

## APPENDIX THREE

### State of Kansas Officials Role In Disbarment of Plaintiff's Federal Legal Representation

1 During the period of April 2 through April 18<sup>th</sup>, 2005 the defendant hospital supply cartel took control of the petitioner's legal representation in the federal antitrust action through extortion over the petitioner's Kansas licensed attorneys.

2 The Kansas State Disciplinary Administrator acting through the private Kansas licensed attorney Gene E. Schroer relayed the privileged information that my counsel Bret D. Landrith will be disbarred regardless of the law or evidence in the record.

3 This information was given in advance of the publication or announcement of any decision as a threat imperiling the petitioner's Missouri corporation Medical Supply Chain, Inc. by revealing it would lose the property right in its legal representation by Bret D. Landrith at a time when the record of the case revealed that efforts to substitute him had resulted in all the law firms with antitrust capabilities being conflicted out.

4 The petitioner would also be forced to forfeit his property rights in redress because a corporation had to be represented by an attorney or its claims would be dismissed with prejudice.

5 The threat relayed by Gene E. Schroer accompanied offers to "save" Medical Supply by providing representation and permitting the petitioner to use the \$300,000.00 taken by US Bank to enter into the national market for hospital supplies.

6 This first involved replacing Medical Supply's counsel a Kansas attorney as lead counsel that would not be named and his identity would not be revealed to the petitioner.

7 When the petitioner would not agree to this arrangement, Gene E. Schroer repeatedly promised the petitioner the return of the \$300,000.00 US Bancorp deprived Medical Supply of to capitalize the petitioner's company's entry into the hospital supply market if the petitioner and his counsel would travel to Chicago, Illinois and meet two attorneys that Gene E. Schroer would not name or identify.

8 The petitioner was suspicious and alarmed to the point of being in fear for his own safety due to the implausibility of two attorneys interested in taking on the representation of Medical Supply Chain, Inc. but who were unwilling to reveal their identity or talk on the phone.

9 When the petitioner questioned him further, Gene E. Schroer claimed the attorneys were from two different law firms and had to keep the meeting and their identities confidential.

10 The petitioner offered to discuss the case on the phone or to meet the attorneys from Chicago if they traveled to Lee's Summit, Missouri but Gene E. Schroer rejected these alternatives.

11 Gene E. Schroer repeatedly contacted the petitioner attempting to pressure him in taking this "only way" out of what was being done to Bret D. Landrith.

12 The petitioner believed that the trip to Chicago was a ruse or pretext to get the petitioner and his representative Bret D. Landrith to a distant location where they would be harmed or murdered and no longer a threat to the Medicare fraud scheme of GE and the Novation LLC antitrust conspirators VHA, UHC, Neoforma, Inc. and GHX,LLC .<sup>1</sup>

13 The petitioner had heard that Gene E. Schroer had made appointments with Bret D. Landrith's client James Bolden to do Bolden's appeal but took the money from James Bolden and spent the time questioning Bolden about Landrith and not Bolden's case before contacting Bolden to inform him he would not take the case stating it lacked any merit and refusing to return any of the funds (Landrith prevailed in the Tenth Circuit, overturning the trial court.)

14 This knowledge reinforced the petitioner's belief that Gene E. Schroer was acting for the State of Kansas Office of Attorney Discipline of Stanton Hazlett and that Medical Supply Chain, Inc.'s case would be forfeited if he did not accept Gene E. Schroer's arrangements, but the petitioner was to fearful that the trip to Chicago would cause him and Bret D. Landrith to end up like the two Assistant US Attorneys in the Ft. Worth, Texas office investigating the Novation LLP Medicare fraud and laundering of hospital money through Neoforma, Inc.

15 On or about the filing date in 2005, the General Electric defendants and Novation LLC antitrust conspirators VHA, UHC, Neoforma, Inc. and GHX,LLC through their agent John K. Power contacted the

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<sup>1</sup> The Criminal Chief of the Dallas U.S. Attorney's office Shannon K. Ross who signed the subpoenas on GE Healthcare and Novation LLC was found dead September 11, 2004 in her home the day before Senate hearings on Novation's hospital supply anti-trust violations and just 55 days after her associate Thelma Colbert in charge of healthcare False Claims Act investigations was found dead. The office subsequently terminated three more Assistant US Attorneys with white collar crime prosecution experience, eventually causing national notice of the improper firings or terminations of US Attorneys related to Medicare fraud investigations and the racketeering deaths of two more Assistant US Attorneys.

