

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

MEDICAL SUPPLY CHAIN, INC.,	)	
(Through assignee Samuel K. Lipari)	)	
SAMUEL K. LIPARI	)	
<i>Plaintiff,</i>	)	
v.	)	Case No. 05-2299
NOVATION, LLC	)	
NEOFORMA, INC.	)	
ROBERT J. ZOLLARS	)	
VOLUNTEER HOSPITAL ASSOCIATION	)	
CURT NONOMAQUE	)	
UNIVERSITY HEALTHSYSTEM CONSORTIUM	)	
ROBERT J. BAKER	)	
US BANCORP, NA	)	
US BANK	)	
JERRY A. GRUNDHOFER	)	
ANDREW CECERE	)	
THE PIPER JAFFRAY COMPANIES	)	
ANDREW S. DUFF	)	
SHUGHART THOMSON & KILROY, P.C.	)	
<i>Defendants.</i>	)	

**PLAINTIFF’S MOTION TO SUPPLEMENT THE RECORD ON APPEAL**

Comes now the plaintiff Samuel K. Lipari in his individual capacity and as an assignee of all rights of Medical Supply Chain, Inc. a dissolved Missouri corporation and respectfully submits this motion to supplement the record of this matter or controversy on appeal.

**STATEMENT OF FACTS**

1. The following cases are either the same matter or controversy as the present case or related cases and appeals: 16<sup>th</sup> Circuit at Independence, Missouri action *Samuel K Lipari v. Novation LLC et al*; 0816-CV04217; U.S. District Court District of Kansas 07-CV-02146 *Lipari v. US Bancorp NA et al*; U.S. District Court of Western District of Missouri 05-CV-00210 *Medical Supply Chain, Inc v. Neoforma, Inc et al*; U.S. District Court District of Kansas 06-CV-01012 *Lipari v. US Bancorp NA et al*; State of Missouri 16<sup>th</sup> Judicial Circuit 0616-CV32307 – *Lipari v. US Bancorp NA et al*; State of Missouri 16<sup>th</sup> Judicial Circuit 0816-CV04217 – *Samuel K Lipari v. Novation LLC et al*; U.S. District Court District of Kansas 02-CV-02539-CM *Medical Supply Chain v. US Bancorp NA, et al*; Missouri Western District Appeals WD70001 *Samuel Lipari v Novation, LLC, et al*.

2. The plaintiff has attached the following documents (excluding those already in the courts record in *Lipari v. US Bancorp et al.* Case no. 07-cv-02146-CM-DJW which the plaintiff lists for incorporation by reference) which the plaintiff seeks to supplement the record on appeal:

**U.S. District Court District of Kansas  
07-CV-02146 LIPARI V. US BANCORP N A ET AL**

Exb.1 NOTICE OF REMOVAL from Western District of Missouri, case number 06-1012, filed by Samuel K. Lipari. (Attachments: (1) Exhibit A)(Originally filed in WD/MO on 12/13/06)(mm) (Entered: 4/11/2007)  
04/10/2007 Doc.1

Exb.2 ANSWER to Complaint 1 by US Bancorp N A, US Bank NA. (Originally filed in WD/MO on 12/21/06)(mm) (Entered: 04/11/2007)  
04/10/2007 Doc.7

Exb.3 REPLY to 2 Answer to Complaint by Plaintiff Samuel K. Lipari. (Attachments: (1) Exhibit A)(Originally filed in WD/MO on 1/4/07)(mm) (Entered: 04/11/2007)  
04/10/2007 Doc. 12

Exb.4 REPORT OF RULE 26 meeting by US Bancorp N A, US Bank NA (Originally filed in WD/MO on 2/9/07) (mm) (Entered: 04/11/2007)  
04/10/2007 Doc. 20

Exb.5 ORDER transferring case from the Western District of Missouri to the District of Kansas. (mm) (Entered: 04/11/2007)  
04/10/2007 Doc. 21

Exb.6 MOTION to Dismiss by Defendants US Bancorp N A, US Bank NA (Olthoff, Mark) (Entered: 04/25/2007)  
04/25/2007 Doc. 22

Exb.7 MEMORANDUM IN SUPPORT of 22 MOTION to Dismiss by Defendants US Bancorp N A, US Bank NA (Attachments: # 1 Notice of Exhibit Attachment)(Olthoff, Mark) (Entered: 04/25/2007)  
04/25/2007 Doc. 23

Exb.8 MEMORANDUM IN SUPPORT of 22 MOTION to Dismiss by Defendants US Bancorp N A, US Bank NA (Attachments: # 1 Exhibit A-1 Plaintiff's Amended Complaint Part 1# 2 Exhibit A-2 Plaintiff's Amended Complaint Part 2# 3 Exhibit B - December 30, 2004 Order# 4 Exhibit C-1 Complaint Part 1# 5 Exhibit C-2 Complaint Part 2# 6 Exhibit C-3 Complaint Part 3# 7 Exhibit C-4 Complaint Part 4# 8 Exhibit D# 9 Exhibit E)(Olthoff, Mark) (Entered: 04/27/2007)  
04/27/2007 Doc. 24

Exb.9 MOTION to Strike 22 MOTION to Dismiss by Plaintiff Samuel K. Lipari (mm) (Entered: 05/04/2007)  
05/03/2007 Doc.25

Exb.10 CERTIFICATE OF SERVICE of discovery by Samuel K. Lipari (mm) (Entered: 05/04/2007)

05/03/2007 Doc.26

Exb.11 CERTIFICATE OF SERVICE of Rule 26(a) Disclosures by US Bancorp N A, US Bank NA. (Olthoff, Mark) (Entered: 05/04/2007)  
05/04/2007 Doc.27

Exb.12 MOTION to Stay Entry of Schedule, Stay Discovery and for Protective Order by Defendants US Bancorp N A, US Bank NA. (Olthoff, Mark) (Motion title modified on 5/8/2007. (mg)) (Entered: 05/07/2007)  
05/07/2007 Doc. 28

Exb.13 ENTRY OF APPEARANCE by Jay E. Heidrick on behalf of US Bancorp N A, US Bank NA. (Heidrick, Jay) (Entered: 05/10/2007)  
05/10/2007 Doc. 29

Exb.14 MEMORANDUM in Opposition by Defendants US Bancorp N A, US Bank NA re 25 MOTION to Strike 22 MOTION to Dismiss (Olthoff, Mark) (Entered: 05/17/2007)  
05/17/2007 Doc.30

Exb.15 ORDER granting 28 Motion to Stay Discovery. All pretrial and Rule 26 proceedings, including the planning conference, scheduling conference, Rule 26(a)(1) disclosures, and discovery, are hereby stayed until the Court has ruled on Defendants' pending Motion to Dismiss (doc. 22). Signed by Magistrate Judge David J. Waxse on 5/24/2007.  
(bh) (Entered: 05/24/2007)  
05/24/2007 Doc.31

Exb.16 REPLY Memorandum in support of 25 MOTION to Strike 22 MOTION to Dismiss by Plaintiff Samuel K. Lipari (yh, ) (Entered: 05/31/2007)  
05/29/2007 Doc.32

Exb.17 OBJECTION(S) to Discovery under Rule 72.1.4 by Samuel K. Lipari. (yh, ) (Entered: 05/31/2007)  
05/29/2007 Doc.33

Exb.10 RESPONSE to 33 Objection(s) by Defendants US Bancorp N A, US Bank NA. (Olthoff, Mark) (Entered: 06/08/2007)  
06/08/2007 Doc.34

Exb.18 ORDER denying 25 Motion to Strike. Plaintiff has twenty-three days to file a response to 22 MOTION to Dismiss. Signed by Judge Carlos Murguia on 8/20/2007. (js) (Entered: 08/20/2007)  
08/20/2007 Doc. 35

Exb.19 ENTRY OF APPEARANCE by Ira Dennis Hawver on behalf of Samuel K. Lipari. (Hawver, Ira) (Entered: 09/11/2007)  
09/11/2007 Doc.36

Exb.20 RESPONSE by Plaintiff Samuel K. Lipari re 22 MOTION to Dismiss (Hawver, Ira) (Entered: 09/11/2007)  
09/11/2007 Doc. 37

Exb.21 REPLY to Response to Motion by Defendants US Bancorp N A, US Bank NA re: 22 MOTION to Dismiss (Heidrick, Jay) (Entered: 10/03/2007)

10/03/2007 Doc.38

Exb.22 ORDER granting in part and denying in part 22 Motion to Dismiss. Signed by Judge Carlos Murguia on 11/16/07. (js) (Entered: 11/16/2007)  
11/16/2007 Doc.39

Exb.23 RESPONSE by Plaintiff Samuel K. Lipari re 39 Order on Motion to Dismiss (Hawver, Ira) (Entered: 11/27/2007)  
11/27/2007 Doc.40

Exb.24 ORDER SETTING SCHEDULING CONFERENCE: Telephone Scheduling Conference set for 1/11/2008 at 03:00 PM before Magistrate Judge David J. Waxse. Report of Parties Planning Meeting deadline 1/4/2008. Signed by Magistrate Judge David J. Waxse on 11/30/07. (ll) (Entered: 11/30/2007)  
11/30/2007 Doc.41

Exb.25 RESPONSE to 40 Response to Order by Defendants US Bancorp N A, US Bank NA. (Heidrick, Jay) (Entered: 12/06/2007)  
12/06/2007 Doc.42

Exb.26 MOTION to Dismiss Pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure by Defendants US Bancorp N A, US Bank NA. (Heidrick, Jay) (Entered: 12/19/2007)  
12/19/2007 Doc.43

Exb.27 MEMORANDUM IN SUPPORT of 43 MOTION to Dismiss Pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure by Defendants US Bancorp N A, US Bank NA. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B)(Heidrick, Jay) (Entered: 12/19/2007)  
12/19/2007 Doc.44

Exb.28 MOTION to Withdraw as Attorney by Plaintiff Samuel K. Lipari. (Attachments: # 1 Exhibit Proposed Order, # 2 Exhibit Acknowledgement of Plaintiff)(Hawver, Ira) (Entered: 12/27/2007)  
12/27/2007 Doc.45

Exb.29 MOTION for Extension of Time to File Response as to 43 MOTION to Dismiss Pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure, 44 Memorandum in Support of Motion, by Plaintiff Samuel K. Lipari (Hawver, Ira) (Entered: 12/28/2007)  
12/28/2007 Doc.46

Exb.30 RESPONSE by Defendants US Bancorp N A, US Bank NA re 45 MOTION to Withdraw as Attorney *Defendants' Response to the Motion for Leave to Withdraw as Counsel Filed by Dennis Hawver* (Olthoff, Mark) (Entered: 12/31/2007)  
12/31/2007 Doc.47

Exb.31 RESPONSE by Defendants US Bancorp N A, US Bank NA re 46 MOTION for Extension of Time to File Response as to 43 MOTION to Dismiss Pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure, 44 Memorandum in Support of Motion, (Heidrick, Jay) (Entered: 12/31/2007)  
12/31/2007 Doc.48

Exb.32 ORDER granting 45 Motion to Withdraw as Attorney. Attorney Ira Dennis Hawver terminated as attorney for plaintiff Samuel K. Lipari. Signed by Magistrate Judge David J. Waxse on 1/2/08. (mh) (Entered: 01/02/2008)  
01/02/2008 Doc.49

Exb.33 SCHEDULING ORDER: Estimated trial time 15-20 days. Jury Trial set for 3/2/2009 at 01:30 PM before District Judge Carlos Murguia. Discovery deadline 7/1/2008. Dispositive motion deadline 8/15/2008. Final Pretrial Conference set for 7/30/2008 at 10:00 AM before District Magistrate Judge David J. Waxse. Proposed Pretrial Order due by 7/23/2008. SEE ORDER FOR FURTHER DEADLINES. Signed by Magistrate J01/14/2008)  
01/14/2008 Doc.50

