

United States Court of Appeals
For the Tenth Circuit

Docket No. 08-3187

Formerly Docket No. 06-3331 (10th Cir.)

KS Dist. Court Case No.: 05-2299-CM

Formerly W.D. MO. Case No. 05-0210-ODS

MEDICAL SUPPLY CHAIN, INC., SAMUEL K. LIPARI

v.

**NOVATION, LLC, NEOFORMA, INC., ROBERT J. ZOLLARS,
VOLUNTEER HOSPITAL ASSOCIATION, CURT NONOMAQUE,
UNIVERSITY HEALTHSYSTEM CONSORTIUM, ROBERT J.
BAKER, US BANCORP, NA; US BANK; JERRY A. GRUNDHOFER;
ANDREW CECERE; THE PIPER JAFFRAY COMPANIES;
ANDREW S. DUFF; SHUGHART THOMSON & KILROY;
WATKINS BOULWARE, P.C.**

Appeal from
The United States District Court
For the District of Kansas

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ORDER granting 88 Motion for Leave to File Accounting Out of Time. Defendants Novation, VHA, UHC, Robert Baker, and Curt Nonomaque shall file their Accounting within five (5) days of the date of this Order. Signed by Magistrate Judge Gerald L. Rushfelt on 4/12/2006. (byk) 04/12/2006 Doc. 98.....1655

ORDER granting in part and denying in part 90 Motion to File Accounting Under Seal. Defendants Novation, VHA, UHC, Robert Baker, and Curt Nonomaque are granted leave to file the billing records and Affidavit of Kathleen Bone Spangler and the billing records and Declaration of John K. Power under seal. The court otherwise overrules the motion. Signed by Magistrate Judge Gerald L. Rushfelt on 4/12/2006. (byk) 04/12/2006 Doc. 99.....1656

SEALED EXHIBITS AND AFFIDAVIT of Kathleen Spangler and billing records by Novation LLC. (This is a TEXT ENTRY ONLY, there is no pdf. document associated with this entry) (CLERK'S OFFICE VAULT) (yh,) 04/12/2006 Doc. 100

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| NOTICE of Misnomer regarding plaintiff by Samuel K. Lipari (yh, 05/17/2006 Doc. 101..... | 1657 |
| MOTION to Remand to the Western District of Missouri by Interested Party Samuel K. Lipari (Attachments: #1 Exhibit 7 thru 9 #2 Exhibit 10 #3 Exhibit 11-14) (yh, 07/24/2006 Doc. 102..... | 1664 |
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| Attachments Exhibit 11..... | 1764 |
| Attachments Exhibit 12..... | 1773 |
| Attachments Exhibit 13..... | 1778 |
| Attachments Exhibit 14..... | 1794 |
| Joint MEMORANDUM in Opposition by Defendants Volunteer Hospital Association, Curt Nonomaque, University Health System Consortium, Robert J. Baker, Novation LLC re 102 MOTION to Remand (Power, John) 08/02/2006 Doc. 103..... | 1798 |
| ORDER striking 80 Motion for Reconsideration, denying 81 Motion to Withdraw as Attorney, striking 92 Motion to Amend Complaint, striking 95 Motion to Strike, striking 102 Motion to Remand. Signed by Judge Carlos Murguia on 8/7/2006. (js) 08/07/2006 Doc. 104..... | 1803 |
| ORDER granting 85 Motion for Attorney Fees. Signed by Judge Carlos Murguia on 8/8/06. (yh, 08/08/2006 Doc. 105..... | 1808 |
| Supplemental MOTION for Attorney Fees by Defendants US Bancorp N A, US Bank NA, Jerry A. Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S. Duff (Olthoff, Mark) 08/10/2006 Doc. 106..... | 1813 |

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| MEMORANDUM IN SUPPORT of 106 Supplemental MOTION for Attorney Fees by Defendants US Bancorp N A, US Bank NA, Jerry A. Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S. Duff (Olthoff, Mark) 08/10/2006 Doc. 107..... | 1816 |
| EXHIBIT(S) IN SUPPORT of 107 Memorandum in Support of Motion To Be Filed Under Seal. (Olthoff, Mark) 08/10/2006 Doc. 108..... | 1819 |
| ORDER granting 106 Motion for Attorney Fees. Signed by Judge Carlos Murguia on 8/25/2006. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (js) 08/25/2006 Doc. 109..... | 1812 |
| NOTICE OF APPEAL by Interested Party Samuel K. Lipari, Plaintiff Medical Supply Chain, Inc. (Hawver, Ira) 09/08/2006 doc. 110..... | 1823 |
| EXHIBITS to 110 NOTICE OF APPEAL by Interested Party Samuel K. Lipari, Plaintiff Medical Supply Chain, Inc. (Main Document- Exhibit 1, Attachments: #1 Exhibit 2 #2 Exhibit 3)(Hawver, Ira) Modified title on 9/12/2006 (kao). 09/08/2006 Doc. 111..... | 1828 |
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Kansas District Court (02-CV2539-CM)

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| MSCI v US Bancorp NA- Trial Court Docket Doc. 1 | 1846 |
| MSCI v US Bancorp NA- Plaintiff's Amended Complaint Doc. 2 | 1859 |
| MSCI v US Bancorp NA- Defendants Answer to Plaintiff's Amended Complaint Doc. 3 | 1930 |

10th Circuit Court of Appeals (03-3342)

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| MSCI v US Bancorp NA- Order and Judgment Doc. 1 | 1942 |
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Kansas District Court (02-CV2539-CM)

MSCI v US Bancorp NA- Plaintiff's Motion for New Trial
Doc. 11945

MSCI v US Bancorp NA- Defendants Memorandum in Opposition to
Plaintiff's Motion for New Trial
Doc. 21976

MSCI v US Bancorp NA- Trial Court Memorandum and Order
Doc. 31987

10th Circuit Court of Appeals (03-3342)

MSCI v US Bancorp NA- General Docket United States Court of Appeals
Doc. 11992

MSCI v US Bancorp NA- Motion For Emergency Preliminary Injunctive
Relief Under Tenth Circuit Rule 8.2
Doc. 22002

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10th Circuit Court of Appeals (02-3443)

MSCI v US Bancorp NA- Brief of the Appellant
Doc. 12013

MSCI v US Bancorp NA- Reply Brief of the Appellant
Doc. 22050

MSCI v US Bancorp NA- Tenth Circuit Order and Judgment
Doc. 32072

MSCI v US Bancorp NA- Answer to Show Cause On Sanctions
Doc. 42075

MSCI v US Bancorp NA- Motion For En Banc Rehearing
Doc. 52081

MSCI v US Bancorp NA- Motion For En Banc Rehearing of Panel Sua
Sponte Sanctions
Doc. 62099

Bret Landrith US Supreme Court- Cert Petition
Doc. 72120

Bret Landrith US Supreme Court- Denial of Cert Petition
Doc. 82135

MSCI v General Electric Company et al- Trial Court Docket
Doc. 92136

Kansas District Court (03-CV2324-CM)

MSCI v General Electric Company et al- Plaintiff's Amended Complaint
Doc. 12144

MSCI v General Electric Company et al-Marketplace@Novation Master
Supplier Agreement
Doc. 22180

Kansas District Court (05-CV2299-CM-GLR)

MSCI v General Electric Company et al- Order US District Court of
Kansas
Doc. 12196

10th Circuit Court of Appeals (04-3075)

MSCI v General Electric Company et al- General Docket US Court of
Appeals for the 10th Circuit
Doc. 12201

MSCI v General Electric Company et al- Appellant Brief
Doc. 22207

MSCI v General Electric Company et al- Appellant Answer Brief
Doc. 32261

MSCI v General Electric Company et al- Tenth Circuit Order and
Judgment Part A
Doc. 42279

MSCI v General Electric Company et al- Tenth Circuit Order and
Judgment Part B
Doc. 52287

Kansas District Court (05-CV2299-KHV)

MSCI v General Electric Company et al- Motion to Consolidate Under Rule 42
Doc. 12296

MSCI v General Electric Company et al- Motion to Require Consolation Arguments to be in the Form of Pleadings on the Record and Notice of Threat of Unlawful Sanctions
Doc 22299

MSCI v General Electric Company et al- Glecken Letter
Doc. 32315

Kansas District Court (03-CV2324-CM)

MSCI v General Electric Company et al– US District Court For the District of Kansas Order
Doc. 12317

Missouri Western District (06-01012-CV-W-FJG)

Lipari v US Bancorp et al- Trial Court Docket
.....2318

12/13/2006 1 NOTICE OF REMOVAL by US Bancorp, NA, US Bank NA, US Bancorp, NA, US Bank NA from Circuit Court of Jackson County, Missouri, case number 0616-CV32307. (Filing fee \$ 350 receipt number 1408283) filed by Mark A. Olthoff on behalf of US Bancorp, NA, US Bank NA, US Bancorp, NA, US Bank NA. (Attachments: #1 State Court Petition #2 Civil Cover Sheet)(Olthoff, Mark)
(Entered: 12/13/2006) Doc.12322

Attachments Exhibit 1.....2326
Attachments Exhibit 2.....2399

12/18/2006 6 MOTION to remand and rely to Notice of Removal filed by Samuel K. Lipari. Suggestions in opposition/response due by 1/2/2007 unless otherwise directed by the court. (Attachments: #1 Exhibit 1 #2 Exhibit 2 #3 Exhibit 3 #4 Exhibit 4 #5 Exhibit 5)(Jones, Robin)
Modified on 12/19/2006 to attach Letter to Clerk (Jones, Robin).
(Entered: 12/18/2006) Doc. 62401

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10th Circuit Court of Appeals (06-3331)

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| 11/16/2007 [9528369] Judgment for opinion filed. Doc. 1 | 2421 |
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Kansas District Court (05-CV2299-CM-GLR)

| | |
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| MOTION to Withdraw as Attorney by Interested Party Samuel K. Lipari, Plaintiff Medical Supply Chain, Inc. (Attachments:# 2 Exhibit)(Hawver, Ira) (Entered: 12/27/2007) 12/27/2007 Doc. 119..... | 2434 |
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| Attachments Exhibit 1..... | 2438 |
| Attachments Exhibit 2..... | 2439 |

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| ORDER granting in part and denying in part 119 Motion to Withdraw as Attorney. Attorney Dennis Hawver is withdrawn as counsel for plaintiff Samuel Lipari, but remains as counsel for plaintiff Medical Supply Chain, Inc. Signed by Magistrate Judge Gerald L. Rushfelt on01/29/08. (mg) (Entered: 01/29/2008) 01/29/2008 Doc. 120..... | 2440 |
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| MOTION to Withdraw as Attorney by Plaintiff Medical Supply Chain, Inc.(Hawver, Ira) (Entered: 02/13/2008) 02/13/2008 Doc. 121..... | 2442 |
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| MOTION to Reopen Case by Samuel K. Lipari (yh) (Entered:02/14/2008) 02/13/2008 Doc. 122..... | 2447 |
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MEMORANDUM in Opposition by Defendants Volunteer Hospital
Association, Curt Nonomaque, University Healthsystem Consortium,
Robert J. Baker, US Bancorp N A, US Bank NA, Jerry A. Grundhoffer,
Andrew Cesere, Piper Jaffray Companies, Andrew S. Duff, Shughart,
Thomson & Kilroy, P.C., Novation LLC, Neoforma, Inc., Robert J.
Zollars re 122 MOTION to Reopen Case
*DEFENDANTS' MEMORANDUM IN OPPOSITION TO PLAINTIFF'S
MOTION FOR RELIEF FROM JUDGMENT* (Attachments: # 1
Exhibit A (Medical Supply Chain, Inc. v. US Bancorp, et al.), # 2
Exhibit B (December 30 2004 Order), # 3 Exhibit C (August 7, 2006
Memorandum and Order))(Olthoff, Mark) (Entered: 02/21/2008)

