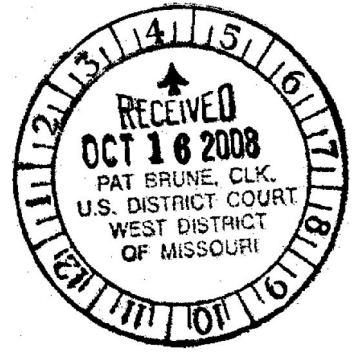


**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
KANSAS CITY, MISSOURI**



SAMUEL K. LIPARI
(Assignee of Dissolved
Medical Supply Chain, Inc.)
Plaintiff

vs.

US BANCORP, NA
US BANK, NA
Defendants

)
)
)
) Case No. 06-1012-CV-W-FJG
) State Court No. 0616-CV32307
)
) (Properly Case No. 05-0210-
) CV-W-ODS)
)
)
)

NOTICE OF APPEAL

Comes now the plaintiff Samuel K. Lipari, the assignee of the dissolved Missouri corporation Medical Supply Chain, Inc., appearing *Pro se* and makes the following notice of appeal from this court's order to transfer the concurrent jurisdiction state claims to the Kansas District Court: when the removal from state court was obtained through fraud on this court and federal jurisdiction was exclusively in the US Tenth Circuit Court of Appeals where there was a lack of complete diversity at the time of transfer. The plaintiff also appeals this court's refusal to abstain under the "first to file" rule.

The plaintiff stipulated to dismissal with prejudice of his remaining claim for violation of Missouri State Trade Secret Act on October 15, 2008.

The plaintiff was not able to appeal the transfer at law until the transferee court relinquished jurisdiction. On September 4, 2008 the transferee court granted a Rule 12(b)(6) dismissal of one or more judicial units or claims based on Missouri State law over conduct of the defendants in Missouri.

The plaintiff now timely appeals.

Respectfully submitted,

~ ::;1~ -

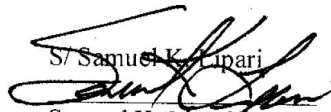
297 NE Bayview
Lee's Summit, MO 64064
816-365-1306
sam_l@medicalsupplychain.com
Prose

Certificate of Service

I certify that on October 16th, 2008 [have served the opposing counsel with a copy of the foregoing notice using the *CM/ECF* system which will send a notice of electronic filing to the following:

Mark A. Olthoff
MARK A. OLTHOFF MO #38572
SHUGHART THOMSON & KILROY, P.e.
Twelve Wyandotte Plaza
120 W. 12th Street, Suite 1700
Kansas City, Missouri 64105
Telephone: (816) 421-3355
Facsimile: (816) 374-0509

ATTORNEY FOR DEFENDANTS
U.S. BANCORP AND U.S. BANK
NATIONAL ASSOCIATION


S/ Samuel K. Lipari
Samuel K. Lipari