Exb.34 ORDER granting in part and denying in part 46 Motion for Extension of Time to File Response/Reply re 43 MOTION to Dismiss *Pursuant o Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure*. Response deadline 2/1/2008. Signed by District Judge Carlos Murguia on 1/24/08.(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (js) (Entered: 01/24/2008)  
01/24/2008 Doc.51

Exb.35 RESPONSE by Plaintiff Samuel K. Lipari re 43 MOTION to Dismiss *Pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure* (yh) (Entered: 02/01/2008)  
01/31/2008 Doc.52

Exb.36 NOTICE OF SERVICE by Samuel K. Lipari of discovery document and production request (yh) (Entered: 02/14/2008)  
02/13/2008 Doc.53

Exb.37 REPLY to Response to Motion by Defendants US Bancorp N A, US Bank NA re: 43 MOTION to Dismiss *Pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure* *REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS* (Olthoff, Mark) (Entered: 02/21/2008)  
02/21/2008 Doc.54

Exb.38 MOTION for extension of time to file supplemental Rule 26 disclosures by Plaintiff Samuel K. Lipari (yh) (Entered: 03/03/2008)  
03/03/2008 Doc.55

Exb.39 RESPONSE by Defendants US Bancorp N A, US Bank NA re 55 MOTION for extension of time (Attachments: # 1 Exhibit A)(Heidrick, Jay) (Entered: 03/05/2008)  
03/05/2008 Doc. 56

Exb.40 NOTICE OF SERVICE by US Bancorp N A, US Bank NA of Defendants' First Interrogatories and First Request for Production (Heidrick, Jay) (Entered: 03/11/2008)  
03/11/2008 Doc. 57

Exb.41 ORDER finding as moot 55 Motion for Extension of Time to File. Plaintiff's request for an extension of time to serve his supplemental disclosures until 4/15/2008 is unnecessary as Para. 2.h of the Scheduling Order provides that supplemental disclosures are to be served 40 days before the deadline for completion of discovery. The deadline for completion of discovery is 7/1/2008; therefore, the deadline for serving Exb.10 supplemental disclosures is 5/21/2008. Entered by Magistrate Judge James P. O'Hara on 3/17/08. (This is a TEXT

ENTRY ONLY. There is no.pdf document associated with this entry.) (mh) (Entered: 03/17/2008)  
03/17/2008 Doc. 58

Exb.42 MOTION for Protective Order *relating to Plaintiff's First Requests for Production* by Defendants US Bancorp N A, US Bank NA(Heidrick, Jay) (Entered: 03/17/2008)  
03/17/2008 Doc.59

Exb.43 MEMORANDUM IN SUPPORT of 59 MOTION for Protective Order *relating to Plaintiff's First Requests for Production* by Defendants US Bancorp N A, US Bank NA (Heidrick, Jay) (Entered: 03/17/2008)  
03/17/2008 Doc.60

Exb.44 INDEX OF EXHIBITS by Defendants US Bancorp N A, US Bank NA re 59 MOTION for Protective Order *relating to Plaintiff's First Requests for Production* (Attachments: # 1 Exhibit A- Plaintiff's Requests for production, # 2 Exhibit B- Good faith efforts to resolve dispute)(Heidrick, Jay) (Entered: 03/17/2008)  
03/17/2008 Doc. 61

Exb.45 NOTICE OF SERVICE by US Bancorp N A, US Bank NA of Discovery (Heidrick, Jay) (Entered: 03/17/2008)  
03/17/2008 Doc.62

Exb.46 MOTION for Leave to Amend Complaint (Petition) re 1 Notice of Removal by Plaintiff Samuel K. Lipari (yh) (Entered: 03/27/2008)  
03/26/2008 Doc.63

Exb.47 NOTICE of Supplemental Authority by Samuel K. Lipari (yh) (Entered: 03/27/2008)  
03/27/2008 Doc.64

Exb.48 RESPONSE by Plaintiff Samuel K. Lipari re 59 MOTION for Protective Order *relating to Plaintiff's First Requests for Production* (Attachments: # 1 Exhibit 1-Letter, # 2 Exhibit 2-Settlement Brief)(yh) (Entered: 03/27/2008)  
03/27/2008 Doc.65

Exb.49 ORDER denying without prejudice 63 Motion for Leave to Amend Complaint. Signed by Magistrate Judge David J. Waxse on 4/4/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (bh) (Entered: 04/04/2008)  
04/04/2008 Doc. 66

Exb.50 REPLY to Response to Motion by Defendants US Bancorp N A, US Bank NA re: 59 MOTION for Protective Order *relating to Plaintiff's First Requests for Production* (Heidrick, Jay) (Entered: 04/10/2008)  
04/10/2008 Doc.67

Exb.51 MOTION to Compel *Plaintiff's Compliance with Rule 26(a)* by Defendants US Bancorp N A, US Bank NA (Heidrick, Jay) (Entered: 04/22/2008)  
04/22/2008 Doc.68

Exb.52 INDEX OF EXHIBITS by Defendants US Bancorp N A, US Bank NA re 68 MOTION to Compel *Plaintiff's Compliance with Rule 26(a)* (Attachments: # 1 Exhibit 1 to Motion)(Heidrick, Jay) (Entered: 4/22/2008)  
04/22/2008 Doc.69

Exb.53 MEMORANDUM IN SUPPORT of 68 MOTION to Compel *Plaintiff's Compliance with Rule 26(a)* by Defendants US Bancorp N A, US Bank NA (Attachments: # 1 Exhibit Index to Memorandum of Law, # 2 Exhibit A to Memorandum, # 3 Exhibit B to Memorandum)(Heidrick, Jay) (Entered: 04/22/2008) 04/22/2008 Doc.70

Exb.54 NOTICE OF SERVICE by Samuel K. Lipari of Deposition and Duces Tecum Request (yh) (Entered: 05/01/2008) 04/30/2008 Doc.71

Exb.55 NOTICE OF SERVICE by Samuel K. Lipari of Rule 26 Supplemental Disclosures (yh) (Entered: 05/01/2008) 04/30/2008 Doc.72

Exb.56 NOTICE OF SERVICE by Samuel K. Lipari of Answers to defendant's First Set of Interrogatories (yh) (Entered: 05/01/2008) 04/30/2008 Doc. 73

Exb.57 MOTION for time to extend discovery by Plaintiff Samuel K. Lipari.(yh) (Entered: 05/01/2008) 04/30/2008 Doc.74

Exb.58 MEMORANDUM in Opposition by Plaintiff Samuel K. Lipari re 68 MOTION to Compel *Plaintiff's Compliance with Rule 26(a)* (Attachments: # 1 Exhibit 1 MSC Amended Complaint, # 2 Exhibit 2 Motion for Hearing, # 3 Exhibit 3 Response to Hearing Motion, # 4 Exhibit 4 Appellant Brief, # 5 Exhibit 5 MSC v Neoforma, # 6 Exhibit 6 MSC Motion to Consolidate)(yh) (Entered: 05/01/2008) 04/30/2008 Doc.75

Exb.59 NOTICE by Defendants US Bancorp N A, US Bank NA of taking deposition of Samuel Lipari on May 28, 2008 (Heidrick, Jay) (Entered: 05/09/2008) 05/09/2008 Doc. 76

Exb.60 SECOND NOTICE of Supplemental Authority by Samuel K. Lipari (yh) (Entered: 05/14/2008) 05/14/2008 Doc.77

Exb.61 RESPONSE by Defendants US Bancorp N A, US Bank NA re 74 MOTION for extension of time (Heidrick, Jay) (Entered: 05/15/2008) 05/15/2008 Doc.78

Exb.62 REPLY to Response to Motion by Defendants US Bancorp N A, US Bank NA re: 68 MOTION to Compel *Plaintiff's Compliance with Rule 26(a)* (Attachments: # 1 Exhibit A- Supplemental Disclosures)(Heidrick, Jay) (Entered: 05/15/2008) 05/15/2008 Doc. 79

Exb.63 MOTION for Protective Order against K. Lipari(yh) (Entered: 05/16/2008) 05/16/2008 Doc.80

Exb.64 Initial Witness & Exhibit List by US Bancorp N A, US Bank NA.(Heidrick, Jay) (Entered: 05/16/2008) 05/16/2008 Doc.81

Exb.65 MOTION for Protective Order *for Plaintiff's Notice of Deposition Duces Tecum* by Defendants US Bancorp N A, US Bank NA(Heidrick, Jay) (Entered: 05/19/2008)

05/19/2008 Doc. 82

Exb.66 MEMORANDUM IN SUPPORT of 82 MOTION for Protective Order *for Plaintiff's Notice of Deposition Duces Tecum* by Defendants US Bancorp N A, US Bank NA (Attachments: # 1 Exhibit A- Letter to Lipari)(Heidrick, Jay) (Entered: 05/19/2008)  
05/19/2008 Doc.83

Exb.67 AMENDED DOCUMENT by US Bancorp N A, US Bank NA. Amendment to 83 Memorandum in Support of Motion, 82 MOTION for Protective Order *for Plaintiff's Notice of Deposition Duces Tecum*. (Heidrick, Jay) (Entered: 05/20/2008)  
05/20/2008 Doc.84

Exb.68 MOTION to Compel *Discovery Responses* by Defendants US Bancorp N A, US Bank NA(Heidrick, Jay) (Entered: 05/22/2008)  
05/22/2008 Doc.85

Exb.69 86 MEMORANDUM IN SUPPORT of 85 MOTION to Compel *Discovery Responses* by Defendants US Bancorp N A, US Bank NA (Heidrick, Jay) (Entered: 05/22/2008)  
05/22/2008

Exb.70 INDEX OF EXHIBITS by Defendants US Bancorp N A, US Bank NA re 85 MOTION to Compel *Discovery Responses and Memorandum in Support* (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Heidrick, Jay) (Entered: 05/22/2008)  
05/22/2008 Doc.87

Exb.71 RESPONSE by Defendants US Bancorp N A, US Bank NA re 80 MOTION for Protective Order *against Deposition* (Heidrick, Jay) (Entered: 05/30/2008)  
05/30/2008 Doc.88

Exb.72 Opposition by Plaintiff Samuel K. Lipari re 82 MOTION for Protective Order *for Plaintiff's Notice of Deposition Duces Tecum* (yh) (Entered: 06/02/2008)  
05/30/2008 Doc.89

Exb.73 ORDER denying 74 Motion for Extension of Time. Plaintiff's motion to extend discovery until 10/1/08 is denied for failure to show the requisite good cause for amending the scheduling order. Entered by Magistrate Judge David J. Waxse on 6/3/08. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (mh) (Entered: 06/03/2008)  
06/03/2008 Doc. 90

Exb.74 NOTICE OF SERVICE by Samuel K. Lipari of Second Rule 26 Supplemental Disclosures (yh) (Entered: 06/06/2008)  
06/05/2008 Doc. 91

Exb.75 NOTICE of unavailability by Samuel K. Lipari (mm) (Entered: 06/13/2008)  
06/12/2008 Doc.93

Exb.76 Objection to Order of Magistrate Judge re 90 Order on Motion for Extension of Time by Plaintiff Samuel K. Lipari (mm) (Entered: 06/13/2008)  
06/12/2008 Doc. 94

Exb.77 REPLY to Response to Motion by Defendants US Bancorp N A, US Bank NA re: 82 MOTION for Protective Order *for Plaintiff's Notice of Deposition Duces Tecum* (Heidrick, Jay) (Entered: 06/13/2008)  
06/13/2008 Doc.92

Exb.78 RESPONSE by Defendants US Bancorp N A, US Bank NA re 94 Objection to Order of Magistrate Judge re 90 Order on Motion for Extension of Time, by Plaintiff Samuel K. Lipari (Heidrick, Jay)  
(Entered: 06/19/2008)  
06/19/2008 Doc.95

