

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

SAMUEL K. LIPARI,)	
)	
Plaintiff,)	
)	
v.)	Case No. 0916-CV38273
)	Division 15
CHAPEL RIDGE MULTIFAMILY LLC, <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFF’S SUGGESTION IN OPPOSITION TO DEFENDANTS
REGUS PLC, REGUS MANAGEMENT GROUP LLC AND LIANNE
ZELLMER’S MOTION FOR DISMISSAL FOR FAILURE TO STATE A CLAIM**

The petitioner Samuel K. Lipari gives the following suggestions of law revealing the frivolousness of REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER’s Motion to Dismiss. The motion should be denied for the following reasons:

STATEMENT OF FACTS

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER’s Motion to Dismiss dispenses with the convention in legal pleadings requiring the numbering of material facts. Instead, the facts are bullet pointed as if in a sales pitch or inter office memo. The petitioner will assign numbers and attempt to quote points in error or to a material dispute exists:

1. REGUS Alleged Fact # 1 “• Plaintiff rented virtual office mail and phone services from the Regus Defendants. (Petition ~ 94)”

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are correct and this allegation makes their revocation of services equal to a lease in furtherance of the Novation LLC RICO conspiracy through RICO predicate acts of Mail and Wire Fraud actionable as the suggestion explains *infra*.

2. REGUS Alleged Fact # 2 “• The Regus Defendants formed an agreement with undisclosed individuals and entities in violation of RICO to shut down Plaintiffs home healthcare/consumer business and to interfere with Plaintiff's finances. (Petition ~ 95)”

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER misrepresent the Petition and Amended Petition in this allegation where the non-defendant Novation LLC RICO co-conspirators and the Novation LLC RICO enterprise members are specifically identified, besides the

obvious identification of the latecomer RICO co-conspirator named defendants acting on the same day in joining the agreement to achieve the ultimate goals of the Novation LLC RICO enterprise as the suggestion explains and quotes from the Petition and Amended Petition *infra*.

3. REGUS Alleged Fact # 3 “• On September 17,2009 Plaintiff received an email letter from a collection agency on behalf of the Regus Defendants demanding payment of\$3,533.70. (Petition -, 242) “

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are correct and this allegation is significant because it is a fraudulent debt amount the Wire Fraud was communicated as an effort to collect. The effect of this allegation is that open ended continuity and a regular way of doing business are established.

4. REGUS Alleged Fact # 4 “• Plaintiff responded by sending a letter to Defendant Zellmer stating: "Hi, Lianne, I received this email and it seems like a scam? If! recall correctly, the last invoice I received from you was around \$900. I don't think you or Regus would like someone representing your interest in this way? Anyway I thought you should know. Best regards, S-" (Petition ~ 243)”

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are correct and this averment supports the allegation REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are committing the Mail Fraud and wire Fraud acts in furtherance of the RICO violation of collecting an invalid debt. See suggestion *infra*.

5. REGUS Alleged Fact # 5 “• On September 18, 2009, Plaintiff received a reply email from Defendant Zellmer confirming that the email was not a scam and that the amount owed was proper. (Petition ~ 244)”

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are correct and this averment also supports the allegation REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are committing the Mail Fraud and wire Fraud acts in furtherance of the RICO violation of collecting an invalid debt. See suggestion *infra*.

6. REGUS Alleged Fact # 6 “• Plaintiff replied to Defendant Zellmer that he did not "believe the email" sent by the collection agency was legitimate but that he would send a form to her so that the Regus Defendants could seek payment on his behalf from the Department of Justice or the Federal Bureau of Investigation. (Petition ~ 245)”

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are correct and this averment supports the allegation that the plaintiff had made arrangements for REGUS to be paid in full

along with any interest or penalties.

