

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

In re:

Laser Spine Institute, LLC <sup>1</sup>	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.

**OBJECTION TO CLAIM OF CATHERINE A. ALEXANDER, R.N.**

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<sup>1</sup> 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”).

**NOTICE OF OPPORTUNITY TO OBJECT  
AND REQUEST A HEARING**

**The Assignee seeks an order disallowing the Alexander Claim (defined below) filed by Catherine A. Alexander. Responses must be filed and served on Assignee, Soneet R. Kapila, KapilaMukamal, LLP, 1000 South Federal Highway, Suite 200, Fort Lauderdale, FL 33616 and Scott Stichter, Stichter Riedel, Blain & Postler, P.A., 110 E. Madison Street, Suite 200, Tampa, Florida 33602 within 21 days from the service of this Objection. If no responses are filed, the Court may grant the relief without further notice. In the event a response is timely filed and served, the Court will hold a hearing to consider any timely filed responses and to consider this Objection. Any such hearing will be separately noticed.**

Soneet Kapila, as Assignee for the Assignment Estates, objects to the claim filed by Catherine A. Alexander, R.N. (“**Alexander**”), seeking to recover an unsecured claim in the LSI Assignment Cases and, in support thereof, states:

**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. On June 20, 2019, Alexander submitted a proof of claim (the “**Alexander Claim**”), a copy of which is attached as **Exhibit A**. The Alexander Claim was filed without including any amount for the Amount of Claim (see, Exhibit A, leaving the Amount of Claim as blank). The only documentation attached to the Alexander Claim is a copy of a charge of discrimination filed with the Arizona Attorney General’s Office, Civil Rights Division, before the LSI Assignment Cases were commenced.

3. The Alexander Claim cannot be allowed as filed because it is filed in an unliquidated amount. The Assignment Statute (Chapter 727 of the Florida Statutes, 717.101 et

seq.) requires that “Claims shall be in written form entitled “proof of claim,” setting forth the name and address of the creditor and the nature and amount of the claim, and executed by the creditor or the creditor’s authorized agent.” § 727.112(3), Fla. Stat. (Emphasis added). The Alexander Claim does not comply with this statutory provision and must be disallowed. Further, the Assignment Statute impose a duty on the Assignee to determine the validity of claims. § 727.108(10), Fla. Stat. The Assignee cannot make any determination as to the validity of the Alexander Claim since it is filed without listing the amount of the claim.

WHEREFORE, the Assignee requests that the Court (i) enter an order substantially in the form attached as **Exhibit B** disallowing the Alexander Claim, and (ii) grant such further relief to which he is entitled.

/s/ Scott A. Stichter  
Scott A. Stichter (Florida Bar No. 0710679)  
Stichter, Riedel, Blain & Postler, P.A.  
110 E. Madison Street, Ste. 200  
Tampa, Florida 33602-4718  
Telephone: (813) 229-0144  
Email: [ssstichter@srbp.com](mailto:ssstichter@srbp.com)  
[ssstichter.ecf@srbp.com](mailto:ssstichter.ecf@srbp.com)  
Counsel for Soneet Kapila, Assignee

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the Objection to Claim of Catherine A. Alexander, R.N., has been furnished on January 12, 2024, via the Court’s electronic filing portal to all counsel of record to and via U.S. Mail to:

Catherine A. Alexander, R.N.  
15342 E. Redbird Road  
Scottsdale, AZ 85262  
Email: [robcatalexander@aol.com](mailto:robcatalexander@aol.com)

/s/ Scott A. Stichter  
Scott Stichter

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
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Assignors,  
To:

Consolidated Case No.  
2019-CA-2762

Soneet Kapila,

Division I

Assignee

**PROOF OF CLAIM**

TO RECEIVE ANY DIVIDEND IN THESE PROCEEDINGS (THE "ASSIGNMENT CASES"), YOU  
MUST COMPLETE THIS PROOF OF CLAIM AND DELIVER IT TO THE ASSIGNEE, OR THE  
ASSIGNEE'S COUNSEL, NO LATER THAN:

**JULY 12, 2019**

THE ASSIGNEE'S NAME AND ADDRESS ARE AS FOLLOWS:

SONEET KAPILA, ASSIGNEE  
1080 SOUTH FEDERAL HIGHWAY, SUITE 200  
FORT LAUDERDALE, FL 33316

ASSIGNEE'S COUNSEL IS:  
EDWARD J. PETERSON, ESQUIRE  
STICHTER, RIEDEL, BLAIN & POSTLER, P.A.  
110 E. MADISON ST., SUITE 200  
TAMPA, FL 33602

1. PLEASE SPECIFY THE ASSIGNOR AGAINST WHICH YOU ASSERT A CLAIM:  
Laser Spine Surgery Center of Arizona, LLC  
(IF YOU HAVE A CLAIM AGAINST MORE THAN ONE ASSIGNOR, YOU MUST FILE A SEPARATE CLAIM AGAINST EACH ASSIGNOR).

2. CREDITOR NAME (Your name): Catherine A. Alexander  
ADDRESS: 15342 E. Redbird Rd  
ADDRESS:  
CITY, STATE, ZIP: Scottsdale, AZ 85262  
TELEPHONE NUMBER: 602-819-2753  
E-MAIL ADDRESS: robcaalexander@aol.com  
*Please be sure to notify us if you have a change of address.*

Check box if address on claim differs from address to which this notice was sent: [ ]

3. BASIS FOR CLAIM:  
☐ Goods Sold ☐ Wages, Salaries and Compensations ☐ Secured Creditor  
☐ Services Performed ☐ Taxes  
☐ Money Loaned ☐ Customer Deposit  
☐ Shareholder ☒ Other: Charge of Discrimination/Disability  
4. DATE DEBT WAS INCURRED: April 27-28, 2017  
5. AMOUNT OF CLAIM: \_\_\_\_\_

6. Does Claim amend, replace, or supplement a prior claim? If so, please state the date and amount of the prior claim(s):  
no

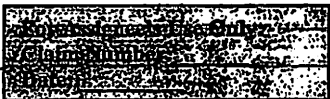
7. SUPPORTING DOCUMENTS: Attach copies of supporting documents, such as promissory notes, purchase order, invoices, itemized statement of running accounts, court judgments, or evidence of security interests. If the documents are not available, explain. If the documents are voluminous, attach a summary.

8. SIGNATURE: Sign and print name and title, if any, of the creditor or other person authorized to file this claim:

As required by law, the proof of claim and any supporting documentation you submit shall become a part of the public record related to the Assignment Cases. As a result, the Assignee and his professionals shall be permitted, and may be directed by the Court, to include such documentation, including to the extent provided, protected health information, in any subsequent pleading, notice, document, list, or other public disclosure made in connection with the Assignment Cases. Such inclusion by the Assignee and his professionals shall not constitute a "wrongful disclosure" under HIPAA, the Florida Information Protection Act of 2014, or any regulations promulgated thereunder.

DATED: 6/11/19

BY: Catherine A. Alexander, RN  
Signature of Claimant or Representative  
Catherine A. Alexander  
Print Name and Title Here



6.20.19

REC'D EEOC

AUG 21 2017

EEOC Form 6 (11/03)

