

Subject: Pretrial Order:

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From: Samuel Lipari <Saml@MedicalSupplyChain.com>

To: Judge Waxse <ksd_waxse_chambers@ksd.uscourts.gov>

Cc: Jay Heidrick <jheidrick@stklaw.com>, Andy DeMarea <ademarea@stklaw.com>, Mark Olthoff <molthoff@stklaw.com>

The Honorable Magistrate Judge Waxse and Jay Heidrick,

Attached is my version of the pretrial order. It is incomplete because this court lost jurisdiction at the filing of the notice of appeal on July 11. Every subsequent order has been void. The plaintiff's notice of the lack of jurisdiction and controlling law is in the first section of the attached proposed plan.

S~

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(Rev. 3/3/08)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

PRETRIAL ORDER FORM

PLEASE REVIEW THE ATTACHED PRETRIAL ORDER FORMAT, ALONG WITH
FED. R. CIV. P. 16 AND D. KAN. RULES 16.1 AND 16.2,
AND FOLLOW ALL BRACKETED INSTRUCTIONS.

Before the pretrial conference, the parties must confer, draft, and timely submit to the court a proposed pretrial order in accordance with the scheduling order and D. Kan. Rule 16. The proposed pretrial order is to be a joint effort of all parties. The parties have an equal obligation to cooperate fully in drafting the pretrial order and to submit an agreed order that the judge can sign at the pretrial conference. It is essential that each party's factual contentions and legal theories be included. If the parties disagree on any particulars, they shall submit a single proposed order with bracketed notations revealing the nature of the disagreement in sufficient detail to enable the court to resolve the dispute at the conference. Submission of separate orders is not acceptable.

By the date set in the scheduling order, counsel for the defendant(s) shall submit the parties' proposed pretrial order (formatted in WordPerfect 9.0, or earlier version) as an attachment to an Internet e-mail sent to the e-mail address of the judge who will conduct the pretrial conference, as listed in paragraph II(E)(2)(c) of the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in Civil Cases* ("administrative procedures guide"). The proposed pretrial order shall not be filed with the Clerk's Office. The proposed pretrial order shall be in the form attached to this cover memorandum. Counsel and all unrepresented parties shall affix their signatures according to the procedures governing multiple signatures set forth in paragraphs II(C) of the administrative procedures guide.

Do not precede the title of the proposed order with words such as "Plaintiff's," "Defendant's" or "Proposed."

(Rev. 3/3/08)

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