

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was filed on August 27, 2008 and served via United States mail, postage prepaid, on the 27th day of August, 2008 to:

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

Plaintiff

Isi Mark A. Olthoff
Attorney for Defendants

FILED
United States Court of Appeals
Tenth Circuit

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." AppelJant 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

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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.

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ELISABETH A. SHUMAKER
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