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) <b>CHARGE</b> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <b>540-2017-02911</b>	
<b>Arizona Attorney General's Office, Civil Rights Division</b> and EEOC <i>State or local Agency, if any</i>			
Name (Indicate Mr., Ms., Mrs.) <b>Catherine Alexander</b>		Home Phone (incl. Area Code) <b>(602) 819-2763</b>	Date of Birth <b>1957</b>
Street Address <b>16342 E. Redbird Rd., Scottsdale, AZ 85282</b>			
City, State and ZIP Code			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>LASER SPINE INSTITUTE (AZ)</b>		No. Employees, Members <b>600 or More</b>	Phone No. (include Area Code) <b>(480) 391-8500</b>
Street Address <b>8888 E Raintree Dr. Ste. 170, Scottsdale, AZ 85260</b>			
City, State and ZIP Code			
Name 		No. Employees, Members 	Phone No. (include Area Code) 
Street Address 			
City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest <b>06-02-2016</b> Latest <b>04-28-2017</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>On or about November 16, 2014, I was hired by Respondent and informed them of my disability and requested accommodation to be allowed to attend Nurse Recovery Group meetings on Wednesday afternoons; which was approved. However, in or about January 2016, Dan Yingling, Assistant Director of Nursing, began to schedule me in the PACU on Wednesdays, although he was aware of my previously approved accommodation. On many occasions in order to maintain my accommodation to attend group, I would have to find my own coverage for the shifts Mr. Yingling would schedule me.</p> <p>On or about April 27, 2017, I was called into a meeting with Heidi Lenderking, Executive Director, and Scott McKinney, Director of Nursing. Ms. Lenderking asked me if I was aware that my license had expired and I told her that it had not. She stated Respondent had received a subpoena and the Nursing Board and legal department was now involved. Ms. Lenderking would not give me any details regarding the subpoena and subsequently told me I was being placed on administrative leave.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
I declare under penalty of perjury that the above is true and correct.		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Date <b>8/21/17</b>		Charging Party Signature <b>Catherine Alexander</b>	

REC'D EEOC

AUG 21 2017

<b>CHARGE OF DISCRIMINATION</b> This form is effected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency (ies) Charge Noted: <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC
Arizona Attorney General's Office, Civil Rights Division <i>State or local Agency, if any</i>		540-2017-02011 and EEOC
<p>and to go home until they could sort it out. I received no response when I asked what needed to be sorted out. I contacted the Nursing Board to find out about the license issue and was informed that my license was "active due for renewal" and not "expired". I went home and renewed my license that same day and emailed a copy to Ms. Lenderking and Mr. McKinney. I also left them voice messages and requested they call me back. Ms. Lenderking contacted me and told me to take the next day off as an administrative day with pay.</p> <p>On or about April 28, 2017, I received a call from Ms. Lenderking with Mr. McKinney and Mr. Yingling present. Ms. Lenderking informed me that because I was negligent by not renewing my license on time I could have caused Respondent to be liable; therefore my employment was being terminated effective immediately. My license had not expired, in that; I was still within the 30-day renewal timeframe when I renewed my license on April 27, 2017.</p> <p>Respondent was aware of my disability and need for accommodation. However, after they received the subpoena from the Nursing Board they used my license renewal as a reason to treat me differently than my peers and terminate my employment.</p> <p>I believe I have been subjected to discrimination because of my disability in violation of the Americans with Disabilities Act of 1980, as amended.</p>		

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
9/21/17 Date	SIGNATURE OF COMPLAINANT
Catherine Alexander Charging Party Signature	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

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Assignors,

Consolidated Case No.  
2019-CA-2762

to

Soneet Kapila,

Division L

Assignee.

**ORDER SUSTAINING OBJECTION TO  
CLAIM OF CATHERINE A. ALEXANDER, R.N.**

THESE CASES came on for hearing on \_\_\_\_\_ upon the Objection (the  
“Objection”) to Claim of Catherine A. Alexander, R.N. (the “Alexander Claim”). The Objection

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<sup>1</sup> 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”).



seeks to disallow the Alexander Claim<sup>2</sup>. The Court, having considered the Objection, and being fully advised of the record, finds that the Objection should be sustained. Accordingly, it is

**ORDERED:**

1. The Objection is sustained.
2. The Alexander Claim is disallowed.

DONE AND ORDERED in Hillsborough County, Florida this \_\_\_\_ day of January, 2024.

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DARREN FARFANTE  
Circuit Court Judge

Copy to: Counsel of record

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<sup>2</sup> Capitalized claims not defined in the Order shall have the meaning set forth in the Objection.