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| 02/21/2008 Doc. 123..... | 2478 |
| Attachments Exhibit 1..... | 2485 |
| Attachments Exhibit 2..... | 2487 |
| RESPONSE MEMORANDUM to defendant's opposition by Samuel K. Lipari re 122 MOTION to Reopen Case (yh) (Entered: 02/27/2008) | |
| 02/26/2008 Doc. 124..... | 2501 |
| NOTICE of Concurrent Missouri State Antitrust Action by Samuel K. Lipari (Attachments: # 1 Appendix Petition, # 2 Appendix One-Procedure History, # 3 Appendix Two-Table of Prior and Related Cases, # 4 Appendix Three-State of Kansas Officials Role, # 5 Appendix Four-U.S. Bank relationship, # 6 Appendix Five-GE Relationship, # 7 Appendix Six-Ex Rel Complaint)(yh) (Entered: 02/27/2008) | |
| 02/26/2008 Doc. 125..... | 2506 |
| Attachments Exhibit 1..... | 2508 |
| Attachments Exhibit 2..... | 2627 |
| Attachments Exhibit 3..... | 2633 |
| Attachments Exhibit 4..... | 2635 |
| Attachments Exhibit 5..... | 2641 |
| Attachments Exhibit 6..... | 2667 |
| Attachments Exhibit 7..... | 2681 |
| ORDER sustaining 121 Corrected Motion to Withdraw. Attorney Dennis Hawver is hereby withdrawn as counsel for Plaintiff Medical Supply Chain, Inc. Signed by Magistrate Judge Gerald L. Rushfelt on 3/4/2008. (byk) (Entered: 03/04/2008) | |
| 03/04/2008 Doc. 126..... | 2733 |
| ORDER striking 122 Motion to Reopen Case from the record. Mr. Lipari is directed to show cause within twelve days of this order why he has not violated Federal Rule of Civil Procedure 11(b). Signed by District Judge Carlos Murguia on 3/28/08. Answer to Order to Show Cause 128 . (mm) Modified on 4/9/2008 to create link to response (yh). (Entered: 03/31/2008) | |
| 03/31/2008 Doc. 127..... | 2735 |
| MOTION to Alter or Amend Judgment and Answer to Order to Show Cause 127 by Plaintiff Medical Supply Chain, Inc.(yh) Modified on 4/9/2008 to create link (yh). (Entered: 04/09/2008) | |
| 04/08/2008 Doc. 128..... | 2738 |
| Attachments Exhibit 1..... | 2748 |
| Attachments Exhibit 2..... | 2780 |
| Attachments Exhibit 3..... | 2785 |
| Attachments Exhibit 4..... | 2788 |

RETURN of Certified Mail received re 127 Order on Motion to Reopen Case, addressed to Samuel K. Lipari Remailed on April 22, 2008 to 297 NE Bayview, Lees Summit, Mo 64064 by certified mail 70062150000031647350. (mm) (Entered: 04/23/2008)
04/22/2008 Doc. 129.....2794

ORDER TO SHOW CAUSE. Show Cause Response due by 5/23/2008. Signed by District Judge Carlos Murguia on 5/16/08.(js) (Entered: 05/16/2008)
05/16/2008 Doc. 130.....2796

RESPONSE by Defendants Volunteer Hospital Association, Curt Nonomaque, University Healthsystem Consortium, Robert J. Baker, US Bancorp N A, US Bank NA, Jerry A. Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S. Duff, Shughart, Thomson & Kilroy, P.C., Watkins Boulware, PC, Novation LLC, Neoforma, Inc., Robert J. Zollars re 128 MOTION to Alter Judgment (Reply deadline 6/6/2008), RESPONSE re 130 Order to Show Cause by Defendants Volunteer Hospital Association, Curt Nonomaque, University Healthsystem Consortium, Robert J. Baker, US Bancorp N A, US Bank NA, Jerry A. Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S. Duff, Shughart, Thomson & Kilroy, P.C., Watkins Boulware, PC, Novation LLC, Neoforma, Inc., Robert J. Zollars(Olthoff, Mark) (Entered: 05/23/2008)
05/23/2008 Doc. 131.....2797

CERTIFIED MAIL RECEIPT returned re 127 and 129 Order on Motion to Reopen Case. Signed for on 5/5/2008: 7006 2150 0000 3164 7350. (ck) (Entered: 05/28/2008)
05/28/2008 Doc. 132.....2806

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REPLY to Response to Motion by Interested Party Samuel K. Lipari re: 128 MOTION to Alter Judgment (yh) (Entered: 06/02/2008)
05/30/2008 Doc. 133.....2807

NOTICE of unavailability by Samuel K. Lipari (mm) (Entered: 06/13/2008)
06/12/2008 Doc. 134.....2855

MEMORANDUM AND ORDER striking 128 Motion to Alter Judgment. Signed by District Judge Carlos Murguia on 7/7/08. (yh) (Entered: 07/08/2008)
07/08/2008 Doc. 135.....2857

07/08/2008 DOCKET ANNOTATION: 135 Memorandum and Order on Motion to Alter Judgment. Sent by certified and regular mail (#7002 2030 0001 2208 0432) (yh) (Entered: 07/08/2008)

NOTICE OF APPEAL as to 135 Order on Motion to Alter Judgment by Samuel K. Lipari. (kao) (Entered: 07/10/2008)
07/10/2008 Doc. 136.....2864

APPEAL FEE STATUS: Filing fee NOT PAID re: Notice of Appeal - Final Judgment 136. () (THIS IS A TEXT ONLY ENTRY-NO DOCUMENT IS ASSOCIATED WITH THIS TRANSACTION) (kao) (Entered: 07/10/2008)
07/10/2008

PRELIMINARY RECORD ON APPEAL transmitted to 10CCA re 136 Notice of Appeal. (Attachment: # 1 Preliminary Record)(kao) (Entered: 07/10/2008)
07/10/2008 Doc. 137.....2866

Attachments Exhibit 1.....2867

CERTIFIED MAIL RECEIPT returned re 135 Order on Motion to Alter Judgment addressed to Samuel K. Lipari (yh) (Entered: 07/14/2008)
07/11/2008 Doc. 138.....2894

APPEAL DOCKETED in 10CCA on 7/14/08 and assigned Appeal No. 08-3187 re 136 Notice of Appeal - Final Judgment filed by Samuel K. Lipari. (kao) (Entered: 07/14/2008)
07/14/2008 Doc. 139.....2895

APPEAL FEE PAID in the amount of \$455 re Notice of Appeal - Final Judgment 136 filed by Samuel K. Lipari. Receipt No. K4631013607. (Appeal No. 08-3187) (THIS IS A TEXT ONLY ENTRY-NO DOCUMENT IS ASSOCIATED WITH THIS TRANSACTION) (kao) (Entered: 07/16/2008)
07/16/2008

Letter from 10CCA re opening brief. (Appeal No. 08-3187) (kao) (Entered: 07/21/2008)
07/21/2008 Doc. 140.....2897

RECORD ON APPEAL transmitted to 10CCA via e-mail, (Volume One), re 136 Notice of Appeal - Final Judgment. (Appeal No. 08-3187). (kao) (Entered: 07/21/2008)
07/21/2008 Doc. 141.....2899

NOTICE of filing motion to remand appeal by Samuel K. Lipari (mm)
(Entered: 08/25/2008)
08/25/2008 Doc. 142.....2900

NOTICE of Filing Order Denying Motion to Remand Appeal by
Volunteer Hospital Association, Curt Nonomaque, University
Healthsystem Consortium, Robert J. Baker, US Bancorp N A, US Bank
NA, Jerry A. Grundhoffer, Andrew Cesere, Piper Jaffray Companies,
Andrew S. Duff, Shughart, Thomson & Kilroy, P.C.,
Watkins Boulware, PC, Novation LLC, Neoforma, Inc., Robert J.
Zollars (Attachments: # 1 Exhibit Order)(Olthoff, Mark) (Entered:
08/27/2008)
08/27/2008 Doc. 143.....2907

Attachments Exhibit 1.....2909

U.S. District Court District of Kansas
06-CV-01012 LIPARI V. US BANCORP, NA ET AL

NOTICE OF REMOVAL by US Bancorp, NA, US Bank NA, US
Bancorp, NA, US Bank NA from Circuit Court of Jackson County,
Missouri, case number 0616-CV32307. (Filing fee \$ 350 receipt number
1408283) filed by Mark A. Olthoff on behalf of US Bancorp, NA, US
Bank NA, US Bancorp, NA, US Bank NA. (Attachments: # 1 State Court
Petition# 2 Civil Cover Sheet)(Olthoff, Mark) (Entered: 12/13/2006)
12/13/2006 Doc. 1.....2911

Attachments Exhibit 1.....2921

REPLY to answer on behalf of Plaintiff Samuel K. Lipari.
(Attachments: # 1 Exhibit 1)(Related document(s) 7) (Jones, Robin)
(Entered: 01/05/2007)
01/04/2007 Doc.12.....2996

Attachments Exhibit 1.....3001

REPORT of Rule 26(f) planning meeting. (Olthoff, Mark) (Entered:
02/09/2007)
02/09/2007 Doc. 20.....3004

ORDER denying 6 plaintiff's motion to remand; denying 10 plaintiff's
motion for more definite statement; denying as moot 11 plaintiff's motion
to reconsider Court's case management order; granting 15 defendants'
motion for leave to file excess pages; granting 16 defendant's motion to
transfer case to District Court of KS; and denying as moot 18 plaintiff's

motion to stay. Signed by Judge Fernando J. Gaitan Jr. on 4/4/07. (Enss, Rhonda) (Entered: 04/04/2007)
04/04/2007 Doc. 21.....3007

04/09/2007 TRANSFER documents mailed to USDC - District of Kansas. This is a text entry only - no document is attached. (Jones, Robin) (Entered: 04/09/2007)

**U.S. District Court District of Kansas
07-CV-02146 LIPARI V. US BANCORP N A ET AL**

NOTICE OF REMOVAL from Western District of Missouri, case number 06-1012, filed by Samuel K. Lipari. (Attachments: (1) Exhibit A)(Originally filed in WD/MO on 12/13/06)(mm) (Entered:(4/11/2007)
04/10/2007 Doc. 1

Exb.2 ANSWER to Complaint 1 by US Bancorp N A, US Bank NA. (Originally filed in WD/MO on 12/21/06)(mm) (Entered: 04/11/2007)
04/10/2007 Doc. 7

Exb.3 REPLY to 2 Answer to Complaint by Plaintiff Samuel K. Lipari. (Attachments: (1) Exhibit A)(Originally filed in WD/MO on 1/4/07)(mm) (Entered: 04/11/2007)
04/10/2007 Doc. 12

Exb.4 REPORT OF RULE 26 meeting by US Bancorp N A, US Bank NA (Originally filed in WD/MO on 2/9/07) (mm) (Entered:04/11/2007)
04/10/2007 Doc. 20

Exb.5 ORDER transferring case from the Western District of Missouri to the District of Kansas. (mm) (Entered: 04/11/2007)
04/10/2007 Doc. 21

MOTION to Dismiss by Defendants US Bancorp N A, US Bank NA (Olthoff, Mark) (Entered: 04/25/2007)
04/25/2007 Doc. 223013

