

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 CLAIM OF FARRIS KENNETH TAPP

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 Tapp Claim (defined below) filed by Farris Kenneth Tapp. 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 Farris Kenneth Tapp (“**Tapp**”), seeking to recover an unsecured claim 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, Tapp submitted a proof of claim (the “**Tapp Claim**”), a copy of which is attached as **Exhibit A**. The Tapp Claim was filed in the amount of \$1,000,000.00. The only documentation attached to the Tapp Claim was an affidavit describing the events supporting the basis for the Tapp Claim.

3. The Tapp 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).

4. The Assignee requests that the Tapp Claim be disallowed.

WHEREFORE, the Assignee requests that the Court (i) enter an order substantially in the form attached as **Exhibit B** disallowing the Tapp 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

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 Claim of Farris Kenneth Tapp* 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:

Farris Kenneth Tapp
12634 Highway 34
Carter, OK 73627-5704

/s/ Scott A. Stichter

Scott Stichter

Exhibit “A”

1. PLEASE SPECIFY THE ASSIGNOR AGAINST WHICH YOU ASSERT A CLAIM:
Laser Spine Surgery Center of Oklahoma, 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): Farris Kenneth Tapp
ADDRESS: 12634 Highway 34
ADDRESS:
CITY, STATE, ZIP: Carter, OK 73627-5704
TELEPHONE NUMBER: 407-808-9189 (Anita Staver - power of attorney)
E-MAIL ADDRESS: anitastaver@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 [x] Other: Personal Injury/medical malpractice (needle left in back)

4. DATE DEBT WAS INCURRED: 2005

5. AMOUNT OF CLAIM: \$1,000,000

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

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: July 10, 2019

BY: Anita Staver
Signature of Claimant or Representative

Anita Staver, representative/power of attorney for F.K. Tapp
Print Name and Title Here

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

7.11.19

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Laser Spine Institute Consulting, LLC	Case No. 2019-CA-2777
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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**

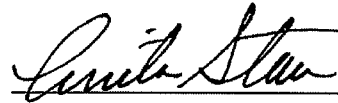
Proof of Claim/Supporting Documentation

Tapp v. Laser Spine Surgery Center of Oklahoma, LLC

The following information was provided to me by Mr. Farris K. Tapp.

1. In July 2019, Mr. Tapp had an x-ray at Great Plains Hospital in Elk City to diagnose the source of his continuing back pain.
2. On July 8, 2019, he was informed of the results. The x-ray shows that he has a needle of approximately 1" in length in his back. Further testing was recommended.
3. In about 2005, Mr. Tapp, a resident of Oklahoma, had surgery on his back in Oklahoma at the Laser Spine Surgery Center.
4. Since that time, he has had no further back injections or surgeries.
5. Further documentation will be provided as soon as available.

The above statements are true to the best of my knowledge and belief.



Anita Staver for Farris K. Tapp

Exhibit “B”

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Assignors,

Consolidated Case No.
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to

Soneet Kapila,

Division L

Assignee.

**ORDER SUSTAINING OBJECTION TO
CLAIM OF FARRIS KENNETH TAPP**

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THESE CASES came on for hearing on _____ upon the Objection to Claim of Farris Kenneth Tapp (the “**Objection**”). The Objection seeks to disallow the Tapp Claim². 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 Tapp Claim is disallowed.

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