

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

JOE SAMUEL BAILEY, *et al.*,
Plaintiffs,

Case No. 06-08498
Division L

vs.

JAMES S. ST. LOUIS, *et al.*,
Defendants.

SECOND AMENDED FINAL JUDGMENT

Pursuant to the Court's Order on Non-Jury Trial dated October 9, 2012:

It is ADJUDGED that:

1. Plaintiff Joe Samuel Bailey, whose address is 308 Wallick Drive, Cotter, AR 72626, does have and recover from Defendants James S. St. Louis, D.O., whose address is 4728 N. Habana Avenue, Suite 202, Tampa, FL 33614; Michael W. Perry, M.D., whose address is 5332 Avion Park Drive, Tampa, FL 33607; EFO Holdings L.P., whose principal address is 2828 Routh Street, Suite 500, Dallas, TX 75201; EFO Genpar, Inc., whose principal address is 500 N. Akard Street, Suite 1500, Dallas, TX 75201; and EFO Laser Spine Institute, Ltd., whose principal address is 2828 Routh Street, Suite 500, Dallas, TX 75201, jointly and severally, the sum of \$250,000.00,

ALL FOR WHICH LET EXECUTION ISSUE FORTHWITH.

2. Plaintiff Joe Samuel Bailey does have and recover from Defendants James S. St. Louis, D.O.; Michael W. Perry, M.D.; EFO Holdings L.P.; EFO Genpar, Inc.; and EFO Laser Spine Institute, Ltd., jointly and severally, the sum of \$750,000.00 in punitive damages, **ALL FOR WHICH LET EXECUTION ISSUE FORTHWITH.**

3. Plaintiffs Laserscopic Spinal Centers of America, Inc., whose address 308 Wallick Drive, Cotter, AR 72626, and Laserscopic Medical Clinic, LLC, whose address is 308 Wallick Drive, Cotter, AR 72626, do have and recover from Defendants James S. St. Louis, D.O.; EFO Holdings L.P.; EFO Genpar, Inc.; EFO Laser Spine Institute, Ltd.; Laser Spine Institute, LLC, who address is 5332 Avion Park Drive, Tampa, FL 33607; Laser Spine Medical Clinic, LLC, whose address is 3001 N. Rocky Point Drive E, Suite 380, Tampa, FL 33607; Laser Spine Physical Therapy, LLC, whose address is 3001 N. Rocky Point Drive E, Suite 380, Tampa, FL 33607; and Laser Spine Surgical Center, LLC, whose address is 5332 Avion Park Drive, Tampa, FL 33607, jointly and severally, the sum of \$264,000,000.00, **ALL FOR WHICH LET EXECUTION ISSUE FORTHWITH.**

4. Plaintiffs Laserscopic Spinal Centers of America, Inc., and Laserscopic Medical Clinic, LLC, do have and recover from Defendants James S. St. Louis, D.O.; EFO Holdings L.P.; EFO Genpar, Inc.; EFO Laser Spine Institute, Ltd.; Laser Spine Institute, LLC; Laser Spine Medical Clinic, LLC; Laser Spine Physical Therapy, LLC; and Laser Spine Surgical Center, LLC, jointly and severally, the sum of \$5,000,000.00 in punitive damages, **ALL FOR WHICH LET EXECUTION ISSUE FORTHWITH.**

5. Plaintiff Laserscopic Spine Centers of America, Inc., whose address is 308 Wallick Drive, Cotter, AR 72626, does have and recover from Defendants EFO Holdings, L.P.; EFO Genpar, Inc.; James S. St. Louis, D.O.; EFO Laser Spine Institute, Ltd.; Laser Spine Institute, LLC; Laser Spine Medical Clinic, LLC; Laser Spine Physical Therapy, LLC; and Laser Spine Surgical Center, LLC, jointly and severally, the sum of \$6,831,172.00, **ALL FOR WHICH LET EXECUTION ISSUE FORTHWITH.**

6. These sums shall bear interest at the rate of 4.75% from October 9, 2012 to December 31, 2016; 4.97% from January 1, 2017 through December 31, 2017; and, 5.72% from January 1, 2018 through December 31, 2018 in accordance with Florida Statute §55.03. Thereafter, on January 1st of each succeeding year until the judgment is paid, the interest rate will adjust in accordance with Florida Statute § 55.03. Accordingly, the prejudgment interest through April 30, 2019 is as follows:

- a. On the slander per se claim the damage awarded to Plaintiff Bailey was \$250,000, and the amount of prejudgment interest that has accrued is \$83,311.00. Plaintiff Bailey was awarded punitive damages in the amount of \$750,000.00, and the prejudgment interest on that amount is \$249,934.00. Accordingly, the amount of the final judgment with prejudgment interest through April 30, 2019 to Plaintiff Bailey is **\$1,333,245.00**, which shall continue to accrue statutory interest. **ALL FOR WHICH LET EXECUTION ISSUE FORTHWITH.**
- b. On the claims in favor of Plaintiffs Laserscopic Spinal Centers of America, Inc. and Laserscopic Medical Clinic, LLC, they were awarded \$264,000,000.00, which has accrued prejudgment interest through April 30, 2019 of \$87,976,680.00. Plaintiffs Laserscopic Spinal Centers of America, Inc. and Laserscopic Medical Clinic, LLC

were also awarded punitive damages in the amount of \$5,000,000.00, and the prejudgment interest on that amount through April 30, 2019 is \$1,666,225.00. Accordingly, the amount of the final judgment with prejudgment interest through April 30, 2019 to Plaintiffs Laserscopic Spinal Centers of America, Inc. and Laserscopic Medical Clinic, LLC is **\$358,642,905.00**, which shall continue to accrue statutory interest. **ALL FOR WHICH LET EXECUTION ISSUE FORTHWITH.**

- c. On the claims in favor of Laserscopic Spine Centers of America, Inc., it was awarded \$6,831,172.00; the prejudgment interest through April 30, 2019 on this amount is \$2,266,066.00. Accordingly, the amount of the final judgment with prejudgment interest to Plaintiff Laserscopic Spine Centers of America, Inc. through April 30, 2019 is **\$9,097,238.00**, which shall continue to accrue statutory interest. **ALL FOR WHICH LET EXECUTION ISSUE FORTHWITH.**

7. This Court reserves jurisdiction to award attorney's fees and costs to Plaintiffs.

8. It is further ordered and adjudged that the judgment debtors shall complete under oath Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the judgment creditor's attorney, or the judgment creditor if the judgment creditor is not represented by an attorney, within 45 days from the date of this final judgment, unless the final judgment is satisfied or post-judgment discovery is stayed. Jurisdiction of this case is retained to enter further orders that are proper to compel the judgment debtors to complete form 1.977, including all required attachments, and serve it on the judgment creditor's attorney, or the judgment creditor if the judgment creditor is not represented by an attorney.

9. The Court retains jurisdiction over this action to enter further Orders that are proper and to award further relief, including without limitation, equitable relief, writs of possession, and to conduct proceedings supplementary, to implead third parties, as this Court deems just, equitable, and proper.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this ____ day of April, 2019.

Electronically Conformed 7/3/2019

~~Steven Scott Stephens~~
CIRCUIT COURT JUDGE

cc: All Counsel of Record