MEMORANDUM IN SUPPORT of 22 MOTION to Dismiss by Defendants US Bancorp N A, US Bank NA (Attachments: # 1 Notice of Exhibit Attachment)(Olthoff, Mark) (Entered: 04/25/2007)
04/25/2007 Doc. 23.....3017

MEMORANDUM IN SUPPORT of 22 MOTION to Dismiss by Defendants US Bancorp N A, US Bank NA (Attachments: # 1 Exhibit A-1 Plaintiff's Amended Complaint Part 1# 2 Exhibit A-2 Plaintiff's Amended Complaint Part 2# 3 Exhibit B - December 30, 2004 Order#

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| 4 Exhibit C-1 Complaint Part 1# 5 Exhibit C-2 Complaint Part 2# 6 Exhibit C-3 Complaint Part 3# 7 Exhibit C-4 Complaint Part 4# 8 Exhibit D# 9 Exhibit E)(Olthoff, Mark) (Entered: 04/27/2007) 04/27/2007 Doc. 24..... | 3039 |
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| Attachments Exhibit 1..... | 3061 |
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| Attachments Exhibit 7..... | 3231 |
| Attachments Exhibit 8..... | 3256 |
| Attachments Exhibit 9..... | 3258 |

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| MOTION to Strike 22 MOTION to Dismiss by Plaintiff Samuel K. Lipari (mm) (Entered: 05/04/2007) 05/03/2007 Doc. 25..... | 3263 |
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| CERTIFICATE OF SERVICE of discovery by Samuel K. Lipari (mm) (Entered: 05/04/2007) 05/03/2007 Doc. 26..... | 3267 |
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| CERTIFICATE OF SERVICE of Rule 26(a) Disclosures by US Bancorp N A, US Bank NA. (Olthoff, Mark) (Entered: 05/04/2007) 05/04/2007 Doc. 27..... | 3309 |
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| MOTION to Stay Entry of Schedule, Stay Discovery and for Protective Order by Defendants US Bancorp N A, US Bank NA. (Olthoff, Mark) (Motion title modified on 5/8/2007. (mg)) (Entered: 05/07/2007) 05/07/2007 Doc. 28..... | 3311 |
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| ENTRY OF APPEARANCE by Jay E. Heidrick on behalf of US Bancorp N A, US Bank NA. (Heidrick, Jay) (Entered: 05/10/2007) 05/10/2007 Doc. 29..... | 3315 |
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| MEMORANDUM in Opposition by Defendants US Bancorp N A, US Bank NA re 25 MOTION to Strike 22 MOTION to Dismiss (Olthoff, Mark) (Entered: 05/17/2007) 05/17/2007 Doc. 30..... | 3317 |
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| ORDER granting 28 Motion to Stay Discovery. All pretrial and Rule 26 proceedings, including the planning conference, scheduling conference, Rule 26(a)(1) disclosures, and discovery, are hereby stayed until the Court has ruled on Defendants' pending Motion to Dismiss (doc. 22). Signed by Magistrate Judge David J. Waxse on 5/24/2007. (bh) (Entered: 05/24/2007) 05/24/2007 Doc. 31..... | 3321 |
| REPLY Memorandum in support of 25 MOTION to Strike 22 MOTION to Dismiss by Plaintiff Samuel K. Lipari (yh,) (Entered: 05/31/2007) 05/29/2007 Doc. 32..... | 3323 |
| OBJECTION(S) to Discovery under Rule 72.1.4 by Samuel K. Lipari. (yh,) (Entered: 05/31/2007) 05/29/2007 Doc. 33..... | 3327 |
| RESPONSE to 33 Objection(s) by Defendants US Bancorp N A, US Bank NA. (Olthoff, Mark) (Entered: 06/08/2007) 06/08/2007 Doc. 34..... | 3332 |
| ORDER denying 25 Motion to Strike. Plaintiff has twenty-three days to file a response to 22 MOTION to Dismiss. Signed by Judge Carlos Murguia on 8/20/2007. (js) (Entered: 08/20/2007) 08/20/2007 Doc. 35..... | 3335 |
| ENTRY OF APPEARANCE by Ira Dennis Hawver on behalf of Samuel K. Lipari. (Hawver, Ira) (Entered: 09/11/2007) 09/11/2007 Doc. 36..... | 3337 |
| RESPONSE by Plaintiff Samuel K. Lipari re 22 MOTION to Dismiss (Hawver, Ira) (Entered: 09/11/2007) 09/11/2007 Doc. 37..... | 3339 |
| Appendix Vol. X | |
| Exb.21 REPLY to Response to Motion by Defendants US Bancorp N A, US Bank NA re: 22 MOTION to Dismiss (Heidrick, Jay) (Entered: 10/03/2007) 10/03/2007 Doc. 38..... | 3797 |
| ORDER granting in part and denying in part 22 Motion to Dismiss. Signed by Judge Carlos Murguia on 11/16/07. (js) (Entered: 11/16/2007) 11/16/2007 Doc. 39..... | 3806 |

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| RESPONSE by Plaintiff Samuel K. Lipari re 39 Order on Motion to Dismiss (Hawver, Ira) (Entered: 11/27/2007) 11/27/2007 Doc. 40 | 3812 |
| ORDER SETTING SCHEDULING CONFERENCE: Telephone Scheduling Conference set for 1/11/2008 at 03:00 PM before Magistrate Judge David J. Waxse. Report of Parties Planning Meeting deadline 1/4/2008. Signed by Magistrate Judge David J. Waxse on 11/30/07. (ll) (Entered: 11/30/2007) 11/30/2007 Doc. 41..... | 3816 |
| RESPONSE to 40 Response to Order by Defendants US Bancorp N A, US Bank NA. (Heidrick, Jay) (Entered: 12/06/2007) 12/06/2007 Doc.42..... | 3820 |
| MOTION to Dismiss Pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure by Defendants US Bancorp N A, US Bank NA. (Heidrick, Jay) (Entered: 12/19/2007) 12/19/2007 Doc. 43..... | 3823 |
| MEMORANDUM IN SUPPORT of 43 MOTION to Dismiss Pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure by Defendants US Bancorp N A, US Bank NA. (Attachments: # 1 Index of Exhibits, # 2 Exhibit A, # 3 Exhibit B)(Heidrick, Jay) (Entered: 12/19/2007) 12/19/2007 Doc. 44..... | 3826 |
| Attachments Exhibit 1..... | 3856 |
| Attachments Exhibit 2..... | 3857 |
| Attachments Exhibit 3..... | 3861 |
| MOTION to Withdraw as Attorney by Plaintiff Samuel K. Lipari. (Attachments: # 1 Exhibit Proposed Order, # 2 Exhibit Acknowledgement of Plaintiff)(Hawver, Ira) (Entered: 12/27/2007) 12/27/2007 Doc. 45..... | 3873 |
| MOTION for Extension of Time to File Response as to 43 MOTION to Dismiss <i>Pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure</i> , 44 Memorandum in Support of Motion, by Plaintiff Samuel K. Lipari (Hawver, Ira) (Entered: 12/28/2007) 12/28/2007 Doc. 46..... | 3879 |
| RESPONSE by Defendants US Bancorp N A, US Bank NA re 45 MOTION to Withdraw as Attorney <i>Defendants' Response to the Motion for Leave to Withdraw as Counsel Filed by Dennis Hawver</i> (Olthoff, Mark) (Entered: 12/31/2007) | |

12/31/2007 Doc. 47.....3882

RESPONSE by Defendants US Bancorp N A, US Bank NA re 46
MOTION for Extension of Time to File Response as to 43 MOTION to
Dismiss *Pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of
Civil Procedure*, 44 Memorandum in Support of Motion, (Heidrick, Jay)
(Entered: 12/31/2007)

12/31/2007 Doc. 48.....3884

ORDER granting 45 Motion to Withdraw as Attorney. Attorney Ira
Dennis Hawver terminated as attorney for plaintiff Samuel K. Lipari.
Signed by Magistrate Judge David J. Waxse on 1/2/08. (mh) (Entered:
01/02/2008)

01/02/2008 Doc.49

Exb.33 SCHEDULING ORDER: Estimated trial time 15-20 days. Jury
Trial set for 3/2/2009 at 01:30 PM before District Judge Carlos Murguia.
Discovery deadline 7/1/2008. Dispositive motion deadline 8/15/2008.
Final Pretrial Conference set for 7/30/2008 at 10:00 AM before District
Magistrate Judge David J. Waxse. Proposed Pretrial Order due by
7/23/2008. SEE ORDER FOR FURTHER DEADLINES. Signed by
Magistrate J01/14/2008)

01/14/2008 Doc. 50.....3886

ORDER granting in part and denying in part 46 Motion for Extension of
Time to File Response/Reply re 43 MOTION to Dismiss *Pursuant o Rule
12(b)(6) and Rule 8 of the Federal Rules of Civil Procedure*. Response
deadline 2/1/2008. Signed by District Judge Carlos Murguia on
1/24/08.(This is a TEXT ENTRY ONLY. There is no.pdf document
associated with this entry.) (js) (Entered: 01/24/2008)

01/24/2008 Doc. 51

RESPONSE by Plaintiff Samuel K. Lipari re 43 MOTION to Dismiss
*Pursuant to Rule 12(b)(6) and Rule 8 of the Federal Rules of Civil
Procedure* (yh) (Entered: 02/01/2008)

01/31/2008 Doc. 52.....3896

Appendix Vol. XI

Exb.36 NOTICE OF SERVICE by Samuel K. Lipari of discovery
document and production request (yh) (Entered: 02/14/2008)

02/13/2008 Doc. 53.....4010

REPLY to Response to Motion by Defendants US Bancorp N A, US Bank
NA re: 43 MOTION to Dismiss *Pursuant to Rule 12(b)(6) and Rule 8 of
the Federal Rules of Civil Procedure* REPLY MEMORANDUM IN

| | |
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| <i>SUPPORT OF MOTION TO DISMISS</i> (Olthoff, Mark) (Entered: 02/21/2008) 02/21/2008 Doc. 54..... | 4017 |
| MOTION for extension of time to file supplemental Rule 26 disclosures by Plaintiff Samuel K. Lipari (yh) (Entered: 03/03/2008) 03/03/2008 Doc. 55..... | 4033 |
| RESPONSE by Defendants US Bancorp N A, US Bank NA re 55 MOTION for extension of time (Attachments: # 1 Exhibit A)(Heidrick, Jay) (Entered: 03/05/2008) 03/05/2008 Doc. 56..... | 4035 |
| Attachments Exhibit 1..... | 4038 |
| NOTICE OF SERVICE by US Bancorp N A, US Bank NA of Defendants' First Interrogatories and First Request for Production (Heidrick, Jay) (Entered: 03/11/2008) 03/11/2008 Doc. 57..... | 4039 |
| ORDER finding as moot 55 Motion for Extension of Time to File. Plaintiff's request for an extension of time to serve his supplemental disclosures until 4/15/2008 is unnecessary as Para. 2.h of the Scheduling Order provides that supplemental disclosures are to be served 40 days before the deadline for completion of discovery. The deadline for completion of discovery is 7/1/2008; therefore, the deadline for serving Exb.10 supplemental disclosures is 5/21/2008. Entered by Magistrate Judge James P. O'Hara on 3/17/08. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (mh) (Entered: 03/17/2008) 03/17/2008 Doc. 58 | |
| MOTION for Protective Order <i>relating to Plaintiff's First Requests for Production</i> by Defendants US Bancorp N A, US Bank NA(Heidrick, Jay) (Entered: 03/17/2008) 03/17/2008 Doc. 59..... | 4041 |
| MEMORANDUM IN SUPPORT of 59 MOTION for Protective Order <i>relating to Plaintiff's First Requests for Production</i> by Defendants US Bancorp N A, US Bank NA (Heidrick, Jay) (Entered: 03/17/2008) 03/17/2008 Doc. 60..... | 4044 |
| INDEX OF EXHIBITS by Defendants US Bancorp N A, US Bank NA re 59 MOTION for Protective Order <i>relating to Plaintiff's First Requests for Production</i> (Attachments: # 1 Exhibit A- Plaintiff's Requests for | |

