

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
KANSAS CITY, KANSAS

MEDICAL SUPPLY CHAIN, INC.,)
)
Plaintiff,)
)
v.) Case No. 05-2299-CM
)
NOVATION, LLC, et aI.,)
)
Defendants.)

NOTICE OF FILING ORDER DENYING MOTION TO REMAND APPEAL

Defendants hereby notify the Court and the parties that plaintiff's "motion to remand appeal" filed on August 25, 2008 (attached to Document 142) was denied by the United States Court of Appeals for the Tenth Circuit on August 25, 2008. See Exhibit A attached.

Respectfully submitted,

Isi Mark A. Olthoff
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ATTORNEYS FOR DEFENDANTS
U.S. BANCORP, U.S. BANK NATIONAL
ASSOCIATION, PIPER JAFFRAY COMPANIES,
JERRY A. GRUNDHOFER, ANDREW CECERE
AND ANDREW S. DUFF

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was filed on August 27, 2008 and served via the Court's electronic filing system to all those who receive notice and by United States mail, postage prepaid, on the 27th day of August, 2008 to:

Mr. Samuel K. Lipari
297 NE Bayview Drive
Lee's Summit, MO 64064-3400

Isi Mark A. Olthoff
Attorney for Defendants

UNITED STATES COURT OF APPEALS August 25, 2008

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

MEDICAL SUPPLY CHAIN, INC.,

Plaintiff,

v.

No. 08-3187

NEOFORM A, INC.; ROBERT J.
ZOLLARS; VOLUNTEER HOSPITAL
ASSOCIATION; CURT NONOMAQUE;
UNIVERSITY HEALTH SYSTEM
CONSORTIUM; ROBERT J. BAKER;
U.S. BANCORP, N A; U.S. BANK
NATIONAL ASSOCIATION; JERRY A.
GRUNDHOFFER; ANDREW CESERE;
PIPER JAFFRAY COMPANIES;
ANDREW S. DUFF; SHUGART
THOMSON & KILROY, P.C.;
WATKINS BOULWARE, PC;
NOVATION LLC,

Defendants - Appellees,

SAMUEL K. LIPARI,

Interested Party - Appellant.

ORDER

This is an appeal from proceedings in U.S. District Court for the District of
Kansas No. 05-CV-2299. Appellant has filed a "Motion to Remand the Appeal for

Ruling on Open 28 USC § 144 Affidavit." Appellant asserts that on August 18, 2008, he filed an "affidavit of prejudice" in a separate proceeding in the Kansas U.S. District Court in which he is involved, No. 07-CV -2146. Appellant asks that the court remand jurisdiction to the district court to address his affidavit.

There is no appeal before this court involving Kans. Dist. Ct. No. 07 -CV -2146. We have no jurisdiction to remand as to that proceeding. There is no impediment caused by this appeal, which involves No. 05-CV-2299, to the district court ruling on any pending matter in No. 07-CV-2146.

For the forgoing reasons, the "Motion to Remand the Appeal for Ruling on Open 28 USC § 144 Affidavit" is denied as moot.

Entered for the Court
ELISABETH A. SHUMAKER
Clerk of Court



by:
Douglas E. Cressler
Chief Deputy Clerk

CERTIFICATE OF SERVICE

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/s/ Mark A. Olthoff _____
Attorney for Defendants

UNITED STATES COURT OF APPEALS August 25, 2008

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
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Plaintiff,

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No. 08-3187

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ZOLLARS; VOLUNTEER HOSPITAL
ASSOCIATION; CURT NONOMAQUE;
UNIVERSITY HEALTHSYSTEM
CONSORTIUM; ROBERT J. BAKER;
U.S. BANCORP, N A; U.S. BANK
NATIONAL ASSOCIATION; JERRY A.
GRUNDHOFFER; ANDREW CESERE;
PIPER JAFFRAY COMPANIES;
ANDREW S. DUFF; SHUGART
THOMSON & KILROY, P.C.;
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Defendants - Appellees,

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ORDER

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There is no appeal before this court involving Kans. Dist. Ct. No. 07-CV-2146. We have no jurisdiction to remand as to that proceeding. There is no impediment caused by this appeal, which involves No. 05-CV-2299, to the district court ruling on any pending matter in No. 07-CV-2146.

For the forgoing reasons, the “Motion to Remand the Appeal for Ruling on Open 28 USC § 144 Affidavit” is denied as moot.

Entered for the Court
ELISABETH A. SHUMAKER
Clerk of Court



by:
Douglas E. Cressler
Chief Deputy Clerk