

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

SAMUEL K. LIPARI	)	
(Assignee of Dissolved	)	
Medical Supply Chain, Inc.)	)	
<i>Plaintiff</i>	)	
vs.	)	
	)	
NOVATION, LLC	)	Case No. 0816-cv-04217
NEOFORMA, INC.	)	
GHX, LLC	)	
ROBERT J. ZOLLARS	)	
VOLUNTEER HOSPITAL ASSOCIATION	)	
VHA MID-AMERICA, LLC	)	
CURT NONOMAQUE	)	
THOMAS F. SPINDLER	)	Missouri Antitrust,
ROBERT H. BEZANSON	)	Fraud,
GARY DUNCAN	)	Tortious Interference,
MAYNARD OLIVERIUS	)	Prima Facie Tort
SANDRA VAN TREASE	)	
CHARLES V. ROBB	)	
MICHEAL TERRY	)	
UNIVERSITY HEALTHSYSTEM CONSORTIUM	)	
ROBERT J. BAKER	)	<u>Jury Trial Demanded</u>
JERRY A. GRUNDHOFER	)	
RICHARD K. DAVIS	)	
ANDREW CECERE	)	
THE PIPER JAFFRAY COMPANIES	)	
ANDREW S. DUFF	)	
COX HEALTH CARE SERVICES OF THE OZARKS, INC.	)	
SAINT LUKE'S HEALTH SYSTEM, INC.	)	
STORMONT-VAIL HEALTHCARE, INC.	)	
SHUGHART THOMSON & KILROY, P.C.	)	
HUSCH BLACKWELL SANDERS LLP	)	
LATHROP & GAGE L.C.	)	
<i>Defendants.</i>	)	

PROPOUNDING PARTY:  
SAMUEL K. LIPARI

RESPONDING PARTY:  
LATHROP & GAGE, L.C.

SET NUMBER:  
00001

Pursuant to Missouri Rules of Civil Procedure Rule 56.01(a), Samuel K. Lipari submits the following requests for documents to LATHROP & GAGE, L.C. to produce on November 28th at 1:00pm at the residence of Samuel K. Lipari located at 3520 Aiken Blvd. Apt 918 Lee's Summit, MO 64064-7910, Lee's Summit, Missouri, 64064.

## DEFINITIONS

1. The term "you" or "your" refers to Lathrop & Gage, L.C. and each of its affiliates, attorneys, law firms including Fish & Richardson P.C, Lathrop & Gage, L.C.'s professional services consultancy Kerma Partners, Lathrop & Gage, L.C.'s future successor in interest and , accountants, divisions, subdivisions, predecessors, directors, officers, employees, agents, representatives and all persons acting or purporting to act for or on behalf of Lathrop & Gage, L.C. and or any of Lathrop & Gage, L.C.'s clients while under the direction or participation of Lathrop & Gage, L.C.

2. The term "document" means any writing or recording as defined in Rule 1001 of the Federal Rules of Evidence, including any drafts, revisions and computer-readable material.

3. The term "persons" refers to natural persons, proprietorships, corporations, partnerships, trusts, joint venture groups, associations and organizations.

4. "Relating to" and "relates to" mean, without limitation, relating to, concerning, constituting, mentioning, referring to, describing, summarizing, evidencing, listing, relevant to, demonstrating, tending to prove or disprove, or explain.

5. "Correspondence" means any letter, memorandum or other writing in electronic, storage media or paper.

6. "Communication" or 'communications" includes, without limitation, in-person or telephone conversations, telegrams, telexes, email, tapes, or other sound recordings or means of transmitting information from one source to another and all documents related to specific communications including cell phone and land line call recordings and billing records including digital records and recordings.

7. The connectives "and" and "or" mean either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

8. The use of the singular includes the plural, and vice versa.

9. The use of one gender includes all others, appropriate I the context.

## INSTRUCTIONS

1. The relevant time period of these requests is from January 1, 2002 to January October 22, 2008, unless otherwise specified and shall include all documents which relate or refer to this period even though prepared before or subsequent to that period.