7. REGUS Alleged Fact # 7”• Plaintiff alleges that he was unable to pay Regus because of negligence committed by "Mr. Robert Mueller in training FBI agents to investigate Public Official Corruption that the FBI had knowledge of and failed to stop allowing the RICO conspirators to continue procuring fraudulent outcomes in court." (Petition ~ 237)”

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER materially misrepresent the Petition and Amended Petition along with the accompanying affidavit and the specific exhibits showing the plaintiff had made arrangements for REGUS to be paid in full along with any interest or penalties. The Petition and Amended Petition show that the proper reimbursement form for payment to REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER were provided to and the controlling federal case showing Mr. Robert Mueller’s liability in negligence.

8. REGUS Alleged Fact # 8”• The United States Government was supposed to pay the full amount owed to the Regus Defendants on his behalf. (Petition ~ 237)”

The Petition and Amended Petition show that the proper reimbursement form for payment to REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER were provided to and the controlling federal case showing Mr. Robert Mueller’s liability in negligence.

9. REGUS Alleged Fact # 9”• On July 27, 2009 the Regus Defendants terminated his Service Agreement with Regus dated September 24,2007 (the "Service Agreement") and the termination coordinated with Plaintiffs eviction from his residence on July 24, 2009. (Petition ~ 131, 172)

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are correct and this averment supports the allegation REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are committing the Mail Fraud and wire Fraud acts in furtherance of the Novation LLC RICO conspiracy with other members of the Novation LLC RICO enterprise including the defendant latecomer co-conspirators named in the Petition and Amended Petition.

10. REGUS Alleged Fact # 10”• The Regus Defendants' termination of his Service Agreement evidences the fact that the Regus Defendants were participating in an "ongoing RICO enterprise." (Petition ~ 172- 74)

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are correct and this averment supports the allegation REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are committing the Mail Fraud and wire Fraud acts as members of the Novation LLC RICO

enterprise that includes the defendant latecomer co-conspirators named in the Petition and Amended Petition and the non-defendant RICO co-conspirators specifically identified in the Petition and Amended Petition, making them liable under RICO for sufficiently pled claims as explained in the suggestion *infra*:

11. REGUS Alleged Fact # 11”• The Regus Defendants committed mail and wire fraud by using the U.S. mail and the Internet to terminate his Services Agreement. (Petition j[232,242)

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are correct.

12. REGUS Alleged Fact # 12”• The Regus Defendants refused to accept payment on his account by failing to turn in a "FTCP form." (Petition ~ 298)”

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are correct and this averments support that the defendants were acting against their own interests and the interests of REGUS shareholders to further the Novation LLC conspiracy.

13. REGUS Alleged Fact # 13”• The alleged mail and wire fraud and alleged RICO violation was an effort to retaliate against him for exposing a death threat made by an FBI field officer. (Petition, 231)”

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are correct and this averments support that the defendants were acting to support the over all objective of the Novation LLC RICO enterprise to restrain trade in hospital supplies even to the point of causing the deaths of thousands of Missouri citizens who otherwise would have had Medicaid and employer health insurance except for the Novation LLC RICO enterprise. The Petition and Amended Petition show in detail how the US Attorney Office for the Western District of Missouri and members of the F.B.I. are involved in ongoing support of felonies being committed by the Novation LLC RICO enterprise. To restrain trade and to prevent discovery. LIANNE ZELLMER is averred to be a witness to the contacts made to her by US Attorney Office for the Western District of Missouri and members of the F.B.I. to coordinate retaliation against the plaintiff on behalf of the Novation LLC RICO enterprise.

SUGGESTION IN OPPOSITION

The plaintiff in his Petition and Amended Petition has stated claims against the defendants REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER’s for violations of RICO statutes 18 U.S.C. § 1962 (c) and (d).

A. SUFFICIENCY OF 18 U. S. C. § 1962 (c) RICO CLAIMS

The Petition and Amended Petition sufficiently state claims against REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER for predicate acts of racketeering in violation of 18 U.S.C. § 1962 (c).

To state a RICO claim, a plaintiff must allege that the defendant violated the substantive RICO statute, 18 U.S.C. § 1962, by setting forth "four elements: '(1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'" *Robbins v. Wilkie*, 300 F.3d 1208, 1210 (10th Cir. 2002) (quoting *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 (1985)).

