

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

MEDICAL SUPPLY CHAIN, INC.,)
(to be substituted by Samuel K. Lipari))
<i>Plaintiff,</i>)
v.) Case No. 05-2299-KHV
NOVATION, LLC) Formerly W.D. MO. Case No. 05-0210
NEOFORMA, INC.)
ROBERT J. ZOLLARS)
VOLUNTEER HOSPITAL ASSOCIATION)
CURT NONOMAQUE)
UNIVERSITY HEALTHSYSTEM CONSORTIUM)
ROBERT J. BAKER)
US BANCORP, NA)
US BANK)
JERRY A. GRUNDHOFFER)
ANDREW CESERE)
THE PIPER JAFFRAY COMPANIES)
ANDREW S. DUFF)
SHUGHART THOMSON & KILROY)
WATKINS BOULWARE, P.C.)
<i>Defendants.</i>)

ORDERED WITHDRAWAL OF PLAINTIFF'S COUNSEL

Comes now the plaintiff Medical Supply Chain (to be substituted by Samuel K. Lipari) and complies with the ordered withdrawal of counsel (Doc.71).

1. Medical Supply had sought to prevent the defendants from causing the removal of the plaintiff's counsel as detailed in the plaintiff's complaint ¶¶ 399-418 and supported with evidentiary documents before this court including Doc. 30 Attachment 1 and attachments in Doc.48.
2. On January 9, 2006 the defendant Neoforma announced that the Securities and Exchange Commission had ordered the company's delisting for failing to have a corporate board meeting. See Exb. 1.
3. Neoforma is unable to have a corporate board meeting without answering questions about the GHX merger and why its prima facie antitrust liability in the present action has not been disclosed in corporate filings.
4. If delisted, Neoforma's approximately \$204,960,000 current capitalization will lose liquidity and a substantial part of, if not all of Neoforma shareholder value will be lost.
5. On January 10th, 2006, Medical Supply's counsel received a call from Judge Murguia's clerk indicating an Order to Show Cause why this action should not be dismissed do to Medical Supply's counsel's temporary suspension.

6. Medical Supply's counsel contact Samuel K. Lipari, CEO of Medical Supply Chain and advised him that this action was in danger of being dismissed for lack of counsel.

7. Samuel K. Lipari called the office of the Kansas District Court Clerk questioning why he would now be facing having his action dismissed when a motion before the court seeks to substitute Samuel K. Lipari for the soon to be dissolved or forfeited corporation and which has not been ruled on.

8. The order to show cause was not issued.

9. The court ordered plaintiff's counsel to withdraw from the action (Doc.71) on January 19, 2006.

10. Samuel K. Lipari dissolved the Missouri incorporation of his sole proprietary business Medical Supply Chain on Friday January 27th, 2006. See Exb. 2.

11. Under Missouri law, a corporation ceases existence at the day of dissolution:

“...defendant was dissolved as a corporation August 2, 2001. Its corporate existence was forfeited on that date. A corporation's very being as a legal entity is destroyed the day forfeiture occurs. *Phillips v. Hoke Const., Inc.*, 834 S.W.2d 785, 787 (Mo.App. 1992). § 506.150.1(3) relates to service on a corporation, not a former corporation "that has been dissolved according to law," to which § 506.150.1(4) applies.”

Finnigan v. KNG Investments, Inc., No. 26309 at fn 3 (MO 3/25/2005) (Mo, 2005).

12. Samuel K. Lipari has experienced the informal sanctions described in Doc. 30 Attachment 1. And, when those were failed to cause him to dismiss this action, he suffered additional informal sanctions against his family's trucking business and the Office Complex where Medical Supply Chain was headquartered, which was pressured to evict him. Mr. Lipari is up to the increased retribution that will result from taking over the representation of his interests in this action.

13. Samuel K. Lipari, acting *pro se* in state court is also prosecuting the contract claim against the defendant's coconspirator the General Electric Company described in the complaint at ¶¶ 339-369.

14. Mr.. Lipari's address and telephone number is:

Samuel K. Lipari
297 NE Bayview
Lee's Summit, Missouri 64064,
816-365-1306

15. Samuel K. Lipari will accept electronic service of all documents via e-mail addressed to:
saml@medicalsupplychain.com

16. Samuel K. Lipari's acknowledgement:

(a) I, Samuel K. Lipari attest I have received notice of the ordered withdrawal of my attorney on January , 2006.

(b) I, Samuel K. Lipari understand I will be personally responsible for complying with all the orders of the court and time limitations established by the rules of procedure or by court order.

(c) I, Samuel K. Lipari understand there are no pending trials, hearings or conferences.

S/ Samuel K. Lipari 1-30-06

Samuel K. Lipari Date **(Exb 3 is the signed page)**

Respectfully Submitted

S/Bret D. Landrith
Bret D. Landrith
2961 SW Central Park, # G33,
Topeka, KS 66611
1-785-267-4084
landrithlaw@cox.net

Certificate of Service

I certify that on January 30th, 2006 I have served the foregoing with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following:

Mark A. Olthoff , Jonathan H. Gregor, Logan W. Overman, Shughart Thomson & Kilroy, P.C. 1700 Twelve Wyandotte Plaza 120 W 12th Street Kansas City, Missouri 64105-1929

Andrew M. Demarea, Corporate Woods Suite 1100, Building #32 9225 Indian Creek Parkway Overland Park, Kansas 66210 (913) 451-3355 (913) 451-3361 (FAX)

John K. Power, Esq. Husch & Eppenberger, LLC 1700 One Kansas City Place 1200 Main Street Kansas City, MO 64105-2122 (Also attorney for the General Electric defendants and Jeffrey Immelt.)

Stephen N. Roberts, Esq. Natausha Wilson, Esq. Nossaman, Guthner, Knox & Elliott 34th Floor 50 California Street San Francisco, CA 94111

Bruce Blefeld, Esq. Kathleen Bone Spangler, Esq. Vinson & Elkins L.L.P. 2300 First City Tower 1001 Fannin Houston, TX 77002

Attorneys for Defendants

Samuel K. Lipari
saml@medicalsupplychain.com
Plaintiff

S/Bret D. Landrith
Bret D. Landrith

