

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

MEDICAL SUPPLY CHAIN, INC.,	)
(Party in interest Samuel K. Lipari)	)
<i>Plaintiff,</i>	)
v.	) Case No. 05-2299
NEOFORMA, INC. <i>et al</i>	) Formerly W.D. MO.
	) Case No. 05-0210

**ENTRY OF APPEARANCE**

I Samuel K. Lipari enter my appearance pro se. My former counsel Dennis Hawver has been dismissed by me and is no longer representing me in this action. I am entitled to represent myself for the following reasons:

1. The complaint identifies me as Chief executive officer of the Missouri corporation Medical Supply Chain, Inc. in several places and in the first paragraph under events in the allegations of the complaint. ¶252 states:

"On or about 3/12/2002, and following 3 years of R&D Samuel Lipari, President and CEO of Medical Supply Chain, Inc. (Medical Supply) began a process of selecting a corporate bank for the rollout of its healthcare supply chain empowerment program that produces significant benefits to healthcare and its patients."

2. Medical Supply Chain, Inc. was dissolved by me on January 27<sup>th</sup>, 2006. See Exb. 1.

3. Missouri statutes governing corporate administrative dissolution and reinstatement of a corporation formerly dissolved govern this court's determination of my capacity

to represent myself. See *Defense Supplies Corp. v. Lawrence Warehouse Co.*, 336 U.S. 631, 634-35, 69 S.Ct. 762, 93 L.Ed. 931 (1949); *Moore v. Occupational Safety and Health Review Comm'n*, 591 F.2d 991, 993 (4th Cir.1979).

4. By Missouri statute Section 351.526 RSMo, I am a trustee of the dissolved or forfeited Medical Supply Chain, Inc.:

"Section 351.526 RSMo. Supp.1995 states that the "directors and officers in office when the forfeiture occurred shall be the trustees of the corporation ..." (Emphasis added.)

Courts have a duty to construe statutes in their plain, ordinary, and usual sense. *Bosworth v. Sewell*, 918 S.W.2d 773, 777 (Mo. banc 1996). Where no ambiguity exists, courts cannot look to any other rule of construction. *Id.* The plain and ordinary meaning of words used in statutes is found in the dictionary. *City of Dellwood v. Twyford*, 912 S.W.2d 58, 60 (Mo. banc 1995).

The definition of "shall" states that it is "used in laws, regulations, or directives to express what is mandatory." Webster's Third New International Dictionary 2085 (1976). The plain meaning of Section 351.526, therefore, is that the officers and directors are the mandated trustees of the forfeited corporation. As such, they become trustees by operation of law, not by acceptance or agreement.

Corporations in essence are creatures of statute. *State ex rel. Webster v. Lehndorff Geneva, Inc.*, 744 S.W.2d 801, 808 (Mo. banc 1988). As such, statutory law primarily defines the powers and duties of corporate officers and directors."

*U.S. Cent. Underwriters Agency, Inc. v. Hutchings*, 952 S.W.2d 723 at 724-725 (Mo. App. E.D., 1997).

Respectfully Submitted,

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Pro se

**Certificate of Service**

I certify that on March 14<sup>th</sup>, 2006 I mailed a copy of the following to:

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