

**Subject: Follow up:**

**Date:** Thursday, November 20, 2008 5:12 PM

**From:** Samuel Lipari <Saml@MedicalSupplyChain.com>

**To:** Judge Waxse <ksd\_waxse\_chambers@ksd.uscourts.gov>

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

Dear Hon. Judge Waxse,

US Bancorp and US Bank's defense counsel's inquiry about resetting a dispositive motion deadline necessitates a response. **THERE ARE NO MORE CLAIMS!**

I think you will find that in order to consider your ultra vires exercise of power without jurisdiction, you and the defense counsel need to come forward with counter claims. The problem is that both US Bancorp and its subsidiary US Bank know they were in contract, that they breached the contract to participate in the Novation LLC hospital supply cartel and that they repeatedly obtained dismissals in Kansas District court through fraud.

No matter how bad you and Jay may want to continue, this court is without an Article III controversy through no fault of the plaintiff. Its time to move on to the legislative branch and cure the problems with our nation's antitrust policy of private enforcement in the hospital supply industry.

Sincerely,

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