(1) Conduct: The Petition and Amended Petition Adequately Pled Predicate Racketeering Acts

Both U.S. Supreme Court precedent and the Missouri fact pleading standards foreclose the adoption of defendants REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER's position that the plaintiff has failed to meet a heightened pleading standard. See *NOW v. Scheidler*, 510 U.S. 249, 256, 114 S.Ct. 798, 127 L.Ed.2d 99 (1994) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992)); Fed.R.Civ.P. 8 (pleading requires short and plain statements meant to give notice to defendants); see also Michael Goldsmith, Judicial Immunity for White-Collar Crime: The Ironic Demise of Civil RICO, 30 Harv. J. on Legis. 1, 18-22 (1993) (criticizing several attempts at RICO reform through judicial revisionism including improper heightened pleading requirements).

The plaintiff's Petition and Amended Petition allege the RICO defendants REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER leased to him a virtual office that included mail and telephone answering services and gave his www.MedicalSupplyLine.com business a physical business address.

The misrepresentations of a lessor in relationship to the services and billing of an office lease were properly RICO predicate acts in *Procter & Gamble v. Big Apple Indus. Bldgs., Inc.*, 879 F.2d 10 (2d Cir.1989). The Procter & Gamble plaintiff alleged predicate acts of fraud lasting over two years, surrounding the construction and leasing of a studio complex, including fraudulently inducing the plaintiff to enter a lease for the project, inducing plaintiffs to guarantee financing for the project, diverting escrow funds, and fraudulently collecting "interim rents" for delays caused by the defendants. The court concluded

that the plaintiff had alleged "five separate schemes" relating to the single construction project and single victim, and found that the plaintiff had satisfied the continuity requirement.

Depriving the plaintiff of the benefits of his contract, indeed all the services included in his virtual official contract that included the right to occupy office and conference room space as need for additional charges constitutes a "concrete financial loss" cognizable under RICO. *See [Maio v. Aetna, Inc. , 221 F.3d 472, 483-84 (3d Cir. 2000)].*

If one of the defendants REGUS PLC, REGUS MANAGEMENT GROUP LLC or their employee agent LIANNE ZELLMER caused the mailings and they participated in the fraudulent scheme to deprive the plaintiff of business resources to continue trying to enter the hospital supply markets controlled by the Novation LLC Cartel RICO enterprise, then REGUS PLC, REGUS MANAGEMENT GROUP LLC or LIANNE ZELLMER have committed predicate acts of mail fraud. A defendant need not personally cause the mails to be used; "there need only be sufficient evidence to connect him to the fraudulent scheme involving the use of the mails". *United States v. Finney, 5 Cir.1983, 714 F.2d 420, 423.*

(2) Enterprise: The Petition and Amended Petition Adequately Pled Enterprise

The Petition and Amended Petition Adequately Plead Enterprise because they state that the defendants REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER participated in the Novation RICO Conspiracy and the Novation LLC RICOP enterprise to restrain trade in the markets for hospital supplies controlled by Novation LLC and General Electric. *Seville Indus. Mach. Corp. v. Southmost Mach. Corp., 742 F.2d 786, 790 (3d Cir.1984), cert. denied, 469 U.S. 1211, 105 S.Ct. 1179, 84 L.Ed.2d 327 (1985)* (requirements for pleading a RICO enterprise are minimal).

The defendants REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are alleged to be participating with the Novation LLC RICO enterprise to restrain trade. An enterprise is a group of persons or entities associating together for the common purpose of engaging in a course of conduct. *United States v. Turkette, 452 U.S. 576, 583, 101 S. Ct. 2524, 2528 (1981)*. The enterprise may be a legal entity or "any union or group of individuals associated in fact although not a legal entity." 18 U.S.C. § 1961(4) (emphasis added). The plaintiff alleging an association-in-fact enterprise must adduce evidence demonstrating "an ongoing organization, formal or informal, and... evidence that the

various associates function as a continuing unit." *Atkinson v. Anadarko Bank & Trust Co.*, 808 F.2d 438, 439-40 (1987) (quoting *Turkette*, 452 U.S. at 583, 101 S. Ct. at 2528).

