

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

MEDICAL SUPPLY CHAIN, INC.,)	
<i>Plaintiff,</i>)	
v.)) Case No. 05-2299-KHV
NOVATION, LLC)) Formerly W.D. MO. Case No. 05-0210
NEOFORMA, INC.)) Attorney Lien
ROBERT J. ZOLLARS)	
VOLUNTEER HOSPITAL ASSOCIATION)	
CURT NONOMAQUE)	
UNIVERSITY HEALTHSYSTEM CONSORTIUM)	
ROBERT J. BAKER)	
US BANCORP, NA)	
US BANK)	
JERRY A. GRUNDHOFFER)	
ANDREW CESERE)	
THE PIPER JAFFRAY COMPANIES)	
ANDREW S. DUFF)	
SHUGHART THOMSON & KILROY)	
WATKINS BOULWARE, P.C.)	
<i>Defendants.</i>)	

And

MEDICAL SUPPLY CHAIN, INC.,)	
<i>Plaintiff,</i>)	
vs.)) Case No. 03-2324-CM
)	
JEFFREY R. IMMELT)	
GENERAL ELECTRIC COMPANY)	
GENERAL ELECTRIC CAPITAL BUSINESS)	
ASSET FUNDING CORPORATION)	
GE TRANSPORTATION SYSTEMS GLOBAL)	
SIGNALING, L.L.C.)	
<i>Defendants.</i>)	

MOTION TO CONSOLIDATE UNDER RULE 42

Comes now the plaintiff Medical Supply Chain, Inc., through its counsel Bret D. Landrith and makes the present motion to consolidate actions. The plaintiff respectfully requests the court grant the plaintiff leave to consolidate under Federal Rules of Civil Procedure 42 for the following reasons:

STATEMENT OF FACTS

1. The plaintiff has a concurrent action against the principal defendants’ coconspirators in this case.
2. The action is in the US District Court for the Western District of Missouri and is captioned *Medical Supply Chain, Inc. v. Novation, et al.*, Case No. 05-0210-CV-W-ODS and now Kansas District Court Case No. 05-2299-KHV alleges additional and subsequent conduct targeted against Medical Supply

in an attempt to restrain trade in the market for hospital supplies, violating state and federal law by the defendants Jeffrey R. Immelt, General Electric Company, General Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global Signaling, L.L.C. charged in the earlier action *Medical Supply Chain, Inc. v. General Electric et al.*, Case No. 03-2324-CM.

3. The federal and state claims in both cases rely on the same issues of law and share some of the same facts.

4. The earlier action *Medical Supply Chain, Inc. v. General Electric et al.*, Case No. 03-2324-CM has been remanded back to Kansas District Court.

Respectfully Submitted

S/Bret D. Landrith
Bret D. Landrith
Kansas Supreme Court ID # 20380
2961 SW Central Park, # G33,
Topeka, KS 66611
1-785-876-2233
1-785-267-4084
landrithlaw@cox.net

Certificate of Service

I certify that on August 9th, 2005 I have served the foregoing with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following:

Mark A. Olthoff , Jonathan H. Gregor, Logan W. Overman, Shughart Thomson & Kilroy, P.C. 1700
Twelve Wyandotte Plaza 120 W 12th Street Kansas City, Missouri 64105-1929

Andrew M. Demarea, Corporate Woods Suite 1100, Building #32 9225 Indian Creek Parkway Overland
Park, Kansas 66210 (913) 451-3355 (913) 451-3361 (FAX)

John K. Power, Esq. Husch & Eppenberger, LLC 1700 One Kansas City Place 1200 Main Street Kansas
City, MO 64105-2122

Stephen N. Roberts, Esq. Natausha Wilson, Esq. Nossaman, Guthner, Knox & Elliott 34th Floor 50
California Street San Francisco, CA 94111

Bruce Blefeld, Esq. Kathleen Bone Spangler, Esq. Vinson & Elkins L.L.P. 2300 First City Tower 1001
Fannin Houston, TX 77002

Jonathan I. Glecken Jonathan_glecken@aporter.com Ryan Z. Watts Arnold & Porter 555 Twelfth
Street, N.W. Washington, DC 20004-1206 John K. Power john.power@husch.com,
michele.hoffman@husch.com Husch & Eppenberger, LLC. 1200 Main Street Suite 1700 Kansas City,
MO 64105

Attorneys for Defendants

S/Bret D. Landrith
Bret D. Landrith