| | |
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| production, # 2 Exhibit B- Good faith efforts to resolve dispute)(Heidrick, Jay) (Entered: 03/17/2008) | |
| 03/17/2008 Doc. 61..... | 4047 |
| Attachments Exhibit 1..... | 4049 |
| Attachments Exhibit 2..... | 4054 |
| NOTICE OF SERVICE by US Bancorp N A, US Bank NA of Discovery (Heidrick, Jay) (Entered: 03/17/2008) | |
| 03/17/2008 Doc. 62 | |
| MOTION for Leave to Amend Complaint (Petition) re 1 Notice of Removal by Plaintiff Samuel K. Lipari (yh) (Entered: 03/27/2008) | |
| 03/26/2008 Doc. 63..... | 4056 |
| NOTICE of Supplemental Authority by Samuel K. Lipari (yh) (Entered: 03/27/2008) | |
| 03/27/2008 Doc. 64..... | 4058 |
| RESPONSE by Plaintiff Samuel K. Lipari re 59 MOTION for Protective Order <i>relating to Plaintiff's First Requests for Production</i> (Attachments: # 1 Exhibit 1-Letter, # 2 Exhibit 2-Settlement Brief)(yh) (Entered: 03/27/2008) | |
| 03/27/2008 Doc. 65..... | 4060 |
| Attachments Exhibit 1..... | 4080 |
| Attachments Exhibit 2..... | 4081 |
| ORDER denying without prejudice 63 Motion for Leave to Amend Complaint. Signed by Magistrate Judge David J. Waxse on 4/4/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (bh) (Entered: 04/04/2008) | |
| 04/04/2008 Doc. 66..... | 4296 |
| REPLY to Response to Motion by Defendants US Bancorp N A, US Bank NA re: 59 MOTION for Protective Order <i>relating to Plaintiff's First Requests for Production</i> (Heidrick, Jay) (Entered: 04/10/2008) | |
| 04/10/2008 Doc. 67..... | 4298 |
| MOTION to Compel <i>Plaintiff's Compliance with Rule 26(a)</i> by Defendants US Bancorp N A, US Bank NA (Heidrick, Jay) (Entered: 04/22/2008) | |
| 04/22/2008 Doc. 68..... | 4303 |
| INDEX OF EXHIBITS by Defendants US Bancorp N A, US Bank NA re 68 MOTION to Compel <i>Plaintiff's Compliance with Rule 26(a)</i> | |

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| (Attachments: # 1 Exhibit 1 to Motion)(Heidrick, Jay) (Entered: 4/22/2008) | |
| 04/22/2008 Doc. 69..... | 4306 |
| Attachments Exhibit 1..... | 4308 |
| MEMORANDUM IN SUPPORT of 68 MOTION to Compel <i>Plaintiff's Compliance with Rule 26(a)</i> by Defendants US Bancorp N A, US Bank NA (Attachments: # 1 Exhibit Index to Memorandum of Law, # 2 Exhibit A to Memorandum, # 3 Exhibit B to Memorandum)(Heidrick, Jay) (Entered: 04/22/2008) | |
| 04/22/2008 Doc. 70..... | 4310 |
| Attachments Exhibit 1..... | 4316 |
| Attachments Exhibit 2..... | 4318 |
| Attachments Exhibit 3..... | 4360 |
| Appendix | Vol. XII |
| NOTICE OF SERVICE by Samuel K. Lipari of Deposition and Duces Tecum Request (yh) (Entered: 05/01/2008) | |
| 04/30/2008 Doc. 71..... | 4402 |
| NOTICE OF SERVICE by Samuel K. Lipari of Rule 26 Supplemental Disclosures (yh) (Entered: 05/01/2008) | |
| 04/30/2008 Doc. 72..... | 4404 |
| NOTICE OF SERVICE by Samuel K. Lipari of Answers to defendant's First Set of Interrogatories (yh) (Entered: 05/01/2008) | |
| 04/30/2008 Doc. 73..... | 4406 |
| MOTION for time to extend discovery by Plaintiff Samuel K. Lipari.(yh) (Entered: 05/01/2008) | |
| 04/30/2008 Doc. 74..... | 4408 |
| MEMORANDUM in Opposition by Plaintiff Samuel K. Lipari re 68 MOTION to Compel <i>Plaintiff's Compliance with Rule 26(a)</i> (Attachments: # 1 Exhibit 1 MSC Amended Complaint, # 2 Exhibit 2 Motion for Hearing, # 3 Exhibit 3 Response to Hearing Motion, # 4 Exhibit 4 Appellant Brief, # 5 Exhibit 5 MSC v Neoforma, # 6 Exhibit 6 MSC Motion to Consolidate)(yh) (Entered: 05/01/2008) | |
| 04/30/2008 Doc.75..... | 4412 |
| Attachments Exhibit 1..... | 4420 |
| Attachments Exhibit 3..... | 4492 |

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| Attachments Exhibit 4..... | 4514 |
| Attachments Exhibit 5..... | 4647 |
| Attachments Exhibit 6..... | 4763 |
| NOTICE by Defendants US Bancorp N A, US Bank NA of taking deposition of Samuel Lipari on May 28, 2008 (Heidrick, Jay) (Entered: 05/09/2008) | |
| 05/09/2008 Doc. 76..... | 4766 |
| SECOND NOTICE of Supplemental Authority by Samuel K. Lipari (yh) (Entered: 05/14/2008) | |
| 05/14/2008 Doc. 77..... | 4768 |
| RESPONSE by Defendants US Bancorp N A, US Bank NA re 74 MOTION for extension of time (Heidrick, Jay) (Entered: 05/15/2008) | |
| 05/15/2008 Doc. 78..... | 4771 |
| REPLY to Response to Motion by Defendants US Bancorp N A, US Bank NA re: 68 MOTION to Compel <i>Plaintiff's Compliance with Rule 26(a)</i> (Attachments: # 1 Exhibit A- Supplemental Disclosures)(Heidrick, Jay) (Entered: 05/15/2008) | |
| 05/15/2008 Doc. 79..... | 4774 |
| Appendix | Vol. XIII |
| Attachments Exhibit 1..... | 4778 |
| MOTION for Protective Order against K. Lipari (yh) (Entered: 05/16/2008) | |
| 05/16/2008 Doc. 80..... | 4782 |
| Initial Witness & Exhibit List by US Bancorp N A, US Bank NA.(Heidrick, Jay) (Entered: 05/16/2008) | |
| 05/16/2008 Doc.81..... | 4791 |
| MOTION for Protective Order <i>for Plaintiff's Notice of Deposition Duces Tecum</i> by Defendants US Bancorp N A, US Bank NA(Heidrick, Jay) (Entered: 05/19/2008) | |
| 05/19/2008 Doc. 82..... | 4794 |
| MEMORANDUM IN SUPPORT of 82 MOTION for Protective Order <i>for Plaintiff's Notice of Deposition Duces Tecum</i> by Defendants US Bancorp N A, US Bank NA (Attachments: # 1 Exhibit A- Letter to Lipari)(Heidrick, Jay) (Entered: 05/19/2008) | |
| 05/19/2008 Doc. 83..... | 4797 |

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| Attachments Exhibit 1..... | 4804 |
| AMENDED DOCUMENT by US Bancorp N A, US Bank NA. Amendment to 83 Memorandum in Support of Motion, 82 MOTION for Protective Order <i>for Plaintiff's Notice of Deposition Duces Tecum</i> . (Heidrick, Jay) (Entered: 05/20/2008) 05/20/2008 Doc. 84..... | 4806 |
| MOTION to Compel <i>Discovery Responses</i> by Defendants US Bancorp N A, US Bank NA(Heidrick, Jay) (Entered: 05/22/2008) 05/22/2008 Doc. 85..... | 4808 |
| MEMORANDUM IN SUPPORT of 85 MOTION to Compel <i>Discovery Responses</i> by Defendants US Bancorp N A, US Bank NA (Heidrick, Jay) (Entered: 05/22/2008) 05/22/2008 Doc. 86..... | 4811 |
| INDEX OF EXHIBITS by Defendants US Bancorp N A, US Bank NA re 85 MOTION to Compel <i>Discovery Responses and Memorandum in Support</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Heidrick, Jay) (Entered: 05/22/2008) 05/22/2008 Doc. 87..... | 4819 |
| Attachments Exhibit 1..... | 4821 |
| Attachments Exhibit 2..... | 4838 |
| Attachments Exhibit 3..... | 4854 |
| Attachments Exhibit 4..... | 4859 |
| RESPONSE by Defendants US Bancorp N A, US Bank NA re 80 MOTION for Protective Order <i>against Deposition</i> (Heidrick, Jay) (Entered: 05/30/2008) 05/30/2008 Doc. 88..... | 4860 |
| Opposition by Plaintiff Samuel K. Lipari re 82 MOTION for Protective Order <i>for Plaintiff's Notice of Deposition Duces Tecum</i> (yh) (Entered: 06/02/2008) 05/30/2008 Doc. 89..... | 4861 |
| ORDER denying 74 Motion for Extension of Time. Plaintiff's motion to extend discovery until 10/1/08 is denied for failure to show the requisite good cause for amending the scheduling order. Entered by Magistrate Judge David J. Waxse on 6/3/08. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (mh) (Entered: 06/03/2008) 06/03/2008 Doc. 90 | |

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| NOTICE OF SERVICE by Samuel K. Lipari of Second Rule 26 Supplemental Disclsoures (yh) (Entered: 06/06/2008) 06/05/2008 Doc. 91..... | 4863 |
| NOTICE of unavailability by Samuel K. Lipari (mm) (Entered: 06/13/2008) 06/12/2008 Doc.93..... | 4866 |
| Objection to Order of Magistrate Judge re 90 Order on Motion for Extension of Time by Plaintiff Samuel K. Lipari (mm) (Entered: 06/13/2008) 06/12/2008 Doc. 94..... | 4867 |
| REPLY to Response to Motion by Defendants US Bancorp N A, US Bank NA re: 82 MOTION for Protective Order <i>for Plaintiff's Notice of Deposition Duces Tecum</i> (Heidrick, Jay) (Entered: 06/13/2008) 06/13/2008 Doc. 92..... | 4865 |
| RESPONSE by Defendants US Bancorp N A, US Bank NA re 94 Objection to Order of Magistrate Judge re 90 Order on Motion for Extension of Time, by Plaintiff Samuel K. Lipari (Heidrick, Jay) (Entered: 06/19/2008) 06/19/2008 Doc. 95..... | 4869 |
| MEMORANDUM AND ORDER granting 85 Motion to Compel. Plaintiff shall, within fourteen days of the date of this Order, produce all documents responsive to Defendants' First Set of Requests for Production and serve supplemental responses to Defendants' First Interrogatories No. 1, 3, 5-14, 16-17, and 21. Plaintiff shall, within twenty-one (21) days of the date of this Order, show cause in a pleading filed with the Court, why he should not be required to pay the reasonable fees and expenses that Defendants have incurred in making their Motion to Compel. Signed by Magistrate Judge David J. Waxse on 7/8/2008. (bh) (Entered: 07/08/2008) 07/08/2008 Doc. 96..... | 4872 |
| Objection to Order of Magistrate Judge re 96 Order on Motion to Compel, by Plaintiff Samuel K. Lipari (Attachments: # 1 Exhibit Vol. I) (yh). (Entered: 07/11/2008) 07/10/2008 Doc. 97..... | 4877 |
| Attachments Exhibit 1..... | 4884 |
| FURTHER EXHIBIT (S) IN SUPPORT of 96 Order on Motion to Compel, 97 Objection to Order of Magistrate Judge re 96 Order on Motion to Compel,, by Plaintiff Samuel K. Lipari. (Attachments: # 1 Exhibit Vol. II part 2, # 2 Exhibit Vol. III, # 3 Exhibit Settlement | |