The enterprise is not a pattern of racketeering activity, but must exist separate and apart from the pattern of racketeering activity in which it engages. *Id.* at 441.

“As we succinctly put it in *Turkette*, an association-in-fact enterprise is ‘a group of persons associated together for a common purpose of engaging in a course of conduct.’ 452 U.S., at 583.” See *Boyle v. U.S.*, 2009 WL 1576571 (U.S.).

The Motion to Dismiss does not attempt to deny every RICO predicate act alleged to be committed by the members of the Novation LLC RICO enterprise, the members of the Novation LLC RICO conspiracy or by the two F.B. I. agents failed to state an 18 U.S.C. § 1961 enumerated predicate act of Mail Fraud, Wire Fraud, Theft of Honest Services Mail and Wire Fraud, and Hobbs Act Extortion . The named latecomer defendants including the defendants Regus PLC, Regus Management Group LLC and Lianne Zellmer are responsible for each of the acts as members of the

(3) Pattern: The Petition and Amended Petition Adequately Pled Pattern

The Petition and Amended Petition Adequately Plead Enterprise because they state that the defendants Regus PLC, Regus Management Group LLC, and their employee agent Lianne Zellmer participated in the Novation RICO Conspiracy and the Novation LLC RICO enterprise to restrain trade in the markets for hospital supplies controlled by Novation LLC and General Electric through fraudulent misrepresentations the same way the complaint alleges the other newcomer conspirators continued the frauds on the court used by the original non-defendant conspirators including General Electric since 2003:

“Furthermore, plaintiffs' allegations, particularly those concerning misrepresentations that defendants allegedly made in regard to other potential transactions with plaintiffs, App. at 7, are not inconsistent with proof that defendants regularly conducted their business via predicate acts of racketeering. Treating all the allegations in the pleadings as true, as **we must at this juncture, plaintiffs may be able to establish either the existence of a closed-end period of repeated conduct of sufficient length or a threat of continuity "by showing that the predicate acts ... are part of an ongoing entity's regular way of doing business,"** see 109 S.Ct. at 2902, to satisfy the requirements of *H.J. Inc.*”[Emphasis added]

Swistock v. E.L. Jones, 884 F.2d 755 at ¶ 17, (3rd Cir. 1989).

REGUS PLC, REGUS MANAGEMENT GROUP LLC or their employee agent LIANNE ZELLMER by entering into the Novation LLC RICO Conspiracy with the Novation LLC RICO enterprise established the continuity of further acts in a regular way of doing business.

The Petition and Amended Petition adequately gave notice to the defendants REGUS PLC, REGUS MANAGEMENT GROUP LLC and their employee agent LIANNE ZELLMER of the continuity arising from the Novation LLC RICO conspiracy the defendants are alleged to have joined as latecomers,

“By specifying **the time period during which the alleged conspiracy operated**, the locations and courts, the principal actors, and, with some detail, the specific types of predicate crimes to be committed and the modus operandi of the conspiracy, the indictment adequately enabled Glecier to prepare a defense.” [Emphasis added]

United States v. Glecier, 923 F.2d 496 at ¶ 11 (7th Cir. 1991).

As latecomer conspirators with the Novation LLC RICO Conspiracy with the Novation LLC RICO enterprise REGUS PLC, REGUS MANAGEMENT GROUP LLC or their employee agent LIANNE ZELLMER are responsible for a pattern of Mail Fraud and Wire Fraud RICO predicate acts that begins in 2003 with General Electric under the facts of the Amended Petition.