Clerk of the US District Court for the Western District Court to complain about the petitioner's counsel Bret D. Landrith being admitted to the Western District of Missouri and being able to file *Medical Supply Chain, Inc. v. Neoforma et al* , W.Dist. of MO Case No. 05-0210- CV-W- ODS the action against the GE defendants' hospital supply market monopoly conspirators.

16 On or about The General Electric defendants and the Novation LLC antitrust conspirators VHA, UHC, Neoforma, Inc. and GHX,LLC through their agent John K. Power caused the State of Kansas Attorney Discipline Office through Stanton Hazlett to make the petitioner's counsel's participation in a reciprocal admission program for which he was eligible that was created between the judges of the US Courts for the Western District of Missouri and the Kansas District courts.

17 This lawful and ethical act is cited as a basis for Landrith's disbarment in *In re Landrith*, 124 P.3d 467, 485-86 (Kan. 2005).

18 The petitioner's attorney had to be prosecuted by Stanton Hazlett and the State of Kansas Disciplinary office because the defendants required an outcome that contradicted the Constitution, statute and Model Rules of Ethics that could only be obtained through denial of due process and fraud.

19 The defendants then made use of this void *ab initio* order to prevent the petitioner's claims and standing from being heard by the court in *Medical Supply Chain, Inc. v. Neoforma et al* , W.Dist. of MO Case No. 05-0210- CV-W- ODS after it had been fraudulently transferred to the Kansas District Court and attempted to use it to prevent this action from being heard in the State of Missouri court where it was filed.

20 The defendants and their agents knew that false probable cause and even charges of committing conduct required by the Kansas Rules of Ethics could be used to get opposing counsel disbarred in the State of Kansas due to their control of the proceedings through Stanton Hazlett to deny due process.

21 The defendants' belief that the petitioner's counsel was not unreasonable, the Kansas Disciplinary Administrator Stanton Hazlett regularly used *ex parte* communications with the law clerks of Kansas Supreme Court Justices to co-write the opinions issued in discipline cases by the Kansas Supreme Court without knowledge of the respondent attorneys or their counsel.

22 This shocking practice of holding proceedings without even the semblance of Due Process led to a continuing legal education class of Kansas prosecuting attorneys being told the out come of one year

suspension in Kansas Supreme Court discipline case *In re Vanderbilt* case no. 93, 394 by Stanton Hazlett's prosecutor Alexander M. Walczak before the opinion was released or filed April 22, 2005 by the Kansas Supreme Court.

23 Jimmie A. Vanderbilt and his attorney John J. Ambrosio found out the Kansas Supreme Court order when the then Douglas County District Attorney attending the CLE class taught by Alexander M. Walczak called Vanderbilt after the lecture.

24 The opinion issued later was exactly as Alexander M. Walczak had described during the CLE class.

25 The petitioner's counsel was disbarred through Stanton Hazlett and the State of Kansas Disciplinary office presenting *ex parte* testimony by Kansas District Judge Kathryn H. Vratil to personnel and justices of the Kansas Supreme Court, disparaging Medical Supply's counsel without his knowledge or opportunity to question Kansas District Court Judge Kathryn H. Vratil's testimony on October 20, 2005 minutes before the Kansas Supreme Court justices heard Medical Supply's counsel's oral argument in defense of his law license.

26 The petitioner's counsel was disbarred through Stanton Hazlett and the State of Kansas Disciplinary office presenting to the tribunal *ex parte* testimony by Magistrate Judge James O'Hara, a managing partner in General Electric co-conspirators' law firm Shugart Thomson & Kilroy that was defending counsel in *Medical Supply Chain, Inc. v. Neoforma et al*, W.Dist. of MO Case No. 05-0210-CV-W- ODS and who denied the petitioner discovery with no basis in law in *Medical Supply Chain, Inc. v. General Electric Company, et al.*, KS Dist. case number 03-2324-CM, but under oath in the disbarment hearing denied he had done so.