2. The plaintiff seeks documents records and other information known to and possessed or controlled by the defendant corporation and its employees and agents. The knowledge of an agent of a corporation regarding matters within the agent's scope of employment and authority and to which his employment or authority extends is imputed to the corporate principal. *Packard Manufacturing Co. v. Indiana Lumbermens Mutual Insurance Co.*, 356 Mo. 687, 203 S.W.2d 415, 421 [7, 8] (Mo. banc 1947); *Eveready Heating and Sheet Metal, Inc., v. D.H. Overmyer, Inc.*, 476 S.W.2d 153, 155 (Mo.App.1972). A corporation is charged with the knowledge of its officers and agents even if the officers or agents do not communicate the knowledge. *Medicine Shoppe International, Inc. v. J-Pral Corp.*, 662 S.W.2d 263, 270 (Mo.App.1983). The controlling rule of this jurisdiction is:

“We observe that "[a] corporation can obtain knowledge only through its officers or agents and it is a well-established rule of agency that the knowledge of an agent of a corporation with reference to a matter within its scope of his authority and employment and to which his authority or

employment extends is imputed to the corporation." *Southwest Bank of Polk County v. Hughes*, 883 S.W.2d 518, 522 (Mo.App. 1994) (quoting *Packard Mfg. Co. v. Indiana Lumbermans Ins. Co.*, 203 S.W.2d 415, 421 (Mo. banc 1947)); *Iota Mgmt. Corp. v. Boulevard Inv. Co.*, 731 S.W.2d 399, 410 (Mo.App. 1987)."

*Orion Security, Inc. v. Board of Police Commissioners*, 2002 MO 1250 at ¶33 (MOWDCA, 2002)

3. If you object to furnishing any requested document on the ground of privilege, immunity, work product or otherwise, please provide a written statement in which you identify the specific ground on which your objection is based and the document objected to by furnishing its date, author, recipient, a general description of the subject matter of the document and the reason why the document is protected.

4. Notwithstanding your objection, you must disclose any objected to evidence containing nonobjectionable matter which is relevant, and material to the discovery requests, but you may withhold the portion for which you assert the objection, subject to further request or motion, provided that you furnish the above-requested identification.

5. If you later discover additional responsive documents, you are obligated to supplement your responses pursuant to Rule 56.01(e)(1), Rule 56.01(e)(2) or pursuant to any later imposed order of the court.

6. All documents created electronically or copied, archived or communicated electronically must be delivered to the plaintiff in electronic form as a digital document in a PC readable format on disk, CD or other digital storage medium for commercially available drives, this includes all documents created with word processor software.

7. If the original document's data or metadata concerning the document requires software other than that utilized by Microsoft Office, a copy of the software must be delivered with the data.

8. If any document is provided in paper format a log must be presented identifying the records custodian responsible for the document, their address and the persons knowledgeable of its chain of delivery who can testify that the document was not originated electronically, transmitted or stored in digital format by the GE defendants or their agents or law firms.

## **REQUESTS FOR PRODUCTION**

### **A. Requests For Documents Related To Lathrop & Gage, L.C.'s Role in Missouri Healthcare Monopolization**

1. The plaintiff requests all documents and records of Lathrop & Gage, L.C. and its attorneys along with identification and addresses of persons with knowledge related to the retention of William B. Mateja and Fish & Richardson P.C. to provide legal representation of State of Missouri Governor Matt Blunt and Lathrop & Gage, L.C. during a criminal investigation by the US Department of Justice into public corruption through licensing office and management corporations set up by Lathrop & Gage, L.C. for the purpose of distributing patronage funds to State Republican Party and Republican National Committee members, including all correspondence between Joel Voran, Tom S. Stewart, Jim Fitter, Mark F. (Thor) Hearne II and Fish & Richardson P.C.; and all communications by William B. Mateja and or the preceding Lathrop & Gage, L.C. employees to employees of the US department of Justice including Bud Cummins, Todd Graves, Bradley J. Schlozman, and former Deputy Attorney General James B. Comey during the years 2004 thru October 22, 2008.

2. The plaintiff requests all documents and records of Lathrop & Gage, L.C. and its agent Fish & Richardson P.C.'s attorneys along with identification and addresses of persons with knowledge related to William B. Mateja's communications with or on the behalf of the defendants Neoforma, Inc., Novation

LLC, VHA, Inc. and the nondefendant health systems Tenet Healthcare Corporation, Blue Cross Blue Shield of Kansas while in William B. Mateja's role as a former Northern District of Texas AUSA in 1991 thru 2005 and subsequently as an employee of Fish & Richardson P.C. until October 4, 2008 including all correspondence and other communications with Deputy U.S. Attorney General Paul J. McNulty leading to the change in corporate fraud prosecution charging guidelines, the so called McNulty Memorandum of December 12, 2006, the Medicare debarment of Serono Labs parent Swiss corporation, Serono, S.A., over Serostim; and all communications related to Carol Lam and Todd Graves.