The Petition and Amended Petition allege REGUS PLC, REGUS MANAGEMENT GROUP LLC or their employee agent LIANNE ZELLMER have committed acts of Mail Fraud to collect an illegal debt including funds the petitioner does not owe REGUS:

“Indeed, we have previously noted that **"acts of extortion and illegal debt collection inherently exude a 'pattern' and a threat of continuing criminal activity."** *United States v. Minicone*, 960 F.2d 1099, 1107 (2d Cir.1992). Accordingly, **once the Government met its burden of proof by establishing that the loansharking conspiracy existed, it was entitled to a presumption that the conspiracy continued until defendant demonstrated otherwise.** The burden shifted to Spero to prove affirmatively that the loansharking conspiracy alleged in Racketeering Act # 1 was terminated before May 25, 1994, or that he withdrew from the conspiracy prior to that date, in order to sustain his statute of limitations claim. See *Flaharty*, 295 F.3d at 192 (holding that "where the government has shown that a conspiracy existed," it is the defendant's burden to prove "that the conspiracy was terminated or that [the defendant] took affirmative steps to withdraw").[Emphasis added]”

United States v. Spero, et al. 331 F.3d 57 at ¶¶ 9-10 (2nd Cir. 2003).

The Petition and Amended Petition specifically alleged facts supporting multi year continuity and a future year of conduct by REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER:

“252. The plaintiff was a **customer for two years** and when the RICO conspirators succeeded in delaying operating funds for two months, the RICO co-conspirators LIANNE ZELLMER for the REGUS PLC, REGUS MANGEMENT GROUP LLC **participated in a malicious effort to terminate services fraudulently charge for an entire year for services** when LIANNE ZELLMER for the REGUS PLC, REGUS MANGEMENT GROUP LLC **no intention to provide.**” [Emphasis added]

Amended Petition at ¶ 252 on pg. 38.

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER seek to mislead this court into not considering the nature of the Novation LLC RICO enterprise's ongoing scheme to restrain trade in the markets for hospital supplies and to defraud Medicare and Medicaid. Until REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER present evidence to a jury outweigh the plaintiff's direct evidence they are part of the Novation LLC RICO enterprise by joining the Novation LLC RICO conspiracy as latecomers to facilitate obtaining the goals of the RICO enterprise, this court is unable to dismiss the REGUS defendants:

"Barticheck [Barticheck v. Fidelity Union Bank/First National State, 832 F.2d 36, 39 (3d Cir.1987)] also recognized that a RICO pattern may be adequately pleaded if at least two ultimate schemes, or one scheme that is open-ended, is alleged. 832 F.2d at 39. **Here the complaint describes three perpetrators involved in at least one open-ended scheme to defraud** presumably numerous investors and, problematically, honest employees as well--a scheme that lasted at least the length of Shearin's two years with Hutton Trust." [Emphasis added]

Shearin v. E.F. Hutton Group, Inc. et al., 885 F.2d 1162 (3rd Cir. 1989).

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER seek to mislead this court into disregarding the express open ended continuity of the plaintiff's allegations by arguing the court should deprive the jury of the determination reserved for the trier of fact on whether REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER were part of the Novation LLC RICO enterprise.

Both the Petition and Amended Petition clearly stated the predicate acts of REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER were to prevent the plaintiff from entering the market for hospital supplies and to interrupt his business Medical Supply Line so he could not get income from selling home health care supplies and therefore he prevented from continuing to assert his right to enter the institutional hospital supply markets through his Medical Supply Chain business.

The Petition and Amended Petition clearly stated the elements showing that at the pleading stage, the predicate acts are related to the ultimate schemes and goals of the Novation LLC RICO enterprise to restrain trade in hospital supplies. Relatedness," that is, a relationship between or among the alleged predicate acts, is satisfied if the acts have "the same or similar purposes, results, participants, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated events." *Vild v. Visconsi*, 956 F.2d 560, 566 (6th Cir.), cert. denied, --- U.S. ----, 113 S.Ct. 99, 121 L.Ed.2d 59 (1992).