Appendix Vol. XIV

Brief(yh) (Entered: 07/11/2008)
07/10/2008 Doc.98.....5002

 Attachments Exhibit 1.....5202
 Attachments Exhibit 2.....5387

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 Attachments Exhibit 3.....8836

Appendix Vol. XIV

MEMORANDUM AND ORDER overruling 94 plaintiff's Objection to
the Magistrate's Order Denying Extension of Discovery. Signed by
District Judge Carlos Murguia on 7/11/2008. (jw) (Entered:
07/11/2008)
07/11/2008 Doc.99.....5414

MOTION to Alter OR Amend Judgment re 99 Memorandum and Order
on Objection to Order of Magistrate Judge and MOTION to Stay Further
Pretrial Proceedings (Response deadline 8/1/2008) by Plaintiff Samuel K.
Lipari (Attachments: # 1 Exhibit 1; # 2 Exhibit 2)(ck) (Entered:
07/18/2008)
07/18/2008 Doc.100.....5416

 Attachments Exhibit 1.....5420
 Attachments Exhibit 2.....5422

MOTION to Amend Petition re 1 Notice of Removal by Plaintiff Samuel
K. Lipari. (Attachments: # 1 Exhibit 1; # 2 Exhibit 2)(ck)
(Entered: 07/18/2008)
07/18/2008 Doc.101.....5427

 Attachments Exhibit 1.....5429
 Attachments Exhibit 2.....5501

Appendix Vol. XV

RESPONSE by Defendants US Bancorp N A, US Bank NA re 97
Objection to Order of Magistrate Judge re 96 Order on Motion to Compel
by Plaintiff Samuel K. Lipari (Heidrick, Jay) (Entered: 07/18/2008)
07/18/2008 Doc.102.....5576

Appendix Vol. XIV

MOTION to Stay Discovery (This was originally filed with document 100
MOTION to Alter Judgment & MOTION to Stay Discovery but should
have been entered as two separate motions) by Plaintiff Samuel K.
Lipari.(mm) (Entered: 07/30/2008)
07/18/2008 Doc.107.....5422

Appendix Vol. XV

MEMORANDUM AND ORDER granting in part and denying in part 68
Motion to Compel. On or before 7/30/2008, Plaintiff shall serve an
amended Rule 26(a)(1)(A)(i) witness disclosure statement in compliance
with this Memorandum and Order. On or before 7/30/2008, Plaintiff shall
serve a supplemental Rule 26(a)(1)(A)(ii) document disclosure statement
or serve amended Rule 26(a)(1)(A)(ii) document disclosures in
compliance with this Memorandum and Order. On or before 8/13/2008,
Plaintiff shall show cause why he should not be required to pay a portion
of the reasonable fees and expenses that Defendants incurred in making
their Motion to Compel. Signed by Magistrate Judge David J. Waxse on
7/22/2008. (bh) (Entered: 07/22/2008)
07/22/2008 Doc.103.....5579

Order Converting Pretrial Conference to Status conference. On the Court's
own motion, the Pretrial Conference scheduled for 7/30/2008 at 10:00
a.m. is converted to a telephone status conference, at which time the Court
will take up Plaintiff's Motion to Stay (doc. 100). Entered by Magistrate
Judge David J. Waxse on 7/23/08. (This is a TEXT ENTRY ONLY. There
is no entry.) (mh) (Entered: 07/23/2008)
07/23/2008 Doc.104

MEMORANDUM AND ORDER denying 101 Motion to Amend
Complaint. Signed by Magistrate Judge David J. Waxse on 7/28/2008.
(bh) (Entered: 07/28/2008)
07/28/2008 Doc.105.....5591

MEMORANDUM in Opposition by Defendants US Bancorp N A, US
Bank NA re 100 MOTION to Alter Judgment MOTION to Stay Exb.10
Discovery re 99 Order on Objection to Order of Magistrate Judge
MOTION to Stay Discovery re 99 Order on Objection to Order of
Magistrate Judge (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit
C, # 4 Exhibit D, # 5 Exhibit E)(Olthoff, Mark) (Entered: 07/28/2008)
07/28/2008 Doc.106.....5598

Attachments Exhibit 1.....5601
Attachments Exhibit 2.....5605
Attachments Exhibit 3.....5611

| | |
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| Attachments Exhibit 4..... | 5618 |
| Attachments Exhibit 5..... | 5629 |

MINUTE ENTRY for proceedings held before Magistrate Judge David J. Waxse: Denying 107 Motion to Stay Discovery; Status Conference and Motion Hearing held on 7/30/2008 re 107 MOTION to Stay Discovery. Plaintiff appeared pro se. Defendants appeared through counsel Mark A. Olthoff. Plaintiff's Motion is denied for failure to establish good cause for staying the proceedings. The pretrial conference is rescheduled for 8/14/2008 at 2:30 p.m. The parties shall prepare a proposed joint pretrial order. Defendants shall submit the proposed pretrial order to the Magistrate Judge on or before 8/11/2008. The deadline for filing dispositive motions is continued to 8/22/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (bh) (Entered: 07/31/2008)
07/31/2008 Doc.108

ORDER: The Telephone Pretrial Conference set for 8/14/2008 is hereby rescheduled for 8/28/2008 at 02:00 PM before Magistrate Judge David J. Waxse. Proposed Pretrial Order due by 8/21/2008. Dispositive motion deadline continued to 9/5/2008. Jury Trial continued to 4/6/2009 at 01:30 PM in Courtroom 463 (CM) before District Judge Carlos Murguia. Entered by Magistrate Judge David J. Waxse on 8/7/08. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ll) (Entered: 08/07/2008)
08/07/2008 Doc.109

RESPONSE by Defendants US Bancorp N A, US Bank NA re 107 MOTION to Stay Discovery re 100 MOTION to Alter Judgment MOTION to Stay Discovery re 99 Order on Objection to Order of Magistrate Judge MOTION to Stay Discovery re 99 Order on Objection to Order of Magistrate Judge (Heidrick, Jay) (Entered: 08/11/2008)
08/11/2008 Doc.110.....5644

RESPONSE by Defendants US Bancorp N A, US Bank NA re 103 Order on Motion to Compel,, *Order to Plaintiff to Show Cause* (Heidrick, Jay) (Entered: 08/18/2008)
08/18/2008 Doc.111.....5646

ANSWER to defendant's Rule 59 110 Response to Motion by Plaintiff Samuel K. Lipari. (yh) (Entered: 08/18/2008)
08/18/2008 Doc.112.....5648

RESPONSE to defendant's assertion re: 111 Response to Order by Plaintiff Samuel K. Lipari. (yh) (Entered: 08/18/2008)
08/18/2008 Doc.113.....5652

NOTICE AND ORDER TO SHOW CAUSE. Signed by Magistrate Judge David J. Waxse on 8/18/08. (mh) (Entered: 08/18/2008)
08/18/2008 Doc.114.....5664

DOCKET ANNOTATION: Notice and Order to Show Cause 114 mailed to Samuel Lipari, 297 NE Bayview, Lee's Summit, MO 64064 by regular United States Mail and by certified mail, return receipt requested (receipt # 70022030000122080760) on 8/18/08. (mh)
(Entered: 08/18/2008)
08/18/2008

ORDER directing plaintiff to pay fees in connection with defendants' motion to compel 68 and pursuant to the court's direction in doc. 103. Signed by Magistrate Judge David J. Waxse on 8/18/08. (mh)
(Entered: 08/18/2008)
08/18/2008 Doc.115.....5666

DOCKET ANNOTATION: Doc. 115 mailed to Samuel Lipari, 297 NE Bayview, Lee's Summit, MO 64064, by regular United States mail and by certified mail, return receipt requested (receipt # 70022030000122080777), on 8/18/08. (mh) (Entered: 08/18/2008)
08/18/2008

AFFIDAVIT of prejudice by Samuel K. Lipari. (yh) (Entered: 8/19/2008)
08/18/2008 Doc.116.....5668

ORDER regarding 114 Notice and Order to Show Cause. The Court has reviewed Plaintiff's reply (doc. 113) to Defendants' response (doc. 111) regarding Plaintiff's asserted noncompliance with the Court's 7/22/08 Order (doc. 103). Plaintiff's filing of the reply does not relieve Plaintiff of the obligation to respond to the Order to Show Cause. Plaintiff shall file his response to the Order to Show Cause on or before 8/27/08. Entered by Magistrate Judge David J. Waxse on 8/20/08. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (mh)
(Entered: 08/20/2008)
08/20/2008 Doc.117

MOTION for Order to Show Cause by Defendants US Bancorp N A, US Bank NA (Attachments: # 1 Exhibit A)(Heidrick, Jay) (Entered: 08/20/2008)
08/20/2008 Doc.118.....5670

 Attachments Exhibit 1.....5673

CERTIFIED MAIL RECEIPT returned regarding 114 Order, and 115 Order, addressed to Samuel Lipari. (mg) (Entered: 08/25/2008)
08/22/2008 Doc.119

OBJECTION to Order of Magistrate Judge re Order 115 by Plaintiff Samuel K. Lipari. (mm) (Entered: 08/25/2008)
08/22/2008 Doc.122.....5682

Objection to Order of Magistrate Judge re Order 117 by Plaintiff Samuel K. Lipari (Attachments: #(1) Exhibit 1, (2) Exhibit 1A, (3) Exhibit 1B, (4) Exhibit 1C-1, (5) Exhibit 1C-2, (6) Exhibit 1D, (7) Exhibit 2-1, (8) Exhibit 2-2, (9) Exhibit 2 Letter, (10) Exhibit 3, (11) Exhibit 4, (12) Exhibit 5, # 13 Exhibit 6, (14) Exhibit 7, (15) Exhibit 8, (16) Exhibit 9)(mm) (Entered: 08/25/2008)
08/22/2008 Doc.123.....5685

 Attachments Exhibit 1.....5732

SECOND NOTICE AND ORDER TO SHOW CAUSE. Defendants' Motion for Order to Show Cause 118 is granted. Plaintiff Samuel K. Lipari is required to show cause to United States District Judge Carlos Murguia, in a pleading filed by 9/8/08, why this case should not be dismissed with prejudice, or other sanctions imposed, pursuant to Federal Rule of Civil Procedure 37(b)(2)(A) for failure to comply with the Courts 7/8/08 Order (doc. 96), and/or pursuant to Federal Rules of Civil Procedure 16(f) and 37(b)(2)(A) for failure to participate in the reparation of a joint proposed pretrial order. Signed by Magistrate Judge David J. Waxse on 8/25/08. (mh) (Entered: 08/25/2008) 08/25/2008 121 ORDER continuing pretrial conference. In light of the Court's recent show cause orders, the Court, on its own motion, continues the 8/28/08 telephone pretrial conference to 10/28/08 at 11:00 a.m. before Magistrate Judge David J. Waxse. Defendants shall submit the parties' joint proposed pretrial order to the Magistrate Judge by 10/21/08. Entered by Magistrate Judge David J. Waxse on 8/25/08. (This is a TEXT ENTRY ONLY. There is no entry.) (mh) (Entered: 08/25/2008)
08/25/2008 Doc.120.....5676

