

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.

OBJECTION TO CLAIMS OF KENNETH C. JONES, III

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**”).

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

The Assignee seeks an order disallowing the Jones Claims (defined below) filed by Kenneth C. Jones, III. 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 Kenneth C. Jones, III (“**Jones**”), 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 July 10, 2019, Jones submitted two proof of claims (collectively the “**Jones Claims**”), copies of which are attached as **Composite Exhibit A**.² The Jones Claims were filed in the amount of \$350,000. The only documentation attached to the Jones Claims are copies of Jones’ letter to LSI’s counsel describing his alleged injuries and damages, as well as various medical records.

² 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 Jones’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.

3. The Jones 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 Jones Claims do not comply with this statutory provision and must be disallowed. The amount asserted by the Jones Claims is not based on a document liquidating the amount.

5. The Assignment Statute imposes 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 Jones Claims since they were filed without documentation fixing the amount of the Jones Claims.

6. The Assignee requests that the Jones Claims be disallowed.

WHEREFORE, the Assignee requests that the Court (i) enter an order substantially in the form attached as **Exhibit B** disallowing the Jones 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
sstichter.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 of Kenneth C. Jones, III* 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:

Kenneth C. Jones, III
5129 Sorrel Lane
Roanoke, VA 24018

/s/ Scott A. Stichter
Scott Stichter

Composite Exhibit “A”

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): KENNETH C. JONES, III
ADDRESS: 5129 SORREL LN.
ADDRESS: ROANOKE, VA 24018
CITY, STATE, ZIP:
TELEPHONE NUMBER: (57) 880-3178
E-MAIL ADDRESS: KCJONES0915@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: PATIENT

4. DATE DEBT WAS INCURRED: Dec. 17, 2015 AND Feb 24, 2016

5. AMOUNT OF CLAIM: \$350,000.00

6. Does Claim amend, replace, or supplement a prior claim? If so, please state the date and amount of the prior claim(s):

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: 7/10/19

BY: Kenneth C. Jones III
Signature of Claimant or Representative

KENNETH C. JONES, III
Print Name and Title Here

PATIENT # 216650

For Assignee's Use Only:
Claim Number: _____
Date: _____

RECEIVED
JUL 12 2019

Stichter, Riedel, Blain & Postler P.A.

**PLEASE SEE COPIES OF SUPPORTING DOCUMENTS ATTACHED TO
ACCOMPANYING CLAIM AGAINST LASER SPINE SURGICAL
CENTER OF CINCINNATI, LLC**

1. PLEASE SPECIFY THE ASSIGNOR AGAINST WHICH YOU ASSERT A CLAIM:
LASER SPINE SURGERY CENTER OF CINCINNATI, 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): KENNETH C. JONES, III
ADDRESS: 5129 SORREL LN.
ADDRESS: ROANOKE, VA 24018
CITY, STATE, ZIP:
TELEPHONE NUMBER: (757) 880-3178
E-MAIL ADDRESS: KCJONES0915@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
 Services Performed
 Money Loaned
 Shareholder
 Wages, Salaries and Compensations
 Taxes
 Customer Deposit
 Other: PATIENT

4. DATE DEBT WAS INCURRED: DEC. 17, 2015 AND FEB 24, 2016

5. AMOUNT OF CLAIM: \$350,000.00

6. Does Claim amend, replace, or supplement a prior claim? If so, please state the date and amount of the prior claim(s):

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: 2/10/19

BY: Kenneth C. Jones III
Signature of Claimant or Representative

KENNETH C. JONES, III
Print Name and Title Here
PATIENT # 216680

For Assignee's Use Only:
Claim Number: _____
Date: _____

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 ¹	Case No. 2019-CA-2762
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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.

**ORDER SUSTAINING OBJECTION TO
CLAIM OF KENNETH C. JONES**

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**”).

THESE CASES came on for hearing on _____ upon the Objection to Claims of Kenneth C. Jones (the “**Objection**”). The Objection seeks to disallow the Jones Claims². 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 Jones Claims are disallowed.

DONE AND ORDERED in Hillsborough County, Florida this _____ day of February, 2024.

DARREN FARFANTE
Circuit Court Judge

Copy to: Counsel of record

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