B. SUFFICIENCY OF 18 U. S. C. § 1962 (d) RICO CONSPIRACY CLAIMS

The Petition and Amended Petition sufficiently state claims against REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER for predicate acts of racketeering in violation of RICO Conspiracy under 18 U.S.C. § 1962 (d).

To allege a § 1962(d) claim, plaintiff must allege as to each co-conspirator an agreement to join in the conspiracy, acts of each co-conspirator in furtherance of the conspiracy, and knowing participation in that conspiracy. See *Odyssey Re (London) Ltd. v. Stirling Cook Brown Holdings Ltd.*, 85 F. Supp. 2d 282, 303 (S.D.N.Y. 2000); “To state a claim under § 1962(d) for a RICO conspiracy, plaintiff must allege that ‘each defendant, by words or actions, manifested an agreement to commit two predicate acts in furtherance of the common purpose of a RICO enterprise.’” *Nasik Breeding & Research Farm Ltd v. Merck & Co.*, 165 F. Supp. 2d 514, 540 and 541 (S.D.N.Y. 2001) (quoting *Colony at Holbrook, Inc. v. Strata, Inc.*, 928 F. Supp. 1224, 1238 (E.D.N.Y. 1996)).

The plaintiff’s charges of violations of 18 U. S. C. § 1962 (d) by the defendants REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER who are expressly alleged to enter into a specific agreement with the non defendant Novation LLC RICO co-conspirators on “**July 24, 2009**”.

The petitions allege the RICO conspiracy began in the earlier litigation and an association in fact enterprise existed where REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER is alleged to be participating in the RICO conspiracy, having agreed to further the ultimate objective of the Novation LLC cartel:

“18. The latecomer RICO co-conspirator defendants are now participants in a RICO Conspiracy that includes the federal district court judges Hon. Judge Carlos Murguia, Hon. Judge Fernando J. Gaitan, Jr. and, 16th Circuit Hon. Michael M. Manners to deprive the plaintiff of his business property. See third proposed amended complaint, exhibit I of the Motion to Amend at pgs. 123-125 <http://www.medicalsupplychain.com/pdf/Lipari%20Third%20Motion%20For%20Leave%20to%20Amend%2004217.pdf> and plaintiff’s response to show cause <http://www.medicalsupplychain.com/pdf/Answer%20to%20show%20cause.pdf> and its supporting affidavit <http://www.medicalsupplychain.com/pdf/Lipari%20Affidavit.pdf>

19. As co-conspirators, the latecomers charged in this petition had knowledge of acts of the ongoing criminal RICO conspiracy and intentionally participated in furthering the objectives of the racketeering enterprise and the RICO conspiracy to restrain trade in hospital supplies and overcharge Medicare by the latecomer conspirators violating Missouri statutes, and committing frauds on the 16th Circuit State of Missouri Court in an agreement to join the ongoing conspiracy through predicate acts of mail and wire fraud designed to injure the plaintiff’s business and take his property in the manner the US Supreme Court has determined in *Sedima SPRL v. Imrex Co. Inc.*, 473 U. S. 479 at page 496 gives the plaintiff standing under 18 U. S. C. § 1962. See **Exhibit 2.2** Web Site Index.”

Amended Petition at ¶¶ 18, 19 pages 5-6. See also Original petition at ¶ 44 on page 8.

The link in paragraph 18 of the Amended Petition gives REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER that the Novation LLC RICO conspiracy and an association in fact Novation LLC RICO enterprise in which REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER were participating as co-conspirators was already active March 20, 2005:

“As the Internet Service Provider for Medical Supply Chain, Inc. and later for the plaintiff’s business under the trade names Medical Supply Chain and Medical Supply Line, Edward E. Whitacre Jr’s company engaged in warrantless wiretapping of the plaintiff’s associates and the plaintiff and unlawfully disclosed the plaintiff’s business records stored in the plaintiff’s home and computer **during the period of time from March 20, 2005 till April 8th, 2008** (the “subject period”). Under Edward E. Whitacre Jr’s direction, AT&T **is presently participating in a continuing racketeering enterprise with Sprint, Inc.; former and current officials of the executive branch; Jeffrey Immelt; and General Electric.**” [Emphasis added]

Above excerpted from allegations of the Novation LC RICO enterprise from the citation in the Petition and the Amended Petition to the earlier litigation styled *SAMUEL K. LIPARI vs. NOVATION, LLC et al.* , 16th Circuit Case no. 0816-cv-04217 Third Motion For Leave To Amend The Original Petition For Relief section b. Allegations of Criminal Association-in-Fact Enterprises Pg. 146.