3. The plaintiff requests all documents and records of Lathrop & Gage, L.C. and its attorneys along with identification and addresses of persons with knowledge related to creating entities, plans and contracting for Governor Matt Blunt's healthcare initiative that came to be known as Insure Missouri including all communications and advisory opinions related to the scheme and to withdrawing from or cutting Medicaid and State of Missouri funds to low income or socially disadvantaged Missouri citizens provided to Missouri officials including , Ed Martin, Patricia E. Vincent, Henry T. Herschel and State Representative Jeff Grisamore; all communications with the office of the US Department of Health and Human Services; HHS Secretary Mike Leavitt; Missouri Senator Kit Bond, former Missouri Senator Jim Talent, Kansas Governor Kathleen Sebelius, former Kansas Attorneys General Phil Kline and Jim Morrison, the defendants and the nondefendant Cerner and its CEO Neal Patterson; and Irvine O. Hockaday.

4. The plaintiff requests all communications, documents and records of Lathrop & Gage, L.C. and its attorneys along with identification and addresses of persons with knowledge concerning the Western District of Missouri Office of the US Attorney's investigation of CoxHealth, communications with US Rep. Sam Graves concerning CoxHealth, the US Grand Jury investigation and USA John Wood's Medicare Fraud settlement with CoxHealth including any and all communications with Cox CEO Robert Bezanson, former Cox CEO Larry Wallis and former Cox Chief Financial Officer Larry Pennel, former Cox employee David Tapp, and Cox corporate compliance officer Betty Breshears.

**B. Requests For Documents Related  
Lathrop & Gage, L.C.'s Interference in the Plaintiff's Federal Antitrust Litigation**

5. The plaintiff requests all communications, documents and records of Lathrop & Gage, L.C. and its attorneys and agent Jeff Roe along with identification and addresses of persons with knowledge concerning communications and legal advice to The McClatchy Company (formerly Knight Ridder) newspapers including the Kansas City Star, Springfield News-Leader, The Wichita Eagle, the Lee's Summit Journal, The McClatchy Company employees Mark Zieman, Keith Chrostowski, Yael T. Abouhalkah, Steve Kraske and Tony Messenger and former employee Mac Tully; the Gatehouse Media (former Morris Communications) newspaper The Independence Examiner, its employees and former employee James Dornbrook; and the Morris Communications newspapers The Topeka Capital Journal and the Joplin Globe over, for the purpose of censoring stories on the plaintiff's litigation; the censoring of the plaintiff's letter to the editor of the Kansas City Star concerning the plaintiff's litigation experience in Kansas District Court and Senator Sam Brownback's support for Novation LLC; the censoring of the plaintiff's counsel's name from the article "Suit filed on retirement plans" authored by Gene Meyer and published on the cover of the Business Section of the Kansas City Star Published on 2005-12-02, Page C1; the censoring of the plaintiff's letter to the editor of the Kansas City Star concerning the plaintiff's litigation experience in Kansas District Court and Senator Sam Brownback's support for Novation LLC; the censoring of Kansas City Star reporter Grace Hobson in 2003, 2005 and 2006 investigations of Kansas Social and Rehabilitation Services criminal conduct brought to her attention by Janice Lynn King, Melinda Walmsley and David Martin Price; the censoring of US attorney firing and voter suppression stories by Greg Gordon of the McClatchy News Syndicate including "2006 Missouri's election was ground zero for GOP,"; and Tony Messenger's open records request concerning Governor Matt Blunt's office emails.