Exb.79 MEMORANDUM AND ORDER granting 85 Motion to Compel. Plaintiff shall, within fourteen days of the date of this Order, produce all documents responsive to Defendants' First Set of Requests for Production and serve supplemental responses to Defendants' First Interrogatories No. 1, 3, 5-14, 16-17, and 21. Plaintiff shall, within twenty-one (21) days of the date of this Order, show cause in a pleading filed with the Court, why he should not be required to pay the reasonable fees and expenses that Defendants have incurred in making their Motion to Compel. Signed by Magistrate Judge David J. Waxse on 7/8/2008. (bh) (Entered: 07/08/2008)  
07/08/2008 Doc.96

Exb.80 Objection to Order of Magistrate Judge re 96 Order on Motion to Compel, by Plaintiff Samuel K. Lipari (Attachments: # 1 Exhibit Vol. I) (yh). (Entered: 07/11/2008)  
07/10/2008 Doc. 97

Exb.81 FURTHER EXHIBIT (S) IN SUPPORT of 96 Order on Motion to Compel, 97 Objection to Order of Magistrate Judge re 96 Order on Motion to Compel,, by Plaintiff Samuel K. Lipari. (Attachments: # 1 Exhibit Vol. II part 2, # 2 Exhibit Vol. III, # 3 Exhibit Settlement Brief)(yh) (Entered: 07/11/2008)  
07/10/2008 Doc.98

Exb.82 MEMORANDUM AND ORDER overruling 94 plaintiff's Objection to the Magistrate's Order Denying Extension of Discovery. Signed by District Judge Carlos Murguia on 7/11/2008. (jw) (Entered: 07/11/2008)  
07/11/2008 Doc.99

Exb.83 MOTION to Alter OR Amend Judgment re 99 Memorandum and Order on Objection to Order of Magistrate Judge and MOTION to Stay Further Pretrial Proceedings (Response deadline 8/1/2008) by Plaintiff Samuel K. Lipari (Attachments: # 1 Exhibit 1; # 2 Exhibit 2)(ck) (Entered: 07/18/2008)  
07/18/2008 Doc.100

Exb.84 MOTION to Amend Petition re 1 Notice of Removal by Plaintiff Samuel K. Lipari. (Attachments: # 1 Exhibit 1; # 2 Exhibit 2)(ck)  
(Entered: 07/18/2008)  
07/18/2008 Doc.101

Exb.85 RESPONSE by Defendants US Bancorp N A, US Bank NA re 97 Objection to Order of Magistrate Judge re 96 Order on Motion to Compel by Plaintiff Samuel K. Lipari (Heidrick, Jay) (Entered: 07/18/2008)  
07/18/2008 Doc.102

Exb.86 MOTION to Stay Discovery (This was originally filed with document 100 MOTION to Alter Judgment & MOTION to Stay Discovery but should have been

entered as two separate motions) by Plaintiff Samuel K. Lipari.(mm) (Entered: 07/30/2008)  
07/18/2008 Doc.107

Exb.87 MEMORANDUM AND ORDER granting in part and denying in part 68 Motion to Compel. On or before 7/30/2008, Plaintiff shall serve an amended Rule 26(a)(1)(A)(i) witness disclosure statement in compliance with this Memorandum and Order. On or before 7/30/2008, Plaintiff shall serve a supplemental Rule 26(a)(1)(A)(ii) document disclosure statement or serve amended Rule 26(a)(1)(A)(ii) document disclosures in compliance with this Memorandum and Order. On or before 8/13/2008, Plaintiff shall show cause why he should not be required to pay a portion of the reasonable fees and expenses that Defendants incurred in making their Motion to Compel. Signed by Magistrate Judge David J. Waxse on 7/22/2008. (bh) (Entered: 07/22/2008)  
07/22/2008 Doc.103

Exb.88 Order Converting Pretrial Conference to Status conference. On the Court's own motion, the Pretrial Conference scheduled for 7/30/2008 at 10:00 a.m. is converted to a telephone status conference, at which time the Court will take up Plaintiff's Motion to Stay (doc. 100). Entered by Magistrate Judge David J. Waxse on 7/23/08. (This is a TEXT ENTRY ONLY. There is no entry.) (mh) (Entered: 07/23/2008)  
07/23/2008 Doc.104

Exb.89 MEMORANDUM AND ORDER denying 101 Motion to Amend Complaint. Signed by Magistrate Judge David J. Waxse on 7/28/2008. (bh) (Entered: 07/28/2008)  
07/28/2008 Doc.105

Exb.90 MEMORANDUM in Opposition by Defendants US Bancorp N A, US Bank NA re 100 MOTION to Alter Judgment MOTION to Stay Exb.10 Discovery re 99 Order on Objection to Order of Magistrate Judge MOTION to Stay Discovery re 99 Order on Objection to Order of Magistrate Judge (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Olthoff, Mark) (Entered: 07/28/2008)  
07/28/2008 Doc.106

Exb.91 MINUTE ENTRY for proceedings held before Magistrate Judge David J. Waxse: Denying 107 Motion to Stay Discovery; Status Conference and Motion Hearing held on 7/30/2008 re 107 MOTION to Stay Discovery. Plaintiff appeared pro se. Defendants appeared through counsel Mark A. Olthoff. Plaintiff's Motion is denied for failure to establish good cause for staying the proceedings. The pretrial conference is rescheduled for 8/14/2008 at 2:30 p.m. The parties shall prepare a proposed joint pretrial order. Defendants shall submit the proposed pretrial order to the Magistrate Judge on or before 8/11/2008. The deadline for filing dispositive motions is continued to 8/22/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (bh) (Entered: 07/31/2008)  
07/31/2008 Doc.108

Exb.92 ORDER: The Telephone Pretrial Conference set for 8/14/2008 is hereby rescheduled for 8/28/2008 at 02:00 PM before Magistrate Judge David J. Waxse. Proposed Pretrial Order due by 8/21/2008. Dispositive motion deadline continued to 9/5/2008. Jury Trial continued to 4/6/2009 at 01:30 PM in Courtroom 463 (CM) before District Judge Carlos Murguia. Entered by Magistrate Judge David J. Waxse on 8/7/08. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ll) (Entered: 08/07/2008)  
08/07/2008 Doc.109

Exb.93 RESPONSE by Defendants US Bancorp N A, US Bank NA re 107 MOTION to Stay Discovery re 100 MOTION to Alter Judgment MOTION to Stay Discovery re 99

Order on Objection to Order of Magistrate Judge MOTION to Stay Discovery re 99  
Order on Objection to Order of Magistrate Judge (Heidrick, Jay) (Entered: 08/11/2008)  
08/11/2008 Doc.110

Exb.94 RESPONSE by Defendants US Bancorp N A, US Bank NA re 103 Order on  
Motion to Compel,, *Order to Plaintiff to Show Cause* (Heidrick, Jay) (Entered:  
08/18/2008)  
08/18/2008 Doc.111

Exb.95 ANSWER to defendant's Rule 59 110 Response to Motion by Plaintiff Samuel K.  
Lipari. (yh) (Entered: 08/18/2008)  
08/18/2008 Doc.112

Exb.96 RESPONSE to defendant's assertion re: 111 Response to Order by Plaintiff  
Samuel K. Lipari. (yh) (Entered: 08/18/2008)  
08/18/2008 Doc.113

Exb.97 NOTICE AND ORDER TO SHOW CAUSE. Signed by Magistrate Judge David  
J. Waxse on 8/18/08. (mh) (Entered: 08/18/2008)  
08/18/2008 Doc.114

Exb.98 DOCKET ANNOTATION: Notice and Order to Show Cause 114 mailed to  
Samuel Lipari, 297 NE Bayview, Lee's Summit, MO 64064 by regular United States  
Mail and by certified mail, return receipt requested (receipt # 70022030000122080760)  
on 8/18/08. (mh)  
(Entered: 08/18/2008)  
08/18/2008

Exb.99 ORDER directing plaintiff to pay fees in connection with defendants' motion to  
compel 68 and pursuant to the court's direction in doc. 103. Signed by Magistrate Judge  
David J. Waxse on 8/18/08. (mh)  
(Entered: 08/18/2008)  
08/18/2008 Doc.115

Exb.100 DOCKET ANNOTATION: Doc. 115 mailed to Samuel Lipari, 297 NE  
Bayview, Lee's Summit, MO 64064, by regular United States mail and by certified mail,  
return receipt requested (receipt #  
70022030000122080777), on 8/18/08. (mh) (Entered: 08/18/2008)  
08/18/2008

Exb.101 AFFIDAVIT of prejudice by Samuel K. Lipari. (yh) (Entered: 8/19/2008)  
08/18/2008 Doc.116

Exb.102 ORDER regarding 114 Notice and Order to Show Cause. The Court has  
reviewed Plaintiff's reply (doc. 113) to Defendants' response (doc. 111) regarding  
Plaintiff's asserted noncompliance with the Court's 7/22/08 Order (doc. 103). Plaintiff's  
filing of the reply does not relieve Plaintiff of the obligation to respond to the Order to  
Show Cause. Plaintiff shall file his response to the Order to Show Cause on or before  
8/27/08. Entered by Magistrate Judge David J. Waxse on 8/20/08. (This is a TEXT  
ENTRY ONLY. There is no.pdf document associated with this entry.) (mh) (Entered:  
08/20/2008)  
08/20/2008 Doc.117

Exb.103 MOTION for Order to Show Cause by Defendants US Bancorp N A, US Bank  
NA (Attachments: # 1 Exhibit A)(Heidrick, Jay) (Entered: 08/20/2008)  
08/20/2008 Doc.118

Exb.104 CERTIFIED MAIL RECEIPT returned regarding 114 Order, and 115 Order, addressed to Samuel Lipari. (mg) (Entered: 08/25/2008)  
08/22/2008 Doc.119

Exb.105 OBJECTION to Order of Magistrate Judge re Order 115 by Plaintiff Samuel K. Lipari. (mm) (Entered: 08/25/2008)  
08/22/2008 Doc.122

Exb.106 Objection to Order of Magistrate Judge re Order 117 by Plaintiff Samuel K. Lipari (Attachments: #(1) Exhibit 1, (2) Exhibit 1A, (3) Exhibit 1B, (4) Exhibit 1C-1, (5) Exhibit 1C-2, (6) Exhibit 1D, (7) Exhibit 2-1, (8) Exhibit 2-2, (9) Exhibit 2 Letter, (10) Exhibit 3, (11) Exhibit 4, (12) Exhibit 5, # 13 Exhibit 6, (14) Exhibit 7, (15) Exhibit 8, (16) Exhibit 9)(mm) (Entered: 08/25/2008)  
08/22/2008 Doc.123

Exb.107 SECOND NOTICE AND ORDER TO SHOW CAUSE. Defendants' Motion for Order to Show Cause 118 is granted. Plaintiff Samuel K. Lipari is required to show cause to United States District Judge Carlos Murguia, in a pleading filed by 9/8/08, why this case should not be dismissed with prejudice, or other sanctions imposed, pursuant to Federal Rule of Civil Procedure 37(b)(2)(A) for failure to comply with the Courts 7/8/08 Order (doc. 96), and/or pursuant to Federal Rules of Civil Procedure 16(f) and 37(b)(2)(A) for failure to participate in the reparation of a joint proposed pretrial order. Signed by Magistrate Judge David J. Waxse on 8/25/08. (mh) (Entered: 08/25/2008)  
08/25/2008 121 ORDER continuing pretrial conference. In light of the Court's recent show cause orders, the Court, on its own motion, continues the 8/28/08 telephone pretrial conference to 10/28/08 at 11:00 a.m. before Magistrate Judge David J. Waxse. Defendants shall submit the parties' joint proposed pretrial order to the Magistrate Judge by 10/21/08. Entered by Magistrate Judge David J. Waxse on 8/25/08. (This is a TEXT ENTRY ONLY. There is no entry.) (mh) (Entered: 08/25/2008)  
08/25/2008 Doc.120

