

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.

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**OBJECTION TO CLAIMS OF  
CLIFFORD W. HATTENHAUER AND TERESA HATTENHAUER**

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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 Hattenhauer Claims (defined below) filed by Clifford W. Hattenhauer and Teresa Hattenhauer. 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 claims filed by Clifford W. Hattenhauer and Teresa Hattenhauer (the “**Hattenhauers**”), seeking to recover unsecured claims in the LSI bankruptcy case 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 May 22, 2019, the Hattenhauers submitted three proof of claims (collectively the “**Hattenhauer Claims**”)<sup>2</sup>, copies of which are attached as **Composite Exhibit A**. The

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<sup>2</sup> By order entered May 28, 2019, the Court approved certain patient creditor confidentiality procedures, including providing notice to patient-creditors that any information or documentation included in a proof of claim could be filed by the Assignee as a permitted disclosure. However, to avoid disclosing Hattenhauer’s medical information as part of this objection, documentation regarding medical injuries has been removed from the attachments. The additional information will be provided upon request consistent with the confidentiality procedures order.

Hattenhauer Claims were filed in the amount of \$6,250,000.00. The only documentation attached to the Hattenhauer claims were a summary of alleged damages and various medical records.

3. The Hattenhauer Claims cannot be allowed as filed because they are 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).

4. The Assignee requests that the Hattenhauer Claims be disallowed.

WHEREFORE, the Assignee requests that the Court (i) enter an order substantially in the form attached as **Exhibit B** disallowing the Hattenhauer Claims, 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  
Facsimile: (813) 229-1811  
Email: [sstichter@srbp.com](mailto:ssstichter@srbp.com)  
[sstichter.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 Claims Clifford W. Hattenhauer and Teresa Hattenhauer* has been furnished on February 20, 2024, via the Court’s electronic filing portal to all counsel of record to and via U.S. Mail to:

Clifford W. Hattenhauer and Teresa Hattenhauer  
1059 Green 324  
Bono, AR 72416

/s/ Scott A. Stichter  
Scott Stichter

# **Composite Exhibit “A”**

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Assignors,  
To:

Consolidated Case No.  
2019-CA-2762

Soneet Kapila,

Division L

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  
1000 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 Institute, 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): Clifford W. Hattenhauer and Teresa Hattenhauer  
ADDRESS: 1059 Green 324  
ADDRESS:  
CITY, STATE, ZIP: Bono, AR 72416  
TELEPHONE NUMBER: 870-206-2150  
E-MAIL ADDRESS: thatenhauer@gmail.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: See attached

4. DATE DEBT WAS INCURRED: November 1, 2018 and continuing to the present

5. AMOUNT OF CLAIM: \$6,250,000.00

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.

See attached

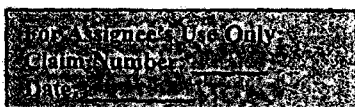
8. SIGNATURE: Sign and print name and title, if any, of the creditor or other person authorized to file this claim:

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: 5/22/19

BY: *Clifford W. Hattenhauer*  
Signature of Claimant or Representative

Clifford W. Hattenhauer and Teresa Hattenhauer  
Print Name and Title Here



3. Basis of Claim:

Other: Medical Malpractice

a. On or about November 1, 2018, Stephen Prada, M.D., performed an unnecessary and contraindicated C5-6 laminectomy and foraminotomy decompression on Clifford W. Hattenhauer, which resulted in leakage of the cerebral spinal fluid

b. On or about November 1, 2018, Stephen Prada, M.D. negligently performed a C5-6 laminectomy and foraminotomy causing perforation of the anatomy unrelated to the surgical site, resulting in leakage of the cerebral spinal fluid.

c. On or about November 1, 2018, Stephen Prada, M.D. performed a C5-6 laminectomy and foraminotomy without obtaining appropriate informed consent of Clifford W. Hattenhauer.

d. On multiple occasions between between November 1, 2018 and December 10, 2018, Stephen Prada, M.D. and staff acting at his direction failed to appropriately respond to complaints of Clifford W. Hattenhauer of headaches, resulting in progression of the above described cerebral spinal fluid leak and development of meningitis, requiring multiple surgeries and prolonged hospitalizations of Clifford W. Hattenhauer.