DOCKET ANNOTATION: Doc. 120 mailed to plaintiff Samuel K. Lipari, 297 NE Bayview, Lee's Summit, MO 64064, by regular United States mail and by certified mail, return receipt requested (certified receipt # 70022030000122080647). (mh) (Entered: 08/25/2008)
08/25/2008

Appendix Vol. XVI

NOTICE of filing motion to remand appeal by Samuel K. Lipari (mm)
(Entered: 08/25/2008)
08/25/2008 Doc.124.....6187

NOTICE of Filing Order Denying Motion to Remand Appeal by US Bancorp N A, US Bank NA (Attachments: # 1 Exhibit Order)(Olthoff, Mark) (Entered: 08/27/2008)
08/27/2008 Doc.125.....6192

Attachments Exhibit 1.....6194

SEALED MOTION for Leave to File Under Seal by Defendants US Bancorp N A, US Bank NA (Attachments: # 1 Exhibit A- Redacted Billings)(Heidrick, Jay) (Entered: 08/27/2008) 08/27/2008 127
AFFIDAVIT of Attorney Fees re 115 Order by US Bancorp N A, US Bank NA. (Heidrick, Jay) (Entered: 08/27/2008)
08/27/2008 Doc.126

AFFIDAVIT of Attorney Fees re 115 Order by US Bancorp N A, US Bank NA. (Heidrick, Jay) (Entered: 08/27/2008)
08/27/2008 Doc. 127.....6196

AFFIDAVIT regarding attorney fees by Defendants US Bancorp N A, US Bank NA (Heidrick, Jay) Modified on 9/2/2008 to correct title of pleading (yh). (Entered: 08/27/2008)
08/27/2008 Doc.128.....6199

ORDER REFERRING MOTION to Magistrate Judge David J. Waxse re 128 MOTION for Attorney Fees *in Support of Affidavit of Attorney Fees, Doc. No. 127* filed by US Bancorp N A, US Bank NA. Signed by District Judge Carlos Murguia on 8/28/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.)
(jw) (Entered: 08/28/2008)
08/28/2008 Doc.129

CERTIFIED MAIL RECEIPT returned regarding 120 Order addressed to Samuel K. Lipari. (mg) (Entered: 08/29/2008)
08/28/2008 Doc.130

ORDER REFERRING MOTION to Magistrate Judge David J. Waxse re 126 SEALED MOTION for Leave to File Under Seal filed by US Bancorp N A, US Bank NA. Signed by District Judge Carlos Murguia on 9/2/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (jw) (Entered: 09/02/2008)
09/02/2008 Doc.131

ORDER granting 126 Motion for Leave to File Under Seal. Defendants are directed to file forthwith the requested document(s) with an event from the SEALED DOCUMENTS category. In addition, Defendants shall serve a copy of the sealed document(s) on Plaintiff. The Clerk shall grant electronic access to sealed document(s) to counsel of record. Pro hac vice attorneys must obtain sealed document(s) from local counsel. Signed by Magistrate Judge David J. Waxse on 9/2/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document)
09/02/2008 Doc.132

ORDER setting new dispositive motion deadline. In light of the Court's recent Show Cause Orders and the continuance of the Pretrial Conference, the Court, on its own motion, extends the deadline for filing dispositive motions to 11/17/2008. Entered by Magistrate Judge David J. Waxse on 9/2/08.(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (mh) (Entered: 09/02/2008)
09/02/2008 Doc.133

RESPONSE to 120 Order on Motion for Order to Show Cause,, by Plaintiff Samuel K. Lipari. (Attachments: # 1 Exhibit Answer to Order to Show Cause, # 2 Exhibit 1 Notice of Appeal, # 3 Exhibit 2 Notice of Removal, # 4 Exhibit 3 Motion to remand, # 5 Exhibit 4 Reply, # 6 Exhibit Affidavit of prejudice, # 7 Exhibit 6 Objection to Magistrate Order, # 8 Exhibit 7 Tenth Circuit Notice, # 9 Exhibit 7 Plaintiff's response, # 10 Exhibit 8 Unrelated Pretrial Order, # 11 Exhibit 9 Combined pretrial order, # 12 Exhibit 10 Plaintiff's production request, # 13 Exhibit 11 Plaintiff's response to OSC, # 14 Exhibit 12 Reply to demand, # 15 Exhibit 13 Reply to demand, # 16 Exhibit 14 Objection, # 17 Exhibit 15 Letter to clerk, # 18 Exhibit 16 Order on motion to stay discovery, # 19 Exhibit 17 Report of parties' and planning, # 20 Exhibit 18 Response to Second Motion to Dismiss, # 21 Exhibit 19 Affidavit of Samuel K. Lipari)(yh) (Entered: 09/03/2008)
09/02/2008 Doc.134.....6202

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| Attachments Exhibit 1..... | 6202 |
| Attachments Exhibit 2..... | 6225 |
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| Attachments Exhibit 19..... | 6372 |
| Attachments Exhibit 20..... | 6396 |
| Attachments Exhibit 21..... | 6541 |

AFFIDAVIT of Samuel K. Lipari in support of re 134 Response to Show Cause Order. Defendant has submitted exhibits in support of affidavit to the court that are to voluminous and will be maintained conventionally in the clerk's office. (3 boxes of exhibits).(mm) (Entered: 09/04/2008)
09/02/2008 Doc.136.....6541

RESPONSE to 123 Objection to Order of Magistrate Judge re 117 Order, by Plaintiff Samuel K. Lipari Objection to Order of Magistrate Judge re 117 Order,, by Plaintiff Samuel K. Lipari, 122 Objection to Order of Magistrate Judge re 115 Order by Plaintiff Samuel K. Lipari by Defendants US Bancorp N A, US Bank NA. (Heidrick, Jay) (Entered: 09/03/2008) associated with this entry.) (bh) (Entered: 09/02/2008)
09/03/2008 Doc.135.....6535

MEMORANDUM AND ORDER granting in part and denying in part 43 Defendants' Motion to Dismiss Pursuant to Rule 12(b)(6) and Rule 9/7/08 4:53 PM District of Kansas 8 of the Federal Rules of Civil Procedure. All claims except plaintiff's misappropriation of trade secrets claim pursuant to Mo. Rev. Stat. section 417.450 are hereby dismissed. Signed by District Judge Carlos Murguia on 9/4/2008. (jw) (Entered: 09/04/2008)
09/04/2008 Doc.137.....6566

DOCKET ANNOTATION: 137 Memorandum and Order on Motion to Dismiss, sent certified mail 7002 2030 0000 9349 8359 to Samuel K. Lipari, 297 NE Bayview, Lee's Summit, MO 64064. (jw) (Entered: 09/04/2008)
09/04/2008 Doc.138

MOTION for Leave to Amend Complaint (Petition) re 1 Notice of Removal by Plaintiff Samuel K. Lipari (Attachments: (1) Exhibit 1 (State Court Petition), (2) Exhibit Proposed Amended Petition)(mm) (Entered: 09/05/2008)
09/05/2008 Doc.139.....6580

U.S. District Court of Western District of Missouri
05-CV-00210 MEDICAL SUPPLY CHAIN, INC V. NEOFORMA, INC ET AL

COMPLAINT against all defendants filed by Bret D Landrith on behalf of Medical Supply Chain, Inc. (Filing fee \$250 receipt number 227305) Service due by 7/7/2005. (Attachments: # 1 Civil Cover Sheet)(Jones, Robin) (Entered: 03/09/2005)
03/09/2005 Doc. 1.....6701

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MOTION to dismiss for lack of jurisdiction filed by John Kenneth Power on behalf of Robert J Zollars Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the court (Attachments: # 1 Declaration of Robert J. Zollars)(Power, John) (Entered: 04/04/2005)
04/04/2005 Doc.13.....6818

Attachments Exhibit 1.....6821

SUGGESTIONS in support re 13 MOTION to dismiss for lack of jurisdiction filed by John Kenneth Power on behalf of Defendant Robert J Zollars. (Related document(s) 13) (Power, John) (Entered: 04/04/2005)
04/04/2005 Doc.14.....6822

MOTION to dismiss case *or Alternatively to Require Amendment, Pursuant to F.R.C.P. Rules 8 and 9* filed by John Kenneth Power on behalf of Neoforma, Inc Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the court (Power, John) (Entered: 04/04/2005)
04/04/2005 Doc.15.....6833

SUGGESTIONS in support re 15 MOTION to dismiss case *or Alternatively to Require Amendment, Pursuant to F.R.C.P. Rules 8 and 9* filed by John Kenneth Power on behalf of Defendant Neoforma, Inc.

(Related 04/04/2005 16 document(s) 15) (Power, John) (Entered: 04/04/2005)
04/04/2005 Doc.16.....

DISCLOSURE OF CORPORATE INTERESTS Pursuant to FRCP Rule 7.1 and Certificate Pursuant to Local Rule 3.1 filed by John Kenneth Power on behalf of Defendant Neoforma, Inc.(Power, John) (Entered: 04/04/2005)
04/04/2005 Doc.17.....6838

MOTION to dismiss case Motion to Transfer, Dismiss and/or Strike filed by Mark A. Olthoff on behalf of US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the court (Olthoff, Mark) (Entered: 04/04/2005)
04/04/2005 Doc.18.....6840

SUGGESTIONS in support re 18 MOTION to dismiss case Motion to Transfer, Dismiss and/or Strike filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H)(Related document(s) 18) (Olthoff, Mark) (Entered: 04/04/2005)
04/04/2005 Doc.19.....6846

Attachments Exhibit 1.....6868
Attachments Exhibit 2.....7034
Attachments Exhibit 3.....7043
Attachments Exhibit 4.....7075
Attachments Exhibit 5.....7091
Attachments Exhibit 6.....7094
Attachments Exhibit 7.....7097
Attachments Exhibit 8.....7120

ANSWER to Complaint with Jury Demand filed by Mark A. Olthoff on behalf of Defendant Jerry A Grundhoffer.(Olthoff, Mark) (Entered: 04/04/2005)
04/04/2005 Doc. 20.....7145

ANSWER to Complaint with Jury Demand filed by Mark A. Olthoff on behalf of Defendant Andrew Cesere.(Olthoff, Mark) (Entered: 04/04/2005)
04/04/2005 Doc. 21.....7161

