

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
KANSAS CITY, MISSOURI**

SAMUEL K. LIPARI)
(Assignee of Dissolved)
Medical Supply Chain, Inc.))
<i>Plaintiff</i>) Case No. 06-1012-CV-W-FJG
) State Court No. 0616-CV32307
)
vs.) (Properly Case No. 05-0210-
) CV-W-ODS)
US BANCORP, NA)
US BANK, NA)
<i>Defendants</i>)

NOTICE OF APPEAL

Comes now the plaintiff Samuel K. Lipari, the assignee of the dissolved Missouri corporation Medical Supply Chain, Inc., appearing *pro se* and makes the following notice of appeal from this court's order to transfer the concurrent jurisdiction state claims to the Kansas District Court when the removal from state court was obtained through fraud on this court and federal jurisdiction was exclusively in the US Tenth Circuit Court of Appeals where there was a lack of complete diversity at the time of transfer. The plaintiff also appeals this court's refusal to abstain under the "first to file" rule.

The plaintiff was not able to appeal the transfer at law until the transferee court relinquished jurisdiction. On September 4, 2008 the transferee court granted a Rule 12(b)(6) dismissal of one or more judicial units or claims based on Missouri State law over conduct of the defendants in Missouri.

The plaintiff now timely appeals.

Respectfully submitted,

S/ Samuel K. Lipari

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Pro se

Certificate of Service

I certify that on September 5th, 2008 I have served the opposing counsel with a copy of the foregoing notice using the CM/ECF system which will send a notice of electronic filing to the following:

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S/ Samuel K. Lipari

Samuel K. Lipari