The Petition and Amended Petition gives REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are charged as being members of the Novation LLC RICO conspiracy”

“282. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER BARHORST, HOLLY L. FISHER, REGUS PLC, REGUS MANGEMENT GROUP LLC, LIANNE ZELLMER, WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPBITO & MILLER LLC, CHRIS M. TROPBITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER in this action formed an agreement to participate in an 18 U. S. C. § 1962(d) criminal conspiracy meeting the requirements of *Salinas v. United States*, 522 U.S. 22, 63- 64 (1997) with agents of the following existing RICO conspiracy members General Electric Company, General Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global Signaling, LLC, Jeffrey R. Immelt, Seyfarth Shaw LLP, Stuart Foster, Heartland Financial Group, Inc., Christopher M. McDaniel, Bradley J. Schlozman, Novation LLC, US Bancorp and The Piper Jaffray Companies whose overarching purpose is to artificially inflate hospital supply costs in an ongoing hospital skimming scheme to loot Medicaid, Medicare and private insurance funds.
283. The conduct against the plaintiff by existing RICO co-conspirators is described fully on the plaintiff’s web site www.medicalsupplychain.com/news”

Amended Petition at ¶¶ 282, 283 on pg. 42.

The Petition and Amended Petition gives REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER notice that the latecomer co-conspirator defendants are liable to the plaintiff for the Novation LLC RICO conspiracy and an association in fact Novation LLC RICO enterprise’s RICO predicate acts from the inception of the conspiracy until the filing of the Petition and Amended Petition:

“28. The plaintiff’s petition’s allegations of the RICO conspiracy that the defendants willingly joined as latecomer co-conspirators subject the latecomer defendants to liability for all acts during conspiracy's existence. *Dextone Co. v. Building Trades Council of Westchester County*, 60 F.2d 47 (2d Cir. 1932).”

Amended Petition at ¶ 28 page 7. See also Original petition at ¶ 44 on page 8.

The Motion to Dismiss does not assert the Novation LLC RICO Conspiracy was insufficiently pled or that the non RICO defendant Novation LLC co-conspirators including GENERAL ELECTRIC, GE CAPITAL, GE TRANSPORTATION, JEFFREY R. IMMELT and US Bancorp were insufficiently alleged to be participating in the Novation LLC RICO Conspiracy. Therefore the plaintiff’s allegations that REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER joined the conspiracy through a specific agreement on “Friday *July 24, 2009*”.

REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER are sufficiently pled to be RICO conspirators: "Once a conspiracy is shown to exist, the evidence sufficient to link another defendant to it need not be overwhelming." *United States v. Diaz*, 176 F.3d 52, 97 (2d Cir.1999) (quoting *United States v. Amato*, 15 F.3d 230, 235 (2d Cir.1994)). "[o]nce a RICO enterprise is established, a defendant may be found liable even if he does not have specific knowledge of every member and component of the enterprise." *Mason Tenders District Council Pension Fund v. Messera*, 1996 WL 351250 at *6 (S.D.N.Y.1996).

CONCLUSION

Whereas for the above reasons, the plaintiff respectfully requests that REGUS PLC, REGUS MANAGEMENT GROUP LLC and LIANNE ZELLMER’s Motion to Dismiss be denied.

Respectfully submitted,

S/ Samuel K. Lipari
SAMUEL K. LIPARI

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 15th day of March 2010 by hand delivery, by first class mail postage prepaid, or by email to:

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