6. The plaintiff requests all communications, documents and records of Lathrop & Gage, L.C. and its attorneys along with identification and addresses of persons with knowledge concerning Lathrop & Gage, L.C. attorneys' communication with State of Kansas Judicial Branch Officials; US District Court of Kansas officials including the Hon. Judge Kathryn Vratil, Hon. Judge Carlos Murguia, the Hon. Magistrate Judge

James P. O'Hara, the Hon. Magistrate Judge David J. Waxse; the State of Kansas Justices Hon. Judge Kay McFarland, Hon. Judge Donald L. Allegrucci, Hon. Judge Lawton R. Nuss; Kansas Disciplinary Office attorneys Rex A. Sharp (concerning Rex A. Sharp's fraud on the 16<sup>th</sup> Circuit Missouri State Court in deceptively giving the appearance he would represent the plaintiff in order to obtain confidential information), Randall D. Grisell (concerning Randall D. Grisell's fraud on the Kansas Supreme Court in presenting a facially false report signed by Randall D. Grisell, Sally Harris, and Michael Schmitt to that court on the plaintiff's counsel to procure the disbarment through fraud), Kansas Bar examiner Kevin F. Mitchelson (over preventing the plaintiff's associate Donna Huffman from sitting for the bar and challenging Judy Jewsome's admission to the bar for her work as constituent services representative to Democrat US Rep. Nancy Boyda), former disciplinary attorney Scott J. Bloch; the disciplinary complaint filed against John Vratil for Lathrop & Gage, L.C.'s assistance to then Kansas Attorney General Phil Kline, correspondence and records of communications between John Vratil and Hon. Judge Donald L. Allegrucci and Hon. Judge G. Joseph Pierron related to the plaintiff's former counsel Bret D. Landrith, the plaintiff's witness David Martin Price and the appointment/reappointment of Andrew R. Ramirez.

7. The plaintiff requests all communications, documents and records of Lathrop & Gage, L.C. and its attorneys along with identification and addresses of persons with knowledge concerning Lathrop & Gage, L.C. attorneys' communications with Charlie Shields, Jeff Roe, James Harris, The Adam Smith Foundation over the recall of Missouri State judges; with Edward R. Martin, Jr. and Henry T. Herschel over the attempted interference in selection of Missouri State Judges Missouri between March 6, 2007 and October 20, 2008; the State of Missouri Disciplinary complaint filed against Scott Eckersley; the attorney discipline action against Edward R. Martin, Jr. for selective disclosure of emails subject to State of Missouri sunshine laws and the violation of attorney client confidentiality; attorney ethics violations of Tom S. Stewart in 2005-October 2008 concerning the period Tom S. Stewart was CEO of Lathrop & Gage, L.C.; the extrajudicial communications to officials of the Western District of Missouri Court of Appeals concerning the appeal of the dismissal of parties from this case; communications with members of the Missouri Board of Bar Governors including James C. Wirken about the plaintiff, former counsel and his associate Donna Huffman; and all communications with Gregory M. Bentz President of the Kansas City Metropolitan Bar Association and Thomas M. Burke of the Missouri Bar about the prevention of the plaintiff and his associate Dustin Sherwood from obtaining legal counsel in civil litigation, including the recruitment of Gary Collins (after Missouri Supreme Court Attorney Discipline Counsel mistake of thinking Gary Collins was the Kansas Bankruptcy Attorney Craig Collins, and called Gary Collins after discussing with Sherwood the inability to find representation) to meet with Dustin Sherwood in July 2008 under the false pretext Gary Collins was reconsidering his earlier denial of representation in order to corruptly elicit from Dustin Sherwood Sherwood's confidential legal strategy for defending his farm from Lathrop & Gage LC's illicit taking and for Gary Collins to relay Sherwood's confidences to US Trustee Janice Stanton and Lathrop & Gage LC's Brian T. Fenimore.

**C. Requests For Documents Related To  
Lathrop & Gage, L.C.'s Role in Causing the firing of the US Attorneys for Arkansas and the  
Western District of Missouri to obstruct the investigations of Lathrop & Gage, L.C.'s fee office  
companies, Governor Matt Blunt and the Medicare Fraud of CoxHealth**

8. The plaintiff requests all communications, documents, consultant payments, funds received and other records of Lathrop & Gage, L.C. and its attorneys along with identification and addresses of persons with knowledge concerning Lathrop & Gage, L.C. attorneys' communications from 2004 thru October 22, 2008 with Karl Rove, Tim Griffin, Alberto Gonzales, Paul McNulty, Kyle Sampson, Harriet E. Miers, Monica Goodling, U.S. Attorney General Michael Mukasey, Nora Dannehy, Missouri Senator Christopher "Kit" Bond, Jack Bartling, Jason Van Eaton, and Jeff Roe over Arkansas US Attorney Bud Cummins' public corruption criminal investigation of Lathrop & Gage, L.C.'s fee office and fee office management corporations created to distribute patronage for Missouri Governor Matt Blunt to Republican National Committee donors.