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| ANSWER to Complaint with Jury Demand filed by Mark A. Olthoff on behalf of Defendant Andrew S Duff.(Olthoff, Mark) (Entered: 04/04/2005) 04/04/2005 Doc. 22..... | 7177 |
| MOTION to dismiss for lack of jurisdiction <i>and for Failure to State a Claim</i> filed by John Kenneth Power on behalf of Curt Nonomaque, Robert J Baker Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the court (Attachments: # 1 Exhibit 1 - Affidavit of Curt Nonomaque# 2 Exhibit 2 - Affidavit of Robert J. Baker)(Power, John) (Entered: 04/04/2005) 04/04/2005 Doc. 23..... | 7193 |
| Attachments Exhibit 1..... | 7197 |
| Attachments Exhibit 2..... | 7199 |
| SUGGESTIONS in support re 23 MOTION to dismiss for lack of jurisdiction <i>and for Failure to State a Claim</i> filed by John Kenneth Power on behalf of Defendants Curt Nonomaque, Robert J Baker. (Related document(s) 23) (Power, John) (Entered: 04/04/2005) 04/04/2005 Doc. 24..... | 7200 |
| MOTION to dismiss case <i>and/or strike and suggestions in support</i> filed by Kathleen Ann Hardee on behalf of Shughart Thomson & Kilroy, P.C. Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the court (Hardee, Kathleen) (Entered: 04/04/2005) 04/04/2005 Doc. 25..... | 7208 |
| MOTION to reassign/transfer case <i>Venue or Alternatively Motion to Dismiss Complaint for Failure to State a Claim</i> filed by John Kenneth Power on behalf of Novation LLC, Volunteer Hospital Association, University Health system Consortium Suggestions in opposition/response due by 4/19/2005 unless otherwise directed by the court (Attachments: # 1 Exhibit 1# 2 Exhibit 2)(Power, John) (Entered: 04/04/2005) 04/04/2005 Doc. 26..... | 7212 |
| Attachments Exhibit 1..... | 7218 |
| Attachments Exhibit 2..... | 7234 |
| SUGGESTIONS in support re 26 MOTION to reassign/transfer case <i>Venue or Alternatively Motion to Dismiss Complaint for Failure to State a Claim</i> filed by John Kenneth Power on behalf of Defendants Novation LLC, Volunteer Hospital Association, University Health system Consortium. (Related document(s) 26) (Power, John) (Entered: 04/04/2005) 04/04/2005 Doc. 27..... | 7245 |

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| DISCLOSURE OF CORPORATE INTERESTS filed by John Kenneth Power on behalf of Defendants Novation LLC, Volunteer Hospital Association, University Health system Consortium.(Power, John) (Entered: 04/04/2005) 04/04/2005 Doc.28..... | 7265 |
| Rule 16 Notice proposed scheduling order due by 6/27/2005, rule 26 conference due by 6/13/2005,. Signed by Judge Ortrie D. Smith on 04/05/2005. (Will-Fees, Eva) (Entered: 04/05/2005) 04/05/2005 Doc. 29..... | 7267 |
| DISCLOSURE OF CORPORATE INTERESTS filed by Mark A. Olthoff on behalf of Defendant US Bank NA.(Olthoff, Mark) (Entered: 04/06/2005) 04/06/2005 Doc. 30..... | 7270 |
| DISCLOSURE OF CORPORATE INTERESTS filed by Mark A. Olthoff on behalf of Defendant US Bancorp, NA.(Olthoff, Mark) (Entered: 04/06/2005) 04/06/2005 Doc. 31..... | 7273 |
| DISCLOSURE OF CORPORATE INTERESTS filed by Kathleen Ann Hardee on behalf of Defendant Shughart Thomson & Kilroy, P.C..(Hardee, Kathleen) (Entered: 04/06/2005) 04/06/2005 Doc. 32..... | 7275 |
| DISCLOSURE OF CORPORATE INTERESTS filed by Mark A. Olthoff on behalf of Defendant Piper Jaffray Companies.(Olthoff, Mark) (Entered: 04/08/2005) 04/08/2005 Doc. 33..... | 7277 |
| SUGGESTIONS in opposition re 13 MOTION to dismiss for lack of jurisdiction filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 4/26/2005 unless otherwise directed by the court (Related document(s) 13) (Landrith, Bret) (Entered: 04/11/2005) 04/11/2005 Doc. 34..... | 7279 |
| SUGGESTIONS in opposition re 23 MOTION to dismiss for lack of jurisdiction <i>and for Failure to State a Claim</i> filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 4/26/2005 unless otherwise directed by the court (Related document(s) 23) (Landrith, Bret) (Entered: 04/11/2005) 04/11/2005 Doc. 35..... | 7287 |

04/19/2005 REPLY SUGGESTIONS to motion re 26 MOTION to reassign/transfer case *Venue or Alternatively Motion to Dismiss Complaint for Failure to State a Claim* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. (Attachments: # Exhibit Neoforma, Inc. Press Release of Disclosure# Exhibit Affidavit of Sam Lipari Against Transfer# Exhibit Letter to Clerk Fisher# Exhibit Letter to Chief Judge Lungstrum)(Related document(s) 26) (Landrith, Bret) Modified on 4/20/2005 (Sullivan, Tanya). **DOCUMENT DELETED - ATTORNEY CONTACTED AND ASKED TO REFILE THE DOUCMENT USING THE CORRECT EVENT.** (Entered: 04/19/2005)

04/19/2005 REPLY SUGGESTIONS to motion re 25 MOTION to dismiss case *and/or strike and suggestions in support*, 18 MOTION to dismiss case *Motion to Transfer, Dismiss and/or Strike* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. (Related document(s) 25, 18) (Landrith, Bret) Modified on 4/20/2005 (Sullivan, Tanya). **DOCUMENT DELETED - ATTORNEY CONTACTED AND ASKED TO REFILE THE DOCUMENT USING CORRECT EVENT.** (Entered: 04/19/2005)

04/19/2005 REPLY SUGGESTIONS to motion re 15 MOTION to dismiss case *or Alternatively to Require Amendment, Pursuant to F.R.C.P. Rules 8 and 9* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. (Related document(s) 15) (Landrith, Bret) Modified on 4/20/2005 (Sullivan, Tanya). **DOCUMENT DELETED - ATTORNEY CONTACTED AND ASKED TO REFILE THE DOCUMENT USING CORRECT EVENT.** (Entered: 04/19/2005)

04/19/2005 RESPONSE to order re 29 Rule 16 Notice filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. (Related document(s) 29) (Landrith, Bret) Modified on 4/20/2005 (Sullivan, Tanya). **DOCUMENT DELETED - ATTORNEY CONTACTED AND ASKED TO REFILE THE DOCUMENT USING CORRECT EVENT.** (Entered: 04/19/2005)

Exb.152 MOTION to compel *Appearance* filed byBret D. Landrith on behalf of Medical Supply Chain, Inc Suggestions in opposition/response due by 5/4/2005 unless otherwise directed by the court (Landrith, Bret) (Entered: 04/19/2005)

04/19/2005 Doc. 40.....7294

04/20/2005 NOTICE OF DOCKET MODIFICATION. A modification has been made to the documents filed on 4/19/05 as REPLY SUGGESTIONS (#36), REPLY SUGGESTIONS (#37), REPLY SUGGESTIONS (#38), RESPONSE (#39). These documents have been deleted from the entry and will need to be re filed using the correct events.

Counsel has been contacted and asked to refile the document using the correct events. Documents #36, 37 and 38 should be Suggestions in Opposition and document #39 should be Disclosure of Corporate Interests. This is a text entry only - no document is attached. (Sullivan, Tanya) (Entered: 04/20/2005)

ORDER denying 40 Plaintiff's Motion for United States Marshal Service of Process. Signed by Judge Ortrie D. Smith on 04/20/2005. (Will-Fees, Eva) (Entered: 04/20/2005)
 04/20/2005 Doc. 41.....7296

SUGGESTIONS in opposition re 26 MOTION to reassign/transfer case *Venue or Alternatively Motion to Dismiss Complaint for Failure to State a Claim* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 5/5/2005 unless otherwise directed by the court (Attachments: # 1 Exhibit Neoforma disclosure announcement# 2 Exhibit Affidavit of Sam Lipari Against Transfer# 3 Exhibit Letter to Tenth Circuit Clerk# 4 Exhibit Letter to Judge Lungstrum)(Related document(s) 26) (Landrith, Bret) (Entered: 04/20/2005)
 04/20/2005 Doc. 42.....7297

Attachments Exhibit 1.....7310
 Attachments Exhibit 2.....7312
 Attachments Exhibit 3.....7326
 Attachments Exhibit 4.....7329

SUGGESTIONS in opposition re 25 MOTION to dismiss case *and/or strike and suggestions in support*, 18 MOTION to dismiss case *Motion to Transfer, Dismiss and/or Strike* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 5/5/2005 unless otherwise directed by the court (Related document(s) 25, 18) (Landrith, Bret) (Entered: 04/20/2005)
 04/20/2005 Doc. 43.....7331

SUGGESTIONS in opposition re 15 MOTION to dismiss case *or Alternatively to Require Amendment, Pursuant to F.R.C.P. Rules 8 and 9* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 5/5/2005 unless otherwise directed by the court (Related document(s) 15) (Landrith, Bret) (Entered: 04/20/2005)
 04/20/2005 Doc. 44.....7335

DISCLOSURE OF CORPORATE INTERESTS filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc.(Landrith, Bret) (Entered: 04/20/2005)
 04/20/2005 Doc. 45.....7337

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| REPLY SUGGESTIONS to motion re 13 MOTION to dismiss for lack of jurisdiction filed by John Kenneth Power on behalf of Defendant Robert J Zollars. (Related document(s) 13) (Power, John) (Entered: 04/22/2005) 04/22/2005 Doc. 46..... | 7339 |
| REPLY SUGGESTIONS to motion re 23 MOTION to dismiss for lack of jurisdiction <i>and for Failure to State a Claim</i> filed by John Kenneth Power on behalf of Defendants Curt Nonomaque, Robert J Baker. (Related document(s) 23) (Power, John) (Entered: 04/26/2005) 04/26/2005 Doc. 47..... | 7350 |
| REPLY SUGGESTIONS to motion re 18 MOTION to dismiss case <i>Motion to Transfer, Dismiss and/or Strike Defendants' Reply in Support of Motion to Transfer, Dismiss and/or Strike</i> filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff. (Related document(s) 18) (Olthoff, Mark) (Entered: 05/04/2005) 05/04/2005 Doc. 48..... | 7358 |
| REPLY SUGGESTIONS to motion re 15 MOTION to dismiss case <i>or Alternately to Require Amendment, Pursuant to F.R.C.P. Rules 8 and 9</i> filed by John K. Power on behalf of Defendant Neoforma, Inc. (Related document(s) 15) (Power, John) (Entered: 05/05/2005) 05/05/2005 Doc. 49..... | 7366 |
| REPLY SUGGESTIONS to motion re 26 MOTION to reassign/transfer case <i>Venue or Alternately Motion to Dismiss Complaint for Failure to State a Claim</i> filed by John K. Power on behalf of Defendants Novation LLC, Volunteer Hospital Association, University Health system Consortium. (Related document(s) 26) (Power, John) (Entered: 05/05/2005) 05/05/2005 Doc. 50..... | 7370 |
| NOTICE of filing by Medical Supply Chain, Inc <i>of defendants' threat of sanctions</i> (Attachments: # 1 Exhibit Olthoff Letter to Landrith# 2 Exhibit US Bancorp Motion for sanctions# 3 Exhibit Suggestion in Support of Sanctions)(Landrith, Bret) (Entered: 05/10/2005) 05/10/2005 Doc. 51..... | 7378 |
| Attachments Exhibit 1..... | 7380 |
| Attachments Exhibit 2..... | 7381 |
| Attachments Exhibit 3..... | 7385 |

NOTICE of filing by Medical Supply Chain, Inc of *Second threat of sanctions* (Attachments: # 1 Exhibit Powers Letter to Landrith# 2 Exhibit Motion for sanctions# 3 Exhibit Suggestion in support of sanctions)(Landrith, Bret) (Entered: 05/18/2005)
 05/18/2005 Doc. 52.....7395

Attachments Exhibit 1.....7398
 Attachments Exhibit 2.....7399
 Attachments Exhibit 3.....7402

