

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

<b>MEDICAL SUPPLY CHAIN, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 05-2299-CM</b>
	)	
<b>NOVATION, LLC, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM IN OPPOSITION TO  
PLAINTIFF’S MOTION FOR RECONSIDERATION**

Plaintiff’s “Motion for Reconsideration” should be denied. The Court’s Memorandum and Order of March 7, 2006 should stand. As further reasons in opposition to plaintiff’s “Motion for Reconsideration,” defendants state:

1. On March 7, 2006, the Court entered its Memorandum and Order dismissing the plaintiff’s claims.

2. On March 14, 2006, plaintiff–by “interested party” Sam Lipari–filed its “Motion for Reconsideration” of the Memorandum and Order. Mr. Lipari has not been substituted as a party plaintiff in this case and he has not entered his appearance as attorney of record. Moreover, no attorney of record filed the “Motion for Reconsideration” and neither Mr. Lipari (who is not an attorney) nor plaintiff (itself) can represent Medical Supply. The motion should, therefore, be stricken.

3. In any event, no reason has been presented why the Court’s Memorandum and Order should be revisited. Plaintiff’s brief is nothing more than a re-hash of the arguments the Court has now rejected several times. Plaintiff has not submitted any new law or new evidence justifying reconsideration or in any respect altering or amending the March 7, 2006 Memorandum and Order.

4. The “motion” violates the Court’s Local Rule 7.3(a), which provides that “reconsideration” of dispositive orders is not permitted. Plaintiff has not filed a motion requesting relief under Fed. R. Civ. P. 59 or 60.

5. Defendants incorporate by this reference all of their previously filed memoranda of law, authorities and evidence in support of their various motions to dismiss.

6. This litigation should be ended. Defendants would suffer manifest injustice should the Court reconsider the Memorandum and Order.

For all of the above reasons, plaintiff’s “Motion for Reconsideration” should be denied.

/s/ Mark A. Olthoff

MARK A. OLTHOFF KS FED #70339  
SHUGHART THOMSON & KILROY, P.C.  
1700 Twelve Wyandotte Plaza  
120 W 12th Street  
Kansas City, Missouri 64105-1929  
Telephone: (816) 421-3355  
Facsimile: (816) 374-0509

and

ANDREW M. DeMAREA KS #16141  
SHUGHART THOMSON & KILROY, P.C.  
32 Corporate Woods, Suite 1100  
9225 Indian Creek Parkway  
Overland Park, Kansas 66210  
Telephone: (913) 451-3355  
Facsimile: (913) 451-3361

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

**CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the above item was filed in PDF format with the Court pursuant to its *Case Management / Electronic Case Files* program and thereby a notice of filing was e-mailed to counsel of record herein, all on the 24th day of March, 2006.

/s/ Mark A. Olthoff  
Attorney for Defendants