### **Procurement through fraud**

27 The Disciplinary Administrator Stanton Hazlett proffered the perjured testimony of Sherri Price, Assistant City Attorney for the City of Topeka to the discipline tribunal during the three day evidentiary hearing in January 2005 that the petitioner's attorney Bret D. Landrith had been sanctioned in the Bolden case.

28 The Disciplinary Administrator Stanton Hazlett announced on the second day of the evidentiary hearing by means of *ex parte* communication to the tribunal members that Hazlett was going to prosecute

Landrith for appealing the cartel's antitrust case to the Tenth Circuit based on a clear error in the trial court's determination that the then newly enacted USA PATRIOT Act was devoid of private rights of action when it clearly had more than two express private rights in the text of the enactment as false probable cause, solely to defraud the disciplinary panel.

29 The defendants' co-conspirator and antitrust co-defendants made the complaint used by The Disciplinary Administrator Stanton Hazlett to defraud the disciplinary panel.

30 The Disciplinary Administrator Stanton Hazlett never prosecuted the complaint.

31 The Disciplinary Administrator Stanton Hazlett's law clerk authored a recommendation for disbarment of Bret D. Landrith that falsely stated that Landrith had failed to include citations to the record in the appeal brief of David Price's parental rights termination for adoption.

32 Twice in oral argument before a panel that included some Kansas Supreme Court Justices, the Disciplinary Administrator Stanton Hazlett misrepresented the record to conceal the kidnapping of David Price's infant son.

### **The Disbarment Proceeding Was For a Malicious Purpose To Usurp Federal Law**

33 The Kansas Disciplinary Office through the influence of Stanton Hazlett caused the petitioner's attorney Bret D. Landrith to be suspended the week prior to his October 20, 2005 Kansas Supreme Court oral argument in defense of his license to practice law. This action was taken despite evidence of the hardship upon Landrith presented at the pretrial hearing resulting from the delay in investigating and resolving the disciplinary complaint.

34 The suspension had the foreseeable and intended effect of preventing the petitioner's attorney Bret D. Landrith from arguing the African American James Bolden's appeal before the Tenth Circuit on November 17, 2005. The briefing schedule of James Bolden's appeal had been previously stopped do to actions of the Disciplinary Administrator against the Landrith to interfere in its preparation.

35 On Wednesday, April 20th, 2005 the Federal Bureau of Investigation raided

36 Topeka City Homes, Inc., described on the fourth page of the second amended federal

37 Complaint in Bolden's case as one of the instrumentalities created by the city to self deal HUD funds and seized the city's records. The April 21st and 22nd, 2005 Topeka Capital Journal article described the agency's problems for the time period of James Bolden's complaint.

38 On July 8<sup>th</sup>, 2005, the City of Topeka's first African American Judge, Municipal Court Judge Deborah Purce suffered the instigation of an investigation for termination immediately after she had ruled in favor of David Price, Landrith's client and chief witness for James Bolden. Judge Deborah Purce stated that the City of Topeka was retaliating against her for acting ethically:

"People have told me that Ebberts was under pressure from the police department because of my number of 'not guilty' verdicts," Purce said. "It would not be legal or ethical for me to be fired because I weighed evidence in favor of the accused more than Ebberts and police would have liked." Purce also outlined the events of July 8. Armed security guards were called to escort her out of the courthouse"

"Ex-judge sees race as issue" Topeka Capital Journal July 17, 2005.

39 On the day of the petitioner's attorney Bret D. Landrith's Kansas Supreme Court oral argument, the Kansas District Attorney for Shawnee County was forced to release a report chronicling the City of Topeka's false testimony and faked evidence for probable cause warrant requests. The report stated the US Attorney for Kansas had quit accepting Topeka police cases because of city misconduct.

40 The Disciplinary Administrator's ethics prosecution was initiated against the petitioner's attorney Bret D. Landrith during the twenty days preparation for James Bolden's jury trial July 6, 2004 before District Judge Kathryn H. Vratil, necessitating the petitioner's attorney Bret D. Landrith filing in Kansas District court for injunctive relief to postpone the disbarment until after Bolden's case. *Landrith v. Hazlett*, Kansas Dist. Case No. 04-2215-DVB.