MOTION for sanctions filed by Mark A. Olthoff on behalf of US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff Suggestions in opposition/response due by 6/20/2005 unless otherwise directed by the court (Olthoff, Mark) (Entered: 06/03/2005)
 06/03/2005 Doc. 53.....7410

SUGGESTIONS in support re 53 MOTION for sanctions filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff. (Attachments: # 1 Exhibit Memorandum and Order# 2 Exhibit Order and Judgment# 3 Exhibit Order# 4 Exhibit)(Related document(s) 53) (Olthoff, Mark) (Entered: 06/03/2005)
 06/03/2005 Doc. 54.....7414

Attachments Exhibit 1.....7424
 Attachments Exhibit 2.....7440
 Attachments Exhibit 3.....7443
 Attachments Exhibit 4.....7452

MOTION to stay *Defendants' Motion to Stay Rule 26(f) Conference and Discovery* filed by John K. Power on behalf of Novation LLC Suggestions in opposition/response due by 6/21/2005 unless otherwise directed by the court (Attachments: # 1 Exhibit A - email from Bret Landrith)(Power, John) (Entered: 06/06/2005)
 06/06/2005 Doc. 55.....7454

Attachments Exhibit 1.....7458

SUGGESTIONS in opposition re 55 MOTION to stay *Defendants' Motion to Stay Rule 26(f) Conference and Discovery* filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 6/22/2005 unless otherwise directed by the court (Attachments: # 1 Exhibit 1 Rule 26 Disclosure Notice# 2 Exhibit Exb 2 Leter for conference)(Related document(s) 55) (Landrith, Bret) (Entered: 06/07/2005)

| | |
|---|------|
| 06/07/2005 Doc. 56..... | 7460 |
| Attachments Exhibit 1..... | 7467 |
| Attachments Exhibit 2..... | 7474 |
| Motion to allow Bruce Blefeld to appear pro hac vice (Pro Hac fee \$50 receipt number 230749) filed by John K. Power on behalf of Novation LLC, Volunteer Hospital Association, Curt Nonomaque, University Healthsystem Consortium, Robert J Baker (Power, John) (Entered: 06/09/2005) | |
| 06/09/2005 Doc. 57..... | 7476 |
| Motion to allow Kathleen Spangler to appear pro hac vice (Pro Hac fee \$50 receipt number 230748) filed by John K. Power on behalf of Novation LLC, Volunteer Hospital Association, Curt Nonomaque, University Healthsystem Consortium, Robert J Baker (Power, John) (Entered: 06/09/2005) | |
| 06/09/2005 Doc. 58..... | 7478 |
| ORDER granting 26 motion to transfer case to the District of Kansas. Signed by Judge Ortrie D. Smith on 6/15/05. (Kee, Georgia) Additional attachment(s) added on 6/15/2005 (Kee, Georgia). (Entered: 06/15/2005) | |
| 06/15/2005 Doc. 59..... | 7480 |
| SUGGESTIONS in opposition re 53 MOTION for sanctions filed by Bret D. Landrith on behalf of Plaintiff Medical Supply Chain, Inc. Reply suggestions due by 7/5/2005 unless otherwise directed by the court (Attachments: # 1 Exhibit Suggestion opposing US Bancorp# 2 Exhibit Suggestion opposing Novation# 3 Exhibit Petition for cert)(Related document(s) 53) (Landrith, Bret) (Entered: 06/17/2005) | |
| 06/17/2005 Doc. 60 | |
| Attachments Exhibit 1..... | 7483 |
| Attachments Exhibit 2..... | 7492 |
| Attachments Exhibit 3..... | 7509 |
| MOTION for reconsideration <i>of transfer</i> filed by Bret D. Landrith on behalf of Medical Supply Chain, Inc Suggestions in opposition/response due by 7/12/2005 unless otherwise directed by the court (Landrith, Bret) (Entered: 06/27/2005) | |
| 06/27/2005 Doc. 61..... | 7524 |
| SUGGESTIONS in opposition re 61 MOTION for reconsideration <i>of transfer</i> filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA, Jerry A Grundhoffer, Andrew Cesere, Piper Jaffray Companies, Andrew S Duff, Shughart Thomson & Kilroy, P.C., Watkins | |

Boulware, PC, Novation LLC, Neoforma, Inc, Robert J Zollars, Volunteer Hospital Association, Curt Nonomaque, University Healthsystem Consortium, Robert J Baker. Reply suggestions due by 7/26/2005 unless otherwise directed by the court (Related document(s) 61) (Olthoff, Mark) (Entered: 07/11/2005)
 07/11/2005 Doc. 62.....7530

ORDER denying 61 Plaintiff motion for reconsideration. Signed by Judge Ortrie D. Smith on 08/01/2005. (Will-Fees, Eva) (Entered: 08/01/2005)
 08/01/2005 Doc. 63.....7535

**U.S. District Court District of Kansas
 06-CV-01012 LIPARI V. US BANCORP, NA ET AL**

NOTICE OF REMOVAL by US Bancorp, NA, US Bank NA, US Bancorp, NA, US Bank NA from Circuit Court of Jackson County, Missouri, case number 0616-CV32307. (Filing fee \$ 350 receipt number 1408283) filed by Mark A. Olthoff on behalf of US Bancorp, NA, US Bank NA, US Bancorp, NA, US Bank NA. (Attachments: # 1 State Court Petition# 2 Civil Cover Sheet)(Olthoff, Mark) (Entered: 12/13/2006)
 12/13/2006 Doc. 1.....7540

NOTICE of filing by US Bancorp, NA, US Bank NA re 1 Notice of Removal, *to Plaintiff* (Olthoff, Mark) (Entered: 12/13/2006)
 12/13/2006 Doc. 2.....7542

DISCLOSURE OF CORPORATE INTERESTS filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA.(Olthoff, Mark) (Entered: 12/13/2006)
 12/13/2006 Doc. 3.....7546

NOTICE of filing by US Bancorp, NA, US Bank NA *of Certificate of Filing of Notice of Removal in State Court and Proof of Service* (Olthoff, Mark) (Entered: 12/14/2006)
 12/14/2006 Doc. 4.....7548

Notice of EAP Administrative (Attachments: # 1 EAP General Order)(Baldwin, Joella) (Entered: 12/14/2006)
 12/14/2006 Doc. 5.....7550

Attachments Exhibit 1.....7554

MOTION to remand *and rely to Notice of Removal* filed by Samuel K. Lipari. Suggestions in opposition/response due by 1/2/2007 unless otherwise directed by the court. (Attachments: # 1 Exhibit 1# 2 Exhibit 2#

3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5)(Jones, Robin) Modified on
 12/19/2006 to attach Letter to Clerk (Jones, Robin). (Entered: 12/18/2006)
 12/18/2006 Doc. 6.....7567

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Attachments Exhibit 1.....7576
 Attachments Exhibit 2.....7578
 Attachments Exhibit 3.....7579
 Attachments Exhibit 4.....7584
 Attachments Exhibit 5.....7585

ANSWER to Complaint filed by Mark A. Olthoff on behalf of Defendants
 US Bancorp, NA, US Bank NA.(Olthoff, Mark) (Entered: 12/21/2006)
 12/21/2006 Doc. 7.....7587

SUGGESTIONS in opposition re 6 MOTION to remand filed by Mark A.
 Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA. Reply
 suggestions due by 1/16/2007 unless otherwise directed by the court
 (Related document(s) 6) (Olthoff, Mark) (Entered: 12/29/2006)
 12/29/2006 Doc. 8.....7597

ORDER - joint proposed discovery plan and scheduling order due by
 2/9/2007. Counsel for defendants, after consultation with plaintiff, shall
 take the lead in preparing a proposed scheduling order for execution and
 filing with the court. Signed by Judge Fernando J. Gaitan Jr. on 1/3/07.
 (Enss, Rhonda) (Entered: 01/03/2007)
 01/03/2007 Doc. 9.....7602

MOTION for more definite statement filed by Samuel K.
 Lipari. Suggestions in opposition/response due by 1/19/2007 unless
 otherwise directed by the court. (Jones, Robin) (Entered: 01/05/2007)
 01/04/2007 Doc. 10.....7603

MOTION to vacate Case Management Order, Document 9, filed by
 Samuel K. Lipari. Suggestions in opposition/response due by 1/19/2007
 unless otherwise directed by the court. (Related document(s) 9) (Jones,
 Robin) (Entered: 01/05/2007)
 01/04/2007 Doc. 11.....7608

REPLY to answer on behalf of Plaintiff Samuel K. Lipari.
 (Attachments: # 1 Exhibit 1)(Related document(s) 7) (Jones, Robin)
 (Entered: 01/05/2007)
 01/04/2007 Doc.12.....7610

Attachments Exhibit 1.....7614

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|---|------|
| SUGGESTIONS in opposition re 10 MOTION for more definite statement filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA. Reply suggestions due by 2/5/2007 unless otherwise directed by the court (Related document(s) 10) (Olthoff, Mark) (Entered: 01/18/2007) 01/18/2007 Doc. 13..... | 7618 |
| SUGGESTIONS in opposition re 11 MOTION to vacate 9 Order, filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA. Reply suggestions due by 2/5/2007 unless otherwise directed by the court (Related document(s) 11) (Olthoff, Mark) (Entered: 01/18/2007) 01/18/2007 Doc. 14..... | 7621 |
| MOTION for leave to file excess pages filed by Mark A. Olthoff on behalf of all defendants Suggestions in opposition/response due by 2/8/2007 unless otherwise directed by the court. (Olthoff, Mark) (Entered: 01/19/2007) 01/19/2007 Doc. 15..... | 7625 |
| MOTION to dismiss case <i>Or, In the Alternative, Motion to Transfer</i> filed by Mark A. Olthoff on behalf of all defendants Suggestions in opposition/response due by 2/8/2007 unless otherwise directed by the court. (Olthoff, Mark) (Entered: 01/19/2007) 01/19/2007 Doc. 16..... | 7628 |
| SUGGESTIONS in support re 16 MOTION to dismiss case <i>Or, In the Alternative, Motion to Transfer</i> filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(Related document(s) 16) (Olthoff, Mark) (Entered: 01/19/2007) 01/19/2007 Doc. 17..... | 7631 |
| Attachments Exhibit 1..... | 7655 |
| Attachments Exhibit 2..... | 7726 |
| Attachments Exhibit 3..... | 7735 |
| Attachments Exhibit 4..... | 7850 |
| Attachments Exhibit 5..... | 7854 |
| MOTION to stay further proceedings pending appeal filed by Samuel K. Lipari. Suggestions in opposition/response due by 2/20/2007 unless otherwise directed by the court. (Attachments: # 1 Notice of Exhibit Attachment)(Carr, Lori) (Entered: 02/01/2007) 01/31/2007 Doc. 18..... | 7856 |
| SUGGESTIONS in opposition re 18 MOTION to stay <i>Defendants' Suggestions in Opposition to Plaintiff's Motion to Stay</i> filed by Mark A. Olthoff on behalf of Defendants US Bancorp, NA, US Bank NA. Reply | |

suggestions due by 2/26/2007 unless otherwise directed by the court
 (Related document(s) 18) (Olthoff, Mark) (Entered: 02/08/2007)
 02/09/2007 20 REPORT of Rule 26(f) planning meeting. (Olthoff, Mark)
 (Entered: 02/09/2007)
 02/08/2007 Doc. 19.....7862

REPORT of Rule 26(f) planning meeting. (Olthoff, Mark) (Entered:
 02/09