e. The above described acts of negligence caused Clifford W. Hattenhauer to undergo multiple surgical procedures, prolonged hospitalizations and extensive rehabilitations. Clifford W. Hattenhauer lost his employment as a heavy equipment mechanic and is indefinitely disabled from the residuals of meningitis and prolonged periods of hospitalization. He suffers and will continue to suffer pain, suffering mental anguish, disability, disfigurement and loss of ability to enjoy life.

f. At all times material hereto, Stephen Prada, M.D. and staff involved in the care of Clifford W. Hattenhauer were acting as employees, agents or apparent agents of the assignors.

g. At all times material hereto, Teresa Hattenhauer was the wife of Clifford W. Hattenhauer and as a result of the above described negligence lost his comfort, society and companionship.

7. Supporting Documents:

LSI operative report – 11-1-18

LSI discharge instructions – 11-1-18

St. Bernard's Medical Center ER Physicians Documentation - 12-10-18

White River Health System brain MRI – 12-14-18

St. Bernard's Medical Center Neuro Surgery history and physical – 12-18-18

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Assignors,  
To:

Consolidated Case No.  
2019-CA-2762

Soneet Kapila,

Division L

Assignee

**PROOF OF CLAIM**

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**JULY 12, 2019**

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1000 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:  
LSI HoldCo, 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): Clifford W. Hattenhauer and Teresa Hattenhauer  
 ADDRESS: 1059 Green 324  
 ADDRESS:  
 CITY, STATE, ZIP: Bono, AR 72416  
 TELEPHONE NUMBER: 870-206-2150  
 E-MAIL ADDRESS: thatenhauer@gmail.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:
 

<input type="checkbox"/> Goods Sold	<input type="checkbox"/> Wages, Salaries and Compensations	<input type="checkbox"/> Secured Creditor
<input type="checkbox"/> Services Performed	<input type="checkbox"/> Taxes	
<input type="checkbox"/> Money Loaned	<input type="checkbox"/> Customer Deposit	
<input type="checkbox"/> Shareholder	<input checked="" type="checkbox"/> Other: <u>See attached</u>	
4. DATE DEBT WAS INCURRED: November 1, 2018 and continuing to the present
5. AMOUNT OF CLAIM: \$6,250,000.00
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.

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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: \_\_\_\_\_

BY: \_\_\_\_\_  
 Signature of Claimant or Representative

Clifford W. Hattenhauer and Teresa Hattenhauer  
 Print Name and Title Here



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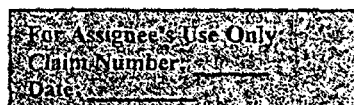
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c. On or about November 1, 2018, Stephen Prada, M.D. performed a C5-6 laminectomy and foraminotomy without obtaining appropriate informed consent of Clifford W. Hattenhauer.

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f. At all times material hereto, Stephen Prada, M.D. and staff involved in the care of Clifford W. Hattenhauer were acting as employees , agents or apparent agents of the assignors.

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1000 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

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Laser Spine Surgical Center, 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): Clifford W. Hattenhauer and Teresa Hattenhauer  
ADDRESS: 1059 Green 324  
ADDRESS:  
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TELEPHONE NUMBER: 870-206-2150  
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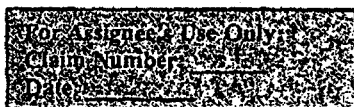
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DATED: 5/22/19

BY: Clifford W. Hattenhauer  
Signature of Claimant or Representative

Clifford W. Hattenhauer and Teresa Hattenhauer  
Print Name and Title Here



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Other: Medical Malpractice

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St. Bernard's Medical Center discharge summary – 1-16-19

St. Bernard's Medical Center billing and pertinent EOBs.

# **Exhibit “B”**

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.

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**ORDER SUSTAINING OBJECTION TO CLAIMS OF  
CLIFFORD W. HATTENHAUER AND TERESA HATTENHAUER**

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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**”).

THESE CASES came on for hearing on \_\_\_\_\_ upon the Objection to Claims of Clifford W. Hattenhauer and Teresa Hattenhauer (the “**Objection**”). The Objection seeks to disallow the Hattenhauer Claims<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 Hattenhauer Claims are disallowed.

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