9. The plaintiff requests all communications, documents, consultant payments, funds received and other records of Lathrop & Gage, L.C. and its attorneys along with identification and addresses of persons with knowledge concerning Lathrop & Gage, L.C. attorneys' communications from 2004 thru October 22, 2008 with Karl Rove, Alberto Gonzales, Paul McNulty, Kyle Sampson, Harriet E. Miers, Michael Elston, Monica Goodling, U.S. Attorney General Michael Mukasey, Nora Dannehy, Missouri Senator Christopher "Kit" Bond, Jack Bartling, Jason Van Eaton, Jeff Roe, Robert Bezanson, and former CoxHealth CEO Larry Wallis concerning the removal of US Attorney Todd Graves and/or the dismissal or settlement of Medicare Fraud charges against CoxHealth and its employees.

**C. Requests For Documents Related To  
Lathrop & Gage, L.C.'s Role in the Shughart Thomson Kilroy P.C., Joel Pelofsky, and Janice Stanton  
Enterprise to acquire land for Republican National Committee Donor James E. Hasler**

10. The plaintiff requests all communications, documents, records of all payments, funds received and other records of Lathrop & Gage, L.C. and its attorneys and agents concerning the Missouri state civil proceedings, bankruptcy proceedings and criminal investigation of Dustin R. Sherwood and Jennifer Sherwood, the theft of the Sherwood's harvest in an uninspected transfer by to a Missouri licensed grain dealer, James E. Hasler, Joel Pelofsky, Janice Stanton, Gary Collins, Craig Collins, US Attorney John Wood and or his staff, Trimble Missouri, Clay County, US Rep. Sam Graves, US Senator Christopher "Kit" Bond, Deere & Company, and William L. Needler.

11. The plaintiff requests all communications, documents, contracts, records of all payments, funds received and other records of Lathrop & Gage, L.C. for its lease of its Kansas City, Missouri office space.

**D. Requests For Documents Related To  
Lathrop & Gage, L.C.'s Insurance and Indemnification**

12. The plaintiff requests all communications, documents, payments, funds promised and other records of Lathrop & Gage, L.C. and its attorneys along with identification and addresses of persons with knowledge concerning documents related to any insurance coverage held by the defendant that covers the plaintiff's claims or defendant's litigation liabilities.

13. The plaintiff requests all communications, documents, consultant payments, funds received and other records of Lathrop & Gage, L.C. and its attorneys along with identification and addresses of persons with knowledge concerning documents related to any insurance coverage held by the defendants' agent law firm Fish & Richardson P.C and agent professional services merger consultant Kerma Partners or Lathrop & Gage, L.C.'s future successor in interest that may potentially indemnify the defendants for part or all of the plaintiff's claims or defendants' litigation liabilities.

14. The plaintiff requests all communications, documents, consultant payments, funds received and other records of Lathrop & Gage, L.C. and its attorneys along with identification and addresses of persons with knowledge concerning documents related to any insurance coverage held by the defendants' successor in interest law firm, merger candidate or joint venture partner.

15. The plaintiff requests all communications, documents, consultant payments, funds received and other records of Lathrop & Gage, L.C. and its attorneys along with identification and addresses of persons with knowledge concerning documents related to offers, proposals, agreements or solicitations related to third parties including but not limited to VHA; UHC; Novation LLC; GHX LLC; Shugart Thomson & Kilroy, P.C.; Cox Health Care Services Of The Ozarks, Inc.; Saint Luke's Health System, Inc.; Stormont-Vail Healthcare, Inc.; or Blackwell Sanders LLP indemnifying any defendants for part or all of the plaintiff's claims or defendants' litigation liabilities and any preliminary communications toward such a collective assignment or allocation of liability communicated with Jim Fitter, Spencer Fane Britt & Browne LLP's Michael Delaney.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 23rd day of October, 2008, by email and by first class mail postage prepaid to:

William G. Beck, Peter F. Daniel, J. Alison Auxter, Lathrop & Gage LC, 2345 Grand Boulevard, Suite 2800, Kansas City, MO 64108 Attorneys for Lathrop & Gage, L.C.

S/Samuel K. Lipari

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