Exb.108 DOCKET ANNOTATION: Doc. 120 mailed to plaintiff Samuel K. Lipari, 297 NE Bayview, Lee's Summit, MO 64064, by regular United States mail and by certified mail, return receipt requested (certified receipt # 70022030000122080647). (mh) (Entered: 08/25/2008)  
08/25/2008

Exb.109 NOTICE of filing motion to remand appeal by Samuel K. Lipari (mm) (Entered: 08/25/2008)  
08/25/2008 Doc.124

Exb.110 NOTICE of Filing Order Denying Motion to Remand Appeal by US Bancorp N A, US Bank NA (Attachments: # 1 Exhibit Order)(Olthoff, Mark) (Entered: 08/27/2008)  
08/27/2008 Doc.125

Exb.111 SEALED MOTION for Leave to File Under Seal by Defendants US Bancorp N A, US Bank NA (Attachments: # 1 Exhibit A- Redacted Billings)(Heidrick, Jay) (Entered: 08/27/2008) 08/27/2008 127 AFFIDAVIT of Attorney Fees re 115 Order by US Bancorp N A, US Bank NA. (Heidrick, Jay) (Entered: 08/27/2008)  
08/27/2008 Doc.126

Exb.112 AFFIDAVIT regarding attorney fees by Defendants US Bancorp N A, US Bank NA (Heidrick, Jay) Modified on 9/2/2008 to correct title of pleading (yh). (Entered: 08/27/2008)  
08/27/2008 Doc.128

Exb.113 ORDER REFERRING MOTION to Magistrate Judge David J. Waxse re 128 MOTION for Attorney Fees *in Support of Affidavit of Attorney Fees, Doc. No. 127* filed by US Bancorp N A, US Bank NA. Signed by District Judge Carlos Murguia on 8/28/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.)

(jw) (Entered: 08/28/2008)  
08/28/2008 Doc.129

Exb.114 CERTIFIED MAIL RECEIPT returned regarding 120 Order addressed to Samuel K. Lipari. (mg) (Entered: 08/29/2008)  
08/28/2008 Doc.130

Exb.115 ORDER REFERRING MOTION to Magistrate Judge David J. Waxse re 126 SEALED MOTION for Leave to File Under Seal filed by US Bancorp N A, US Bank NA. Signed by District Judge Carlos Murguia on 9/2/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (jw) (Entered: 09/02/2008)  
09/02/2008 Doc.131

Exb.116 ORDER granting 126 Motion for Leave to File Under Seal. Defendants are directed to file forthwith the requested document(s) with an event from the SEALED DOCUMENTS category. In addition, Defendants shall serve a copy of the sealed document(s) on Plaintiff. The Clerk shall grant electronic access to sealed document(s) to counsel of record. Pro hac vice attorneys must obtain sealed document(s) from local counsel. Signed by Magistrate Judge David J. Waxse on 9/2/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document)  
09/02/2008 Doc.132

Exb.117 ORDER setting new dispositive motion deadline. In light of the Court's recent Show Cause Orders and the continuance of the Pretrial Conference, the Court, on its own motion, extends the deadline for filing dispositive motions to 11/17/2008. Entered by Magistrate Judge David J. Waxse on 9/2/08.(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (mh) (Entered: 09/02/2008)  
09/02/2008 Doc.133

Exb.118 RESPONSE to 120 Order on Motion for Order to Show Cause., by Plaintiff Samuel K. Lipari. (Attachments: # 1 Exhibit Answer to Order to Show Cause, # 2 Exhibit 1 Notice of Appeal, # 3 Exhibit 2 Notice of Removal, # 4 Exhibit 3 Motion to remand, # 5 Exhibit 4 Reply, # 6 Exhibit Affidavit of prejudice, # 7 Exhibit 6 Objection to Magistrate Order, # 8 Exhibit 7 Tenth Circuit Notice, # 9 Exhibit 7 Plaintiff's response, # 10 Exhibit 8 Unrelated Pretrial Order, # 11 Exhibit 9 Combined pretrial order, # 12 Exhibit 10 Plaintiff's production request, # 13 Exhibit 11 Plaintiff's response to OSC, # 14 Exhibit 12 Reply to demand, # 15 Exhibit 13 Reply to demand, # 16 Exhibit 14 Objection, # 17 Exhibit 15 Letter to clerk, # 18 Exhibit 16 Order on motion to stay discovery, # 19 Exhibit 17 Report of parties' and planning, # 20 Exhibit 18 Response to Second Motion to Dismiss, # 21 Exhibit 19 Affidavit of Samuel K. Lipari)(yh) (Entered: 09/03/2008)  
09/02/2008 Doc.134

Exb.119 AFFIDAVIT of Samuel K. Lipari in support of re 134 Response to Show Cause Order. Defendant has submitted exhibits in support of affidavit to the court that are to voluminous and will be maintained conventionally in the clerk's office. (3 boxes of exhibits).(mm) (Entered: 09/04/2008)  
09/02/2008 Doc.136

Exb.120 RESPONSE to 123 Objection to Order of Magistrate Judge re 117 Order, by Plaintiff Samuel K. Lipari Objection to Order of Magistrate Judge re 117 Order,, by Plaintiff Samuel K. Lipari, 122 Objection to Order of Magistrate Judge re 115 Order by Plaintiff Samuel K. Lipari by Defendants US Bancorp N A, US Bank NA. (Heidrick, Jay) (Entered: 09/03/2008) associated with this entry.) (bh) (Entered: 09/02/2008) 09/03/2008 Doc.135

Exb.121 MEMORANDUM AND ORDER granting in part and denying in part 43 Defendants' Motion to Dismiss Pursuant to Rule 12(b)(6) and Rule 9/7/08 4:53 PM District of Kansas 8 of the Federal Rules of Civil Procedure. All claims except plaintiff's misappropriation of trade secrets claim pursuant to Mo. Rev. Stat. section 417.450 are hereby dismissed. Signed by District Judge Carlos Murguia on 9/4/2008. (jw) (Entered: 09/04/2008) 09/04/2008 Doc.137

Exb.122 DOCKET ANNOTATION: 137 Memorandum and Order on Motion to Dismiss, sent certified mail 7002 2030 0000 9349 8359 to Samuel K. Lipari, 297 NE Bayview, Lee's Summit, MO 64064. (jw) (Entered: 09/04/2008) 09/04/2008 Doc.138

Exb.123 MOTION for Leave to Amend Complaint (Petition) re 1 Notice of Removal by Plaintiff Samuel K. Lipari (Attachments: (1) Exhibit 1 (State Court Petition), (2) Exhibit Proposed Amended Petition)(mm) (Entered: 09/05/2008) 09/05/2008 Doc.139

**U.S. District Court of Western District of Missouri**  
**05-CV-00210 MEDICAL SUPPLY CHAIN, INC V. NEOFORMA, INC ET AL**

Exb.124 COMPLAINT against all defendants filed by Bret D Landrith on behalf of Medical Supply Chain, Inc. (Filing fee \$250 receipt number 227305) Service due by 7/7/2005. (Attachments: # 1 Civil Cover Sheet)(Jones, Robin) (Entered: 03/09/2005) 03/09/2005 Doc.1

Exb.125 MOTION to dismiss for lack of jurisdiction filed by John Kenneth Power on behalf of Robert J Zollars Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the court (Attachments: # 1 Declaration of Robert J. Zollars)(Power, John) (Entered: 04/04/2005) 04/04/2005 Doc.13

Exb.126 SUGGESTIONS in support re 13 MOTION to dismiss for lack of jurisdiction filed by John Kenneth Power on behalf of Defendant Robert J Zollars. (Related document(s) 13 ) (Power, John) (Entered: 04/04/2005) 04/04/2005 Doc.14

Exb.127 MOTION to dismiss case *or Alternatively to Require Amendment, Pursuant to F.R.C.P. Rules 8 and 9* filed by John Kenneth Power on behalf of Neoforma, Inc Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the court (Power, John) (Entered: 04/04/2005) 04/04/2005 Doc.15

Exb.128 SUGGESTIONS in support re 15 MOTION to dismiss case *or Alternatively to Require Amendment, Pursuant to F.R.C.P. Rules 8 and 9* filed by John Kenneth Power on behalf of Defendant Neoforma, Inc. (Related 04/04/2005 16 document(s) 15 ) (Power, John) (Entered: 04/04/2005) 04/04/2005 Doc.16

Exb.129 DISCLOSURE OF CORPORATE INTERESTS *Pursuant to FRCP Rule 7.1 and Certificate Pursuant to Local Rule 3.1* filed by John Kenneth Power on behalf of Defendant Neoforma, Inc.(Power, John) (Entered: 04/04/2005)  
04/04/2005 Doc.17

Exb.130 MOTION to dismiss case *Motion to Transfer, Dismiss and/or Strike* filed by Mark A. Olthoff on behalf of US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the court (Olthoff, Mark) (Entered: 04/04/2005)  
04/04/2005 Doc.18

Exb.131 SUGGESTIONS in support re 18 MOTION to dismiss case *Motion to Transfer, Dismiss and/or Strike* filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H)(Related document(s) 18 ) (Olthoff, Mark) (Entered: 04/04/2005)  
04/04/2005 Doc.19

Exb.132 ANSWER to Complaint with Jury Demand filed by Mark A. Olthoff on behalf of Defendant Jerry A Grundhoffer.(Olthoff, Mark) (Entered: 04/04/2005)  
04/04/2005 Doc.20

Exb.133 ANSWER to Complaint with Jury Demand filed by Mark A. Olthoff on behalf of Defendant Andrew Cesere.(Olthoff, Mark) (Entered: 04/04/2005)  
04/04/2005 Doc.21

Exb.134 ANSWER to Complaint with Jury Demand filed by Mark A. Olthoff on behalf of Defendant Andrew S Duff.(Olthoff, Mark) (Entered: 04/04/2005)  
04/04/2005 Doc.22

Exb.135 MOTION to dismiss for lack of jurisdiction *and for Failure to State a Claim* filed by John Kenneth Power on behalf of Curt Nonomaque, Robert J Baker Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the court (Attachments: # 1 Exhibit 1 - Affidavit of Curt Nonomaque# 2 Exhibit 2 - Affidavit of Robert J. Baker)(Power, John) (Entered: 04/04/2005)  
04/04/2005 Doc.23

Exb.136 SUGGESTIONS in support re 23 MOTION to dismiss for lack of jurisdiction *and for Failure to State a Claim* filed by John Kenneth Power on behalf of Defendants Curt Nonomaque, Robert J Baker. (Related document(s) 23 ) (Power, John) (Entered: 04/04/2005)  
04/04/2005 Doc. 24

Exb.137 MOTION to dismiss case *and/or strike and suggestions in support* filed by Kathleen Ann Hardee on behalf of Shughart Thomson & Kilroy, P.C. Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the court (Hardee, Kathleen) (Entered: 04/04/2005)  
04/04/2005 Doc. 25

Exb.138 MOTION to resign/transfer case *Venue or Alternatively Motion to Dismiss Complaint for Failure to State a Claim* filed by John Kenneth Power on behalf of Novation LLC, Volunteer Hospital Association, University Health system Consortium Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the

court (Attachments: # 1 Exhibit 1# 2 Exhibit 2)(Power, John) (Entered: 04/04/2005)  
04/04/2005 Doc.26

