

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

SAMUEL K. LIPARI)
(Assignee of Dissolved)
Medical Supply Chain, Inc.))
<i>Plaintiff</i>)
) Case No. 0816-cv-04217
vs.)
)
Novation, LLC <i>et al.</i> ,)
<i>Defendants</i>)

**MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER
DEFENDANTS' MOTIONS FOR DISMISSALS**

Comes now, the plaintiff Samuel K. Lipari appearing pro se and respectfully requests that the court extend the time to reply to the defendants' motions to dismiss until all defendants have appeared and answered or filed motions to dismiss. The plaintiff will then be able to consolidate his response addressing duplicative issues in a single pleading. The plaintiff believes this will greatly aid the parties and the court in conserving resources and time.

STATEMENT OF FACTS

1. The defendants Novation LLC, VHA, Inc. University Healthsystem Consortium, VHA Mid-America LLC, Thomas Spindler, Robert Bezanson, Gary Duncan, Maynard Oliverius. Sandra Van Trease, Charles Robb, Michael Terry, Cox Healthcare Services of the Ozarks Inc., Saint Luke's Healthcare System, Inc. and Stormont-Vail Healthcare Inc. have filed a consolidated motion to dismiss under Rule 55.27(a)(6).
2. The defendants Curt Nonomaque and Robert Baker have filed a motion to dismiss for lack of personal jurisdiction and failure to state a claim.
3. The defendants Richard Davis, Jerry Grundhofer, Andrew Cecere, and Shughart Thomson & Kilroy, P.C. have sought an extension to June 13 which the plaintiff has opposed.
4. The defendants Andrew S. Duff and The Piper Jaffray Companies are cartel members with a history of filing motions to dismiss instead of answering and the plaintiff believes intend to do so here but have not yet answered or appeared.
5. The defendants Lathrop & Gage, L.C. has also not answered and is believed will seek dismissal.
6. The plaintiff has sought a timely rehearing of the dismissal of the federal action based on an intervening decision by the US Supreme Court overruling the Tenth Circuit US Court of Appeals on the

pleading standard used by the Kansas District Court trial judge that resulted in this case being filed in state court.

7. On May 6, the F.B. I. raided the US Justice Department Office of Special Counsel, detaining 17 US Justice Department officials involved in interfering in the plaintiff's litigation in *Medical Supply Chain, Inc. v Novation LLC et al* KS District Curt case no. Case No. 05-2299 and raided the home of Scott J. Bloch a former Kansas Attorney Discipline official and now the US Special Counsel for the conduct described in the plaintiff's press releases and the RICO action *Lipari v. General Electric et al.*, W. Dist. Of MO, Case No. 07-CV-00849-FJG.

8. Should the US District Court for Kansas decide to conform to controlling federal law, this case for pendant state claims would be properly dismissed without prejudice, yielding to the earlier concurrent jurisdiction established in federal court, now styled *Medical Supply Chain, Inc. v Novation LLC et al* KS District Curt case no. Case No. 05-2299 and *Lipari v. US Bancorp et al.* Case no. 07-cv-02146-CM-DJW.

9. The plaintiff has no objection to defendants withdrawing their motions or otherwise changing their answers in light of recent events before June 15, 2008.

10. The plaintiff proposes to answer all motions for dismissal by filing a consolidated response on or before July 21, 2008.

11. The plaintiff has not been able to obtain consent from the defendants to this motion for extension.

SUGGESTION IN SUPPORT

This antitrust action is very complex and the defendants have already sought dismissals of claims not made by the plaintiff and asserted statutes of limitation inapplicable to the new defendants, the previous defendants' subsequent conduct or the earlier charged conduct covered by the Missouri savings statute for refilling claims dismissed without prejudice. Individual defendants have sought dismissal for lack of personal jurisdiction that is void of recognition of individual capacity to conspire to commit antitrust violations and injury against residents of Missouri within the borders of this state recognized under Missouri and federal controlling precedent. This issue was raised in the RICO context by the same defendants in *Medical Supply Chain, Inc. v Novation LLC et al* where the controlling precedent differentiated between state law long arm jurisdiction under RICO conspiracy and antitrust conspiracy and

was resolved through consent of the defendants to jurisdiction. The plaintiff is willing to afford the defendants the opportunity to withdraw their motions and affidavits or change their motions and affidavits for dismissal.

The court and the parties will find the many issues raised by the different groups of defendants difficult to resolve unless the plaintiff is able to consolidate his responses to all, addressing each issue and identifying the parties joining the issue or separately raising independent arguments.

This action is the same case or controversy currently before the Kansas District Court as *Medical Supply Chain, Inc. v Novation LLC et al* KS District Curt case no. Case No. 05-2299 under Article III of the U.S. Constitution and 28 U.S.C. § 1367 and contains claims over which the US District Court judge has at the present time expressly declined to exercise jurisdiction over through an order of dismissal without prejudice that the defendants did not object to or appeal.

That status should change under controlling law and the Kansas District Court should end its secession from the United States by June 15, 2008. However there is no guarantee after six years that the court will and the federal agencies responsible for protecting against the violations described in this complaint will likely not be purged from the defendants' influence this year because of the lengthy process of FBI Director Robert S. Mueller must employ to process the email and documentary evidence obtained in the raid and to obtain the testimony of cooperating witnesses in the racketeering enterprise detailed in *Lipari v. General Electric et al.*, W. Dist. Of MO, Case No. 07-CV-00849-FJG formerly the State of Missouri 16th Circuit Case No. 0616-cv07421.

The defendant Cox Health did not even take steps to affirmatively withdraw from the hospital supply cartel and to deal directly with hospital suppliers until April 14, 2008. US Attorney John Wood for the District of Western Missouri and Jeffrey P. Ray, Assistant United States Attorney on April 25, 2008 were still committing unlawful acts to interfere in the plaintiff's private civil litigation and obstructing justice in the criminal prosecution of Cox Health officials for Medicare fraud when the raid took place on May 6th.

CONCLUSION

Whereas for the above stated reasons and for the conservation of the court's resources, the plaintiff respectfully requests the court extend the time to respond to all dismissals until 4:30 pm, July 21, 2008.

Respectively submitted,

S/Samuel K. Lipari

Samuel K. Lipari

Pro se

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 8th day of May, 2008, by first class mail postage prepaid to:

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