 the foregoing *Assignee's Motion to Substitute Special Counsel* has been furnished on this 7th day of August, 2023, by the Court's electronic system to all parties receiving electronic service.

/s/ Scott A. Stichter
Scott A. Stichter

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Assignors,

Consolidated Case No.
2019-CA-2762

to

Soneet Kapila,

Division L

Assignee.

**ORDER GRANTING ASSIGNEE'S MOTION TO SUBSTITUTE
VENABLE, LLP AS SPECIAL COUNSEL FOR THE ASSIGNEE**

THIS MATTER came before the Court on the *Assignee's Motion to Substitute Venable LLP as Special Counsel for the Assignee* (the "**Motion**"). The Motion was filed on August 7,

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2023, and was served by negative notice. No objections were filed to the Motion. The Court, having reviewed the Motion, understanding that effective January 1, 2023, the attorneys, paraprofessionals and staff of Genovese, Joblove & Battista, P.A. (“**GJB**”) joined Venable, LLP (“**Venable**”), that the Assignee seeks to substitute Venable for GJB, and no objections were filed to the Motion, finds good cause for the relief sought. Accordingly, it is

ORDERED that:

1. The Motion is granted *nunc pro tunc* to January 1, 2023.
2. The law firm of Venable shall be and hereby is substituted in the place of the law firm of GJB as special counsel for the Assignee in the Assignment Case.
3. GJB is hereby withdrawn as special counsel for the Assignee², and is relieved of all further responsibilities and obligations associated with the representation of the Assignee in the Assignment Case.
4. Venable shall be entitled to compensation pursuant to the terms of the Contingency Fee Contract between the Assignee and GJB.
5. The Clerk of the Court and parties to this action are hereby notified that GJB and its attorneys shall be removed from the service list of this case as of the date of this Order, and replaced with:

² Capitalized terms not defined in the Order shall have the meaning set forth in the Order.

Paul J. Battista, Esquire
Gregory M. Garno, Esquire
Venable, LLP
100 S.E. 2nd Street, Suite 4400
Miami, Florida 33131
Phone: (305) 372-2457
Email: pjbattista@venable.com
gmgarno@venable.com

DONE AND ORDERED in Hillsborough County, Florida this _____ day of August, 2023.

DARREN FARFANTE
Circuit Court Judge

Copy to: Counsel of record