Exb.139 SUGGESTIONS in support re 26 MOTION to reassign/transfer case *Venue or Alternatively Motion to Dismiss Complaint for Failure to State a Claim* filed by John Kenneth Power on behalf of Defendants Novation LLC, Volunteer Hospital Association, University Health system Consortium. (Related document(s) 26 ) (Power, John) (Entered: 04/04/2005)  
04/04/2005 Doc.27

Exb.140 DISCLOSURE OF CORPORATE INTERESTS filed by John Kenneth Power on behalf of Defendants Novation LLC, Volunteer Hospital Association, University Health system Consortium.(Power, John)  
(Entered: 04/04/2005)  
04/04/2005 Doc.28

Exb.141 Rule 16 Notice proposed scheduling order due by 6/27/2005, rule 26 conference due by 6/13/2005,. Signed by Judge Ortrrie D. Smith on 04/05/2005. (Will-Fees, Eva)  
(Entered: 04/05/2005)  
04/05/2005 Doc.29

Exb.142 DISCLOSURE OF CORPORATE INTERESTS filed by Mark A. Olthoff on behalf of Defendant US Bank NA.(Olthoff, Mark) (Entered: 04/06/2005)  
04/06/2005 Doc.30

Exb.143 DISCLOSURE OF CORPORATE INTERESTS filed by Mark A. Olthoff on behalf of Defendant US Bancorp, NA.(Olthoff, Mark)  
(Entered: 04/06/2005)  
04/06/2005 Doc.31

Exb.144 DISCLOSURE OF CORPORATE INTERESTS filed by Kathleen Ann Hardee on behalf of Defendant Shughart Thomson & Kilroy, P.C..(Hardee, Kathleen) (Entered: 04/06/2005)  
04/06/2005 Doc.32

Exb.145 DISCLOSURE OF CORPORATE INTERESTS filed by Mark A. Olthoff on behalf of Defendant Piper Jaffray Companies.(Olthoff, Mark) (Entered: 04/08/2005)  
04/08/2005 Doc.33

Exb.146 SUGGESTIONS in opposition re 13 MOTION to dismiss for lack of jurisdiction filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 4/26/2005 unless otherwise directed by the court (Related document(s) 13 ) (Landrith, Bret) (Entered: 04/11/2005)  
04/11/2005 Doc.34

Exb.147 SUGGESTIONS in opposition re 23 MOTION to dismiss for lack of jurisdiction *and for Failure to State a Claim* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 4/26/2005 unless otherwise directed by the court (Related document(s) 23 ) (Landrith, Bret) (Entered: 04/11/2005)  
04/11/2005 Doc.35

Exb.148 04/19/2005 REPLY SUGGESTIONS to motion re 26 MOTION to reassign/transfer case *Venue or Alternatively Motion to Dismiss Complaint for Failure to State a Claim* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. (Attachments: # Exhibit Neoforma, Inc. Press Release of Disclosure# Exhibit Affidavit of Sam Lipari Against Transfer# Exhibit Letter to Clerk Fisher# Exhibit Letter to Chief

Judge Lungstrum)(Related document(s) 26 ) (Landrith, Bret) Modified on 4/20/2005 (Sullivan, Tanya). **DOCUMENT DELETED - ATTORNEY CONTACTED AND ASKED TO REFILE THE DOUCMENT USING THE CORRECT EVENT.** (Entered: 04/19/2005)

Exb.149 04/19/2005 REPLY SUGGESTIONS to motion re 25 MOTION to dismiss case *and/or strike and suggestions in support*, 18 MOTION to dismiss case *Motion to Transfer, Dismiss and/or Strike* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. (Related document(s) 25, 18 ) (Landrith, Bret) Modified on 4/20/2005 (Sullivan, Tanya). **DOCUMENT DELETED - ATTORNEY CONTACTED AND ASKED TO REFILE THE DOCUMENT USING CORRECT EVENT.** (Entered: 04/19/2005)

Exb.150 04/19/2005 REPLY SUGGESTIONS to motion re 15 MOTION to dismiss case *or Alternatively to Require Amendment, Pursuant to F.R.C.P. Rules 8 and 9* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. (Related document(s) 15 ) (Landrith, Bret) Modified on 4/20/2005 (Sullivan, Tanya). **DOCUMENT DELETED - ATTORNEY CONTACTED AND ASKED TO REFILE THE DOCUMENT USING CORRECT EVENT.** (Entered: 04/19/2005)

Exb.151 04/19/2005 RESPONSE to order re 29 Rule 16 Notice filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. (Related document(s) 29 ) (Landrith, Bret) Modified on 4/20/2005 (Sullivan, Tanya). **DOCUMENT DELETED - ATTORNEY CONTACTED AND ASKED TO REFILE THE DOCUMENT USING CORRECT EVENT.** (Entered: 04/19/2005)

Exb.152 MOTION to compel *Appearance* filed by Bret D. Landrith on behalf of Medical Supply Chain, Inc Suggestions in opposition/response due by 5/4/2005 unless otherwise directed by the court (Landrith, Bret) (Entered: 04/19/2005)  
04/19/2005 Doc.40

Exb.153 04/20/2005 NOTICE OF DOCKET MODIFICATION. A modification has been made to the documents filed on 4/19/05 as REPLY SUGGESTIONS (#36), REPLY SUGGESTIONS (#37), REPLY SUGGESTIONS (#38), RESPONSE (#39). These documents have been deleted from the entry and will need to be re filed using the correct events. Counsel has been contacted and asked to refile the document using the correct events. Documents #36, 37 and 38 should be Suggestions in Opposition and document #39 should be Disclosure of Corporate Interests. This is a text entry only - no document is attached. (Sullivan, Tanya) (Entered: 04/20/2005)

Exb.154 ORDER denying 40 Plaintiff's Motion for United States Marshal Service of Process. Signed by Judge Ortrrie D. Smith on 04/20/2005. (Will-Fees, Eva) (Entered: 04/20/2005)  
04/20/2005 Doc.41

Exb.155 SUGGESTIONS in opposition re 26 MOTION to reassign/transfer case *Venue or Alternatively Motion to Dismiss Complaint for Failure to State a Claim* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 5/5/2005 unless otherwise directed by the court (Attachments: # 1 Exhibit Neoforma disclosure announcement# 2 Exhibit Affidavit of Sam Lipari Against Transfer# 3 Exhibit Letter to Tenth Circuit Clerk# 4 Exhibit Letter to Judge Lungstrum)(Related document(s) 26 ) (Landrith, Bret) (Entered: 04/20/2005)  
04/20/2005 Doc.42

Exb.156 SUGGESTIONS in opposition re 25 MOTION to dismiss case *and/or strike and suggestions in support*, 18 MOTION to dismiss case *Motion to Transfer, Dismiss and/or Strike* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 5/5/2005 unless otherwise directed by the court (Related document(s) 25, 18 ) (Landrith, Bret) (Entered: 04/20/2005)  
04/20/2005 Doc.43

Exb.157 SUGGESTIONS in opposition re 15 MOTION to dismiss case *or Alternatively to Require Amendment, Pursuant to F.R.C.P. Rules 8 and 9* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 5/5/2005 unless otherwise directed by the court (Related document(s) 15 ) (Landrith, Bret) (Entered: 04/20/2005)  
04/20/2005 Doc. 44

Exb.158 DISCLOSURE OF CORPORATE INTERESTS filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc.(Landrith, Bret) (Entered: 04/20/2005)  
04/20/2005 Doc.45

Exb.159 REPLY SUGGESTIONS to motion re 13 MOTION to dismiss for lack of jurisdiction filed by John Kenneth Power on behalf of Defendant Robert J Zollars. (Related document(s) 13) (Power, John) (Entered: 04/22/2005)  
04/22/2005 46

Exb.160 REPLY SUGGESTIONS to motion re 23 MOTION to dismiss for lack of jurisdiction *and for Failure to State a Claim* filed by John Kenneth Power on behalf of Defendants Curt Nonomaque, Robert J Baker. (Related document(s) 23 ) (Power, John) (Entered: 04/26/2005)  
04/26/2005 Doc.47

Exb.161 REPLY SUGGESTIONS to motion re 18 MOTION to dismiss case *Motion to Transfer, Dismiss and/or Strike Defendants' Reply in Support of Motion to Transfer, Dismiss and/or Strike* filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff. (Related document(s) 18 ) (Olthoff, Mark) (Entered: 05/04/2005)  
05/04/2005 Doc.48

Exb.162 REPLY SUGGESTIONS to motion re 15 MOTION to dismiss case *or Alternatively to Require Amendment, Pursuant to F.R.C.P. Rules 8 and 9* filed by John K. Power on behalf of Defendant Neoforma, Inc. (Related document(s) 15 ) (Power, John) (Entered: 05/05/2005)  
05/05/2005 Doc.49

Exb.163 REPLY SUGGESTIONS to motion re 26 MOTION to reassign/transfer case *Venue or Alternatively Motion to Dismiss Complaint for Failure to State a Claim* filed by John K. Power on behalf of Defendants Novation LLC, Volunteer Hospital Association, University Health system Consortium. (Related document(s) 26 ) (Power, John) (Entered: 05/05/2005)  
05/05/2005 Doc.50

Exb.164 NOTICE of filing by Medical Supply Chain, Inc *of defendants' threat of sanctions* (Attachments: # 1 Exhibit Olthoff Letter to Landrith# 2 Exhibit US Bancorp Motion for sanctions# 3 Exhibit Suggestion in Support of Sanctions)(Landrith, Bret) (Entered: 05/10/2005)  
05/10/2005 Doc.51

Exb.165 NOTICE of filing by Medical Supply Chain, Inc of *Second threat of sanctions* (Attachments: # 1 Exhibit Powers Letter to Landrith# 2 Exhibit Motion for sanctions# 3 Exhibit Suggestion in support of sanctions)(Landrith, Bret) (Entered: 05/18/2005)  
05/18/2005 Doc.52

Exb.166 MOTION for sanctions filed by Mark A. Olthoff on behalf of US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff Suggestions in opposition/response due by 6/20/2005 unless otherwise directed by the court (Olthoff, Mark) (Entered: 06/03/2005)  
06/03/2005 Doc.53

Exb.167 SUGGESTIONS in support re 53 MOTION for sanctions filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff. (Attachments: # 1 Exhibit Memorandum and Order# 2 Exhibit Order and Judgment# 3 Exhibit Order# 4 Exhibit)(Related document(s) 53 ) (Olthoff, Mark) (Entered: 06/03/2005)  
06/03/2005 Doc.54

Exb.168 MOTION to stay *Defendants' Motion to Stay Rule 26(f) Conference and Discovery* filed by John K. Power on behalf of Novation LLC Suggestions in opposition/response due by 6/21/2005 unless otherwise directed by the court (Attachments: # 1 Exhibit A - email from Bret Landrith)(Power, John) (Entered: 06/06/2005)  
06/06/2005 Doc.55

Exb.169 SUGGESTIONS in opposition re 55 MOTION to stay *Defendants' Motion to Stay Rule 26(f) Conference and Discovery* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 6/22/2005 unless otherwise directed by the court (Attachments: # 1 Exhibit 1 Rule 26 Disclosure Notice# 2 Exhibit Exb 2 Leter for conference)(Related document(s) 55 ) (Landrith, Bret) (Entered: 06/07/2005)  
06/07/2005 Doc.56

Exb.170 Motion to allow Bruce Blefeld to appear pro hac vice (Pro Hac fee \$50 receipt number 230749) filed by John K. Power on behalf of Novation LLC, Volunteer Hospital Association, Curt Nonomaque, University Healthsystem Consortium, Robert J Baker (Power, John) (Entered: 06/09/2005)  
06/09/2005 Doc.57

Exb.171 Motion to allow Kathleen Spangler to appear pro hac vice (Pro Hac fee \$50 receipt number 230748) filed by John K. Power on behalf of Novation LLC, Volunteer Hospital Association, Curt Nonomaque, University Healthsystem Consortium, Robert J Baker (Power, John) (Entered: 06/09/2005)  
06/09/2005 Doc.58

