

IN THE STATE OF MISSOURI  
JACKSON COUNTY SIXTEENTH CIRCUIT COURT  
AT INDEPENDENCE, MISSOURI

SAMUEL K. LIPARI, )  
 )  
 ) *Plaintiff,* )  
 )  
 vs. ) Case No. 0816-CV-04217  
 )  
 NOVATION, LLC, et al., )  
 )  
 )  
 Defendants. )

DEFENDANT LATHROP & GAGE i,c, 's  
MOTION FOR JUDGMENT ON THE PLEADINGS

COMES NOW Defendant, Lathrop & Gage L.C. ("Lathrop & Gage"), and moves this Court to grant judgment on the pleadings under Mo. R. Civ. P. 55.27(b) against Mr. Lipari for his claims against Lathrop & Gage. In support of this motion, Lathrop & Gage states as follows:

1. The facts pled by Mr. Lipari do not state a claim for antitrust violations or conspiracy to commit the same under the Missouri Antitrust Act, and further, Mr. Lipari's claims under Counts I, II and III are barred by the statute of limitations.
2. The conclusory facts pled by Mr. Lipari in Count IV do not state a claim for tortious interference with business relations, and further, Mr. Lipari's claim under Count IV is barred by the statute of limitations.
3. Mr. Lipari's claim under Count V fails because the facts he alleges do not state a cause of action for fraud based on the particularity requirement of Mo. R. Civ. P. 55.15, and further because this claim is barred by the statute of limitations.

4. Count VI fails because Mr. Lipari's allegations negate a claim against Lathrop & Gage for *prima facie* tort, and further because Mr. Lipari's claim under Count VI is barred by the statute of limitations.


5. Lathrop & Gage contemporaneously files Suggestions in Support of this Motion and hereby incorporates by reference all arguments made therein.

WHEREFORE, Lathrop & Gage L.c. respectfully requests that this Court grant Lathrop & Gage judgment on the pleadings against Mr. Lipari, and for such other and further relief as this Court deems just and proper.

Dated: November 12, 2008

Respectfully submitted,

LATHROP & GAGE i.c. ~


By:  William Daniel (26849)  
Peter F. Daniel (33798)  
J. Alison Auxter (59079)  
2345 Grand Boulevard, Suite 2800  
Kansas City, Missouri 64108-2684  
Telephone: (816) 292-2000  
Telecopier: (816) 292-2001

ATTORNEYS FOR DEFENDANT  
LATHROP & GAGE L.C.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing was served, by First Class United States mail, postage prepaid, on the following party of record this ~~¥~~~ of November, 2008:

Samuel K. Lipari  
Medical Supply Chain  
3520 Akin Boulevard, #918  
Lee's Summit, MO 64064-7910



Attorney for Defendant Lathrop & Gage  
L.C.

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JACKSON COUNTY SIXTEENTH CIRCUIT COURT  
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<i>Plaintiff,</i>	)	
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2. The conclusory facts pled by Mr. Lipari in Count IV do not state a claim for tortious interference with business relations, and further, Mr. Lipari’s claim under Count IV is barred by the statute of limitations.
3. Mr. Lipari’s claim under Count V fails because the facts he alleges do not state a cause of action for fraud based on the particularity requirement of Mo. R. Civ. P. 55.15, and further because this claim is barred by the statute of limitations.

4. Count VI fails because Mr. Lipari's allegations negate a claim against Lathrop & Gage for *prima facie* tort, and further because Mr. Lipari's claim under Count VI is barred by the statute of limitations.

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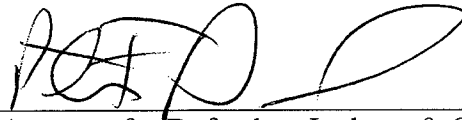
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Medical Supply Chain  
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Lee's Summit, MO 64064-7910



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An Attorney for Defendant Lathrop & Gage  
L.C.