Exb.172 ORDER granting 26 motion to transfer case to the District of Kansas. Signed by Judge Ortrie D. Smith on 6/15/05. (Kee, Georgia) Additional attachment(s) added on 6/15/2005 (Kee, Georgia). (Entered: 06/15/2005)  
06/15/2005 Doc.59

Exb.173 SUGGESTIONS in opposition re 53 MOTION for sanctions filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 7/5/2005 unless otherwise directed by the court (Attachments: # 1 Exhibit Suggestion

opposing US Bancorp# 2 Exhibit Suggestion opposing Novation# 3 Exhibit Petition for cert)(Related document(s) 53 ) (Landrith, Bret) (Entered: 06/17/2005)  
06/17/2005 Doc.60

Exb.174 MOTION for reconsideration of *transfer* filed by Bret D. Landrith on behalf of Medical Supply Chain, Inc Suggestions in opposition/response due by 7/12/2005 unless otherwise directed by the court (Landrith, Bret) (Entered: 06/27/2005)  
06/27/2005 Doc. 61

Exb.175 SUGGESTIONS in opposition re 61 MOTION for reconsideration of *transfer* filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff, Shughart Thomson & Kilroy, P.C., Watkins Boulware, PC, Novation LLC, Neoforma, Inc, Robert J Zollars, Volunteer Hospital Association, Curt Nonomaque, University Healthsystem Consortium, Robert J Baker. Reply suggestions due by 7/26/2005 unless otherwise directed by the court (Related document(s) 61 ) (Olthoff, Mark) (Entered: 07/11/2005)  
07/11/2005 Doc.62

Exb.176 ORDER denying 61 Plaintiff motion for reconsideration. Signed by Judge Ortrie D. Smith on 08/01/2005. (Will-Fees, Eva) (Entered: 08/01/2005)  
08/01/2005 Doc.63

**U.S. District Court District of Kansas**  
**06-CV-01012 LIPARI V. US BANCORP, NA ET AL**

Exb.177 NOTICE OF REMOVAL by US Bancorp, NA, US Bank NA, US Bancorp, NA, US Bank NA from Circuit Court of Jackson County, Missouri, case number 0616-CV32307. (Filing fee \$ 350 receipt number 1408283) filed by Mark A. Olthoff on behalf of US Bancorp, NA, US Bank NA, US Bancorp, NA, US Bank NA. (Attachments: # 1 State Court Petition# 2 Civil Cover Sheet)(Olthoff, Mark) (Entered: 12/13/2006)  
12/13/2006 Doc.1

Exb.178 NOTICE of filing by US Bancorp, NA, US Bank NA re 1 Notice of Removal, to *Plaintiff*(Olthoff, Mark) (Entered: 12/13/2006)  
12/13/2006 Doc.2

Exb.179 DISCLOSURE OF CORPORATE INTERESTS filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA.(Olthoff, Mark) (Entered: 12/13/2006)  
12/13/2006 Doc.3

Exb.180 NOTICE of filing by US Bancorp, NA, US Bank NA of *Certificate of Filing of Notice of Removal in State Court and Proof of Service* (Olthoff, Mark) (Entered: 12/14/2006)  
12/14/2006 Doc.4

Exb.181 Notice of EAP Administrative (Attachments: # 1 EAP General Order)(Baldwin, Joella) (Entered: 12/14/2006)  
12/14/2006 Doc.5

Exb.182 MOTION to remand *and rely to Notice of Removal* filed by Samuel K. Lipari. Suggestions in opposition/response due by 1/2/2007 unless otherwise directed by the court. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5)(Jones, Robin) Modified on 12/19/2006 to attach Letter to Clerk (Jones, Robin). (Entered: 12/18/2006)  
12/18/2006 Doc.6

Exb.183 ANSWER to Complaint filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA.(Olthoff, Mark) (Entered: 12/21/2006)  
12/21/2006 Doc.7

Exb.184 SUGGESTIONS in opposition re 6 MOTION to remand filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA. Reply suggestions due by 1/16/2007 unless otherwise directed by the court (Related document(s) 6 ) (Olthoff, Mark) (Entered: 12/29/2006)  
12/29/2006 Doc.8

Exb.185 ORDER - joint proposed discovery plan and scheduling order due by 2/9/2007. Counsel for defendants, after consultation with plaintiff, shall take the lead in preparing a proposed scheduling order for execution and filing with the court. Signed by Judge Fernando J. Gaitan Jr. on 1/3/07. (Enss, Rhonda) (Entered: 01/03/2007)  
01/03/2007 Doc.9

Exb.186 MOTION for more definite statement filed by Samuel K. Lipari. Suggestions in opposition/response due by 1/19/2007 unless otherwise directed by the court. (Jones, Robin) (Entered: 01/05/2007)  
01/04/2007 Doc.10  
MOTION to vacate Case Management Order, Document 9, filed by Samuel K. Lipari. Suggestions in opposition/response due by 1/19/2007 unless otherwise directed by the court. (Related document(s) 9 ) (Jones, Robin) (Entered: 01/05/2007)  
01/04/2007 Doc.11

Exb.187 REPLY to answer on behalf of Plaintiff Samuel K. Lipari. (Attachments: # 1 Exhibit 1)(Related document(s) 7 ) (Jones, Robin) (Entered: 01/05/2007)  
01/04/2007 Doc.12

Exb.188 SUGGESTIONS in opposition re 10 MOTION for more definite statement filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA. Reply suggestions due by 2/5/2007 unless otherwise directed by the court (Related document(s) 10 ) (Olthoff, Mark) (Entered: 01/18/2007)  
01/18/2007 Doc.13

Exb.189 SUGGESTIONS in opposition re 11 MOTION to vacate 9 Order, filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA. Reply suggestions due by 2/5/2007 unless otherwise directed by the court (Related document(s) 11 ) (Olthoff, Mark) (Entered: 01/18/2007)  
01/18/2007 Doc.14

Exb.190 MOTION for leave to file excess pages filed by Mark A. Olthoff on behalf of all defendants Suggestions in opposition/response due by 2/8/2007 unless otherwise directed by the court. (Olthoff, Mark) (Entered: 01/19/2007)  
01/19/2007 Doc.15

Exb.191 MOTION to dismiss case *Or, In the Alternative, Motion to Transfer* filed by Mark A. Olthoff on behalf of all defendants Suggestions in opposition/response due by 2/8/2007 unless otherwise directed by the court. (Olthoff, Mark) (Entered: 01/19/2007)  
01/19/2007 Doc.16

Exb.192 SUGGESTIONS in support re 16 MOTION to dismiss case *Or, In the Alternative, Motion to Transfer* filed by Mark A. Olthoff on behalf of Defendants US

Bancorp, NA, US Bank NA. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(Related document(s) 16 ) (Olthoff, Mark) (Entered: 01/19/2007)  
01/19/2007 Doc. 17

Exb.193 MOTION to stay further proceedings pending appeal filed by Samuel K. Lipari. Suggestions in opposition/response due by 2/20/2007 unless otherwise directed by the court. (Attachments: # 1 Notice of Exhibit Attachment)(Carr, Lori) (Entered: 02/01/2007)  
01/31/2007 Doc.18

Exb.194 SUGGESTIONS in opposition re 18 MOTION to stay *Defendants' Suggestions in Opposition to Plaintiff's Motion to Stay* filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA. Reply suggestions due by 2/26/2007 unless otherwise directed by the court (Related document(s) 18 ) (Olthoff, Mark) (Entered: 02/08/2007) 02/09/2007 20 REPORT of Rule 26(f) planning meeting. (Olthoff, Mark) (Entered: 02/09/2007)  
02/08/2007 Doc.19

Exb.195 REPORT of Rule 26(f) planning meeting. (Olthoff, Mark) (Entered: 02/09/2007)  
02/09/2007 Doc.20

Exb.196 ORDER denying 6 plaintiff's motion to remand; denying 10 plaintiff's motion for more definite statement; denying as moot 11 plaintiff's motion to reconsider Court's case management order; granting 15 defendants' motion for leave to file excess pages; granting 16 defendant's motion to transfer case to District Court of KS; and denying as moot 18 plaintiff's motion to stay. Signed by Judge Fernando J. Gaitan Jr. on 4/4/07. (Enss, Rhonda) (Entered: 04/04/2007)  
04/04/2007 Doc.21

Exb.197 04/09/2007 TRANSFER documents mailed to USDC - District of Kansas. This is a text entry only - no document is attached. (Jones, Robin) (Entered: 04/09/2007)

**State of Missouri 16<sup>th</sup> Judicial Circuit**  
**0616-CV32307 – SAMUEL K. LIPARI V. US BANCORP ET AL.**

Exb.198 Docket Entry: Pet Filed in Circuit Ct  
Docket Entry: Filing: Text: FORM 4  
Filing Party: LIPARI, SAMUEL K  
Docket Entry: Case Mgmt Conf Scheduled  
Associated Docket Entries: 12/18/2006 - Hearing/Trial Cancelled  
Associated Events:02/28/2007, 08:30:00 - Case Management Conference  
11/28/2006 Doc.1

Exb.199 Docket Entry: Notice  
Docket Entry: TO STATE COURT OF FILING OF NOTICE OF REMOVAL TO THE WESTERN DISTRICT OF MISSOURI US BANCORP NA  
Docket Entry: Removed to Fed Court  
12/13/2006 Doc.2

**State of Missouri 16<sup>th</sup> Judicial Circuit**  
**0816-CV04217 – SAMUEL K. LIPARI V NOVATION LLC ET AL.**

Exb.200 Docket Entry: Pet Filed in Circuit Ct  
Docket Entry: Filing:  
Text: FORM 4  
Filing Party: LIPARI, SAMUEL K

02/25/2008 Doc.1

Exb.201 Docket Entry: Case Mgmt Conf Scheduled

Associated Events: 05/27/2008, 08:30:00 - Case Management Conference

Docket Entry: Notice

Text: NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE ON  
MAY 27, 2008 AT 8:30 AM IN DIV 2

02/26/2008 Doc.2

Exb.202 Docket Entry: Motion for Extension of Time

Text: MOTION FOR EXTENSION OF TIME IN WHICH TO ANSER OR  
OTHERWISE PLEAD

Filing Party: GRUNDHOFER, JERRY A

04/30/2008 Doc.3

Exb.203 Docket Entry: Motion to Dismiss

Text: LP CURT NONOMAQUE AND ROBERT BAKER 'S MOTION TO DISMISS  
PLAINTIFFS PETITON FOR LACK OF PERSONAL JURISDICTION AND FOR  
FAILURE TO STATE A CLAIM

Filing Party: NONOMAQUE, CURT

05/02/2008 Doc.4

Exb.204 Docket Entry: Suggestions in Support

Text: LP SUGGESTIONS IN SUPPORT OF DEFENDANTS MOTION TO DISMISS  
FOR FAILURE TO STATE A CLAIM

Filing Party: NOVATION LLC

05/02/2008 Doc.5

Exb.205 Docket Entry: Suggestions in Support

Text: LP SUGGESTIONS IN SUPPORT OF CURT NONOMAQUE AN ROBERT  
BAKER'S MOTION TO DISMISS PLAINTIFFS PETITION FOR LACK OF  
PERSONAL JURISDICTION AND FOR FAILURE TO STATE A CLAIM

Filing Party: NONOMAQUE, CURT

05/02/2008 Doc.6

Exb.206 Docket Entry: Exhibit Filed

Text: LP SUPPLEMENTA EXHIBITS TO CURT NONOMAQUE AND ROBERT  
BAKERS MOTION TO DISMISS PLAINTIFFS PETITION FOR LACK OF  
PERSONAL JURISDICTION AND FOR FAILURE TO STATE A CLAIM

Filing Party: NONOMAQUE, CURT

05/07/2008 Doc.7

Exb.207 Docket Entry: Answer Filed

Text: LP ANSWER TO PLAINTIFFS PETITION

Filing Party: LATHROP AND GAGE LC

05/09/2008 Doc.8

Exb.208 Docket Entry: Motion for Extension of Time

Text: LP MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER  
DEFENDANTS MOTIONS FOR DISMISSALS

Filing Party: LIPARI, SAMUEL K

05/09/2008 Doc.9

Exb.209 Docket Entry: Motion for Extension of Time

Text: LP MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER OR  
OTHERWISE PLEAD

Filing Party: SHUGART THOMSON AND KILROY PC  
05/13/2008 Doc.10

Exb.210 Docket Entry: Motion Filed  
Text: LP MOTION TO REQUIRE DEFENDANT LATHROP & GAGE, L.C. TO  
MAKE A MORE DEFINITE ANSWER UNDER RULE 5.27(d)  
Filing Party: LIPARI, SAMUEL K  
05/13/2008 Doc.11

Exb.211 Docket Entry: Motion to Strike  
Text: LP MOTION TO STRIKE DEFENDANT LATHROP & GAGE, L.C.'S SECOND  
THROUGH NINETEENTH AFFIRMATIVE DEFENSES UNDER RULE 55.08  
Filing Party: LIPARI, SAMUEL K  
05/13/2008 Doc.12

Exb.212 Docket Entry: Suggestions in Support  
Text: LP SUGGESTIONS IN SUPPORT OF MOTION TO DISMISS PETITION FOR  
FAILURES TO STATE A CLAIM  
Filing Party: HUSCH BLACKWELL SANDERS LLP  
05/15/2008 Doc.13

Exb.213 Docket Entry: Motion to Dismiss  
Text: LP MOTION TO DISMISS PETITION FOR FAILURE TO STATE A CLAIM  
Filing Party: HUSCH BLACKWELL SANDERS LLP  
05/15/2008 Doc.14

Exb.214 Docket Entry: Motion for Extension of Time  
Text: MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS  
AMENDED COMPLAINT  
Filing Party: GHX LLC  
05/16/2008 Doc.15

Exb.215 Docket Entry: Order  
Text: ORDER GRANTED: Defendant, Shughart, Thomson & Kilroy's Motion for  
Extension of Time, filed May 13, 2008 The Court also takes up Plaintiffs Motion for  
Extension of Time in Which to Answer Defendants Motions for Dismissal filed May 9,  
2008. The Court GRANTS in part the motion. The Court grants the Motion insofar as it  
requests additional time, however, Plaintiff is ordered to respond to Defendants Motions  
to Dismiss within 30 days from the date of this Order.  
05/19/2008 Doc.16

Exb.216 Docket Entry: Order  
Text: CAE MGMT SCHEDULING ORDER; TRIAL SET FOR 11-2-09 AT 9AM DIV 2  
Docket Entry: Response Filed  
Text: LP RESPONSE TO PLAINTIFFS MOTION TO REQUIRE DEFENDANT TO  
MAKE A MORE DEFINITE ANSWER UNDER RULE 55.27 (d)  
Filing Party: LATHROP AND GAGE LC  
05/27/2008 Doc.17

Exb.217 Docket Entry: Response Filed  
Text: LP RESPONSE TO PLAINTIFFS MOTION TO STRIKE SECOND THROUGH  
NINETEENTH AFFIRMATIVE DEFENSES UNDER RULE 55.08  
Filing Party: LATHROP AND GAGE LC  
Docket Entry: Jury Trial Scheduled  
05/27/2008 Doc.18

Exb.218 Docket Entry: Motion for Extension of Time  
Text: LP 2ND MOTION  
Filing Party: LIPARI, SAMUEL K  
05/29/2008 Doc.19

Exb.219 Docket Entry: Order  
Text: COURT DENIES PLT'S MOT TO STRIKE - COURT DENIES PLT'S MOT FOR  
MORE DEFINITE STATEMENT  
05/29/2008 Doc.20

Exb.220 Docket Entry: Motion for Extension of Time  
Text: LP SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO  
PLAINTIFFS AMENDED COMPLAINT  
Filing Party: GHX LLC  
06/05/2008 Doc.21

Exb.221 Docket Entry: Motion to Dismiss  
Text: LP MOTION TO DISMISS AND SUGGESTIONS IN SUPPORT  
Filing Party: THE PIPER JAFFRAY COMPANIES  
06/05/2008 Doc.22

Exb.222 Docket Entry: Suggestions in Opposition  
Text: LP SUGGESTIONS IN OPPOSITION TO LIMITED APPEARANCE  
Filing Party: LIPARI, SAMUEL K  
06/12/2008 Doc.23

Exb.223 Docket Entry: Notice  
Text: LP NOTICE OF UNAVAILABILITY OF THE PLAINTIFF  
Filing Party: LIPARI, SAMUEL K  
06/12/2008 Doc.24

Exb.224 Docket Entry: Motion to Dismiss  
Text: LP MOTION TO DISMISS PLAINTIFFS PETITION FOR FAILURE TO STATE  
A CLAIM  
Filing Party: GHX LLC  
06/13/2008 Doc.25

Exb.225 Docket Entry: Suggestions in Support  
Text: LP SUGGESTIONS IN SUPPORT OF MOTION TO DISMISS PETITION FOR  
FAILURE TO STATE A CLAIM  
Filing Party: GHX LLC  
06/13/2008 26

Exb.226 Docket Entry: Motion to Dismiss  
Text: LP JERRY GRUNDHOFFER, RICHARD DAVIS AND ANDREW CECERE'S  
MOTION TO DISMISS  
Filing Party: GRUNDHOFER, JERRY A  
06/13/2008 27

Exb.227 Docket Entry: Motion to Dismiss  
Text: LP MOTION TO DISMISS  
Filing Party: SHUGART THOMSON AND KILROY PC  
06/13/2008 28

Exb.228 Docket Entry: Suggestions in Support

Text: LP JERRY GRUNDHOFER, RICHARD DAVIS AND ANDREW CECERE'S  
SUGGESTIONS IN SUPPORT OF MOTION TO DISMISS  
Filing Party: GRUNDHOFER, JERRY A  
06/13/2008 29

Exb.229 Docket Entry: Suggestions in Support  
Text: LP SUGGESTIONS IN SUPPORT OF MOTION TO DISMISS  
Filing Party: SHUGART THOMSON AND KILROY PC  
06/13/2008 Doc.30

Exb.230 Docket Entry: Reply  
Text: LP REPLY IN SUPPORT OF THEIR MOTION TO DISMISS  
Filing Party: THE PIPER JAFFRAY COMPANIES  
06/16/2008 Doc.31

Exb.231 Docket Entry: Order  
Text: ORDER GRANTED: Plaintiffs Motion for Extension of Time in Which to Answer  
Defendants Motions for Dismissal, filed May 29, 2008.  
06/30/2008 Doc.32

Exb.232 Docket Entry: Motion for Extension of Time  
Text: LP MOTION FOR EXTENSION OR RECONSIDERATION  
Filing Party: LIPARI, SAMUEL K  
07/07/2008 Doc.33

Exb.233 Docket Entry: Order  
Text: ORDER GRANTED: Plaintiffs Motion for Extension of Time in Which to Answer  
Defendants Motions for Dismissal, filed July 7, 2008  
07/22/2008 Doc.34

Exb.234 Docket Entry: Motion to Dismiss  
Text: LP MOTION AND SUGGESTIONS TO DISMISS PLAINTIFFS PETITION FOR  
FAILURE TO STATE A CLAIM  
Filing Party: NEOFORMA INC  
07/25/2008 Doc.35

Exb.235 Docket Entry: Suggestions in Opposition  
Text: LP SUGGESTION IN OPPOSITION TO DEFENDANTS MOTIONS TO  
DISMISS  
Filing Party: LIPARI, SAMUEL K  
08/04/2008 Doc.36

Exb.236 Docket Entry: Judgment Entered  
Text: JUDGMENT OF PARTIAL DISMISSAL GRANTED: 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 Health Care Services of the Ozarks, Inc., Saint Lukes  
Health System, Inc. and Stormont-Vail Healthcare, Inc.'s Motion to Dismiss, filed May 2,  
2008. GRANTED: Defendants, Curt Nonomaque's and Robert Baker's Motion to  
Dismiss, filed May 2, 2008 GRANTED: Defendant, Husch Blackwell Sanders LLC's  
Motion to Dismiss, filed May 15, 2008 GRANTED: Defendants, Piper Jaffray  
Companies and Andrew Duff's Motion to Dismiss, filed June 5, 2008 GRANTED:  
Defendant, Shughart, Thomson & Kilroy's Motion to Dismiss, filed June 13, 2008.  
GRANTED: Defendants, Jerry Grundhofer's, Richard Davis' and Andrew Cecere's  
Motion to Dismiss, filed June 13, 2008 GRANTED: Defendant, GHX LLC's Motion to  
Dismiss, filed June 13, 2008 GRANTED: Defendant, Neoforma Inc.'s Motion to Dismiss,

filed July 25, 2008 ALL OTHER CLAIMS AND COUNTERCLAIMS OF THE VARIOUS PARTIES REMAIN PENDING. Plaintiffs cause of action against Defendants named is hereby DISMISSED WITH PREJUDICE., each party to bear their own costs 08/08/2008 Doc.37

Exb.237 Docket Entry: Notice of Appeal Filed  
Text: NOTICE OF APPEAL  
Filing Party: LIPARI, SAMUEL K  
08/13/2008 Doc.38

**U.S. District Court District of Kansas**  
**02-CV-02539-CM MEDICAL SUPPLY CHAIN V. US BANCORP N A, ET AL**

Exb.238 COMPLAINT with trial location of Kansas City, Kansas; No summons (es) issued; jury demand (case referred to Magistrate Judge David J. Waxse) (BL) (Entered: 10/23/2002)  
10/22/2002 Doc. 1

Exb.239 MOTION (requesting emergency hearing on) for preliminary injunction relief by plaintiff; referred to Judge Carlos Murguia (MG) (Entered: 11/12/2002)  
11/12/2002 Doc.2

Exb.240 AMENDED COMPLAINT regarding the complaint [1-1] with trial location of Kansas City, Kansas by plaintiff; jury demand. (MG) (Entered: 11/12/2002)  
11/12/2002 Doc.3

Exb.241 MINUTE SHEET of motion for TRO hearing before Judge Carlos Murguia denying plaintiff's motion for preliminary injunctive relief. [2-1] Court Reporter: Nancy Wiss (MG) (Entered: 11/19/2002)  
11/18/2002 Doc.4

Exb.242 MEMORANDUM in opposition by defendants to plaintiff's motion for preliminary relief; referred to Judge Carlos Murguia. [2-1] (MG) (Entered: 11/19/2002)  
11/18/2002 Doc. 5

Exb.243 MOTION for urgent preliminary injunctive relief from USA Patriot Act Reporting by plaintiff; referred to Judge Carlos Murguia (MG) (Entered: 11/22/2002)  
11/22/2002 Doc.6

Exb.244 MOTION for urgent preliminary injunctive relief from trade secret misappropriation by plaintiff; referred to Judge Carlos Murguia (MG) (Entered: 11/22/2002)  
11/22/2002 Doc.7

Exb.245 MOTION to strike Motion for Urgent Preliminary Injunctive Relief from Trade Secret Misappropriation and Motion for Urgent Preliminary Injunctive Relief Against USA Patriot Act Reporting and MEMORANDUM IN OPPOSITION to these 11/22/03 motions by defendant; referred to Judge Carlos Murguia (CK) (Entered: 12/03/2002)  
12/02/2002 Doc. 8

Exb.246 MOTION TO STRIKE AND MEMORANDUM in opposition by defendant to motion for urgent preliminary injunctive relief from trade secret misappropriation by plaintiff; referred to Judge Carlos Murguia [7-1] and in opposition to motion for urgent preliminary injunctive relief from USA Patriot Act Reporting by plaintiff; referred to Judge Carlos Murguia [6-1] (CK) (Entered: 12/03/2002)  
12/02/2002 Doc.8

Exb.247 REPLY by plaintiff to defendants' (response) to their motion for urgent preliminary injunctive relief from trade secret misappropriation; referred to Judge Carlos Murguia [7-1], and for urgent preliminary injunctive relief from USA Patriot Act Reporting; to Judge Carlos Murguia. [6-1] (MG) (Entered: 12/06/2002)  
12/06/2002 Doc. 9

Exb.248 RESPONSE (REPLY) by plaintiff to defendants' motion to strike plaintiff's Motion for Urgent Preliminary Injunctive Relief from Trade Secret Misappropriation and Motion for Urgent Preliminary Injunctive Relief Against USA Patriot Act Reporting and MEMORANDUM IN OPPOSITION to these 11/22/03 motions by defendant; referred to Judge Carlos Murguia. [8-1] (MG) (Entered: 12/06/2002)  
12/06/2002 Doc. 9

Exb.249 NOTICE OF HEARING before Judge Carlos Murguia regarding hearing on motions [7-1], [6-1] for preliminary injunction; preliminary injunction hearing set for 12:00 p.m. on 12/12/03 (cc: all counsel) (MG)(Entered: 12/10/2002)  
12/09/2002 Doc.10

Exb.250 MINUTE SHEET of hearing before Judge Carlos Murguia: Prel inj hearing held; the court denies motion for urgent preliminary injunctive relief from USA Patriot Act by plaintiff [6-1]; denying motion for urgent preliminary injunctive relief from trade secret misappropriation by plaintiff [7-1] and the court denies motion to strike Motion for Urgent Preliminary Injunctive Relief from Trade Secret Misappropriation and Motion for Urgent Preliminary Injunctive Relief Against USA Patriot Act Reporting [8-1]. (CK) (Entered: 12/18/2002)  
12/12/2002 Doc.11

Exb.251 NOTICE OF INTERLOCUTORY APPEAL to 10CCA by Medical Supply Chain re: denial of motion for urgent preliminary injunctive relief from trade secret misappropriation by plaintiff [7-1] and denial of motion for urgent preliminary injunctive relief from USA Patriot Act Reporting by plaintiff [6-1]; these rulings made 11/18/03 and 12/12/03; see minutes of 12/12/03 [11-2] (cc: all counsel, 10CCA) (CK) (Entered: 12/18/2002)  
12/17/2002 Doc.12

Exb.252 12/18/2002 APPEAL FEE STATUS: filing fee paid re: appeal [12-1] (Receipt # 096791) (CK) Modified on 12/18/2002 (Entered: 12/18/2002) 12/27/2002 LETTER to 10CCA stating transmittal of PROA re: appeal [12-1] ) (CK) Modified on 12/27/2002 (Entered: 12/27/2002)

Exb.253 LETTER to 10CCA stating transmitting Preliminary ROA re: appeal [12-1] (KM) (Entered: 12/27/2002)

Exb.254 ANSWER with trial location of Kansas City, KS by defendant to complaint [3-1]; jury demand (CK) Modified on 12/31/2002 (Entered: 12/27/2002)  
12/27/2002 Doc. 13

Exb.255 NOTICE by defendants of Rule 7.1 Disclosure statement. (CK) Modified on 12/31/2002 (Entered: 12/27/2002)  
12/27/2002 Doc. 14

Exb.256 TRANSCRIPT of hearing on motion for temporary restraining order held 11/18/02 before Judge Carlos Murguia regarding plaintiff's interlocutory appeal [12-1]; volume 1, pages 1-19; Court Reporter: Nancy Wiss. (Appeal No. 02-3443) (MG) (Entered: 02/20/2003)  
02/20/2003 Doc.17

Exb.257 TRANSCRIPT of hearing on motion for temporary restraining order held 12/12/02 before Judge Carlos Murguia regarding plaintiff's interlocutory appeal [12-1]; volume 1, pages 1-23; Court Reporter: Nancy Wiss. (Appeal No. 02-3443) (MG) (Entered: 02/20/2003)  
02/20/2003 Doc.18

Exb.258 ORDER SETTING SCHEDULING CONFERENCE signed by Judge Waxse on 3/20/03: Telephone Scheduling Conference set for 5/6/2003 at 03:00 PM before Judge Waxse. (ll) (Entered: 03/20/2003)  
03/20/2003 Doc.20

Exb.259 MOTION to Dismiss by Defendants Lars Anderson, Andrew Cesere, Corporate Trust, Institutional Trust and Custody, Brian Kabbes, Mutual Fund Services, LLC, Susan Paine, Piper Jaffray, US Bancorp N A, US Bank Private Client Group, Unknown Healthcare Supplier (Olthoff, Mark) (Entered: 03/27/2003)  
03/27/2003 Doc.21

Exb.260 NOTICE of Motion for En Banc Rehearing on Sanctions and Reasonable Fees Exceed \$350.00 an Hour by Medical Supply Chain, Inc. (Attachments: # 1 Supplement Motion For En Banc Review of Sanctions# 2 Exhibit Exhibit 1 Saction Order# 3 Exhibit Denied En Banc Motion# 4 Exhibit Exb 3 Sherman Act Claims# 5 Exhibit Exb 4 Letter to Patrick Fisher# 6 Exhibit Excerpt from new trial motion# 7 Exhibit Trial Court Order# 8 Exhibit USA PATRIOT Act Claims# 9 Exhibit Appellate Show Cause Order)(Landrith, Bret) (Entered: 01/11/2005)  
01/11/2005 Doc.53

Exb.261 MOTION for Attorney Fees by Defendants Lars Anderson, Brian Kabbes, US Bancorp N A, US Bank Private Client Group, Corporate Trust, Institutional Trust and Custody, Mutual Fund Services, LLC, Piper Jaffray, Andrew Cesere, Susan Paine (Olthoff, Mark) (Entered: 01/27/2005)  
01/27/2005 Doc.54

Exb.262 MEMORANDUM IN SUPPORT of 54 MOTION for Attorney Fees by Defendants Lars Anderson, Brian Kabbes, US Bancorp N A, US Bank Private Client Group, Corporate Trust, Institutional Trust and Custody, Mutual Fund Services, LLC, Piper Jaffray, Andrew Cesere, Susan Paine (Attachments: # 1 Exhibits)(Olthoff, Mark) (Entered: 01/27/2005)  
01/27/2005 Doc.55

Exb.263 MOTION to Seal Document by Defendants Lars Anderson, Brian Kabbes, US Bancorp N A, US Bank Private Client Group, Corporate Trust, Institutional Trust and Custody, Mutual Fund Services, LLC, Piper Jaffray, Andrew Cesere, Susan Paine(Olthoff, Mark) (Entered: 01/27/2005)  
01/27/2005 Doc.56

Exb.264 ORDER granting 56 Motion to Seal Document. Counsel for defendants are directed to provide the court with a disk containing a copy of the exhibits C and D. Signed by Judge Carlos Murguia on 1/28/05. (ck) (Entered: 01/28/2005)  
01/28/2005 Doc.57

Exb.265 INDEX AND SEALED EXHIBITS C -(Billing Records) and D - (Declaration of Mark A. Olthoff) by Defendants re 54 MOTION for Attorney Fees. These exhibits are

contained in disc form and maintained in the Clerk's Office w/copy to chambers. (ck )  
(Entered: 02/01/2005)

Exb.266 SUPPLEMENTAL APPEAL MANDATE from 10CCA as to Notice of Appeal -  
Final Judgment 42 filed by Medical Supply Chain, Inc., (km) (Entered: 02/14/2005)  
02/14/2005 Doc.59

Exb.267 MOTION to Consolidate Cases by Plaintiff Medical Supply Chain, Inc.  
(Attachments: # 1 Exhibit Medical Supply Chain, Inc. v. Novation et al# 2  
Exhibit)(Landrith, Bret) (Entered: 03/24/2005)  
03/24/2005 Doc.60

Exb.268 MEMORANDUM in Opposition by Defendant US Bancorp N A re 60  
MOTION to Consolidate Cases (Olthoff, Mark) (Entered: 04/05/2005)  
04/05/2005 Doc.61

Exb.269 ORDER finding as moot 60 Motion to Consolidate Cases. Case closed on  
6/16/03. The only remaining issue before the court is Doc. 54, Motion for Attorney Fees.  
Signed by Judge Carlos Murguia on 4/27/2005.(This is a TEXT ENTRY ONLY. There is  
no.pdf document associated with this entry) (js) (Entered: 04/27/2005)

Exb.270 ORDER granting 54 Motion for Attorney Fees in the amount of \$23,956.00.  
Signed by Judge Carlos Murguia on 5/13/05. (ck ) (Entered: 05/15/2005)  
05/13/2005 Doc.63

Exb.271 JUDGMENT regarding Order on Motion for Attorney Fees in favor of  
defendants against plaintiff. Signed by Judge Carlos Murguia on 6/9/05. (yh, ) (Entered:  
06/09/2005)  
06/09/2005 Doc.64

Exb.272 Letter from 10CCA stating that Petition for Writ of Certiorari has been filed re  
42 Notice of Appeal - Final Judgment; assigned Supreme Court No. 05-5503 (Appeal No.  
03-3342) (kao) (Entered: 08/04/2005)  
10/26/2005 66 Letter from 10CCA stating petition for writ of certiorari was denied by an  
order of the Supreme Court. (kao) (Entered: 10/26/2005)  
08/04/2005 Doc. 65

**Missouri Western District Appeals**  
**WD70001 SAMUEL LIPARI, APLP V NOVATION, LLC, ET AL.**

Exb.273 Docket Entry: NOA Filed in Circuit Court  
Docket Entry: Filing Fee Paid  
Docket Entry: NOA- Civil Case Info Form Filed  
08/13/2008

Exb.274 Docket Entry: NOA Filed in Appellate Court  
08/18/2008 Doc.2

Exb.275 Docket Entry: Suggs in Support of Appeal Due  
Text: on or before 10-SEP-2008  
08/27/2008 Doc.3

Exb.276 Docket Entry: Respondent's Suggestions Due  
Text: on or before 17-SEP-2008  
08/27/2008

Exb.277 Docket Entry: Apel Requested Suggestions  
Filing Party: LIPARI, SAMUEL K  
09/03/2008

### MEMORANDUM IN SUPPORT

This action is the same matter or controversy as the state contract and state antitrust actions against these defendants. The plaintiff's action continues in the form of contract claims against US Bank and US Bancorp in this court as *Lipari v. US Bancorp et al.* Case no. 07-cv-02146-CM-DJW and continues in the form of state law antitrust claims in 16<sup>th</sup> Circuit at Independence, Missouri action *Samuel K Lipari v. Novation LLC et al*; 0816-CV04217. There has not been a dismissal of actions in their entirety as pointed out in *Avx Corp. v. Cabot Corp.*, 424 F.3d 28 at pg 32 (Fed. 1st Cir., 2005). Therefore the matter *sub judice* has not reached finality permitting relief due to intervening change in controlling law. *Ute Indian Tribe v. Utah*, 114 F.3d 1513, 1521 (10th Cir. 1997).

Respectfully Submitted,

S/ Samuel K. Lipari

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### CERTIFICATE OF SERVICE

I certify I have caused a copy to be sent via electronic case filing to the undersigned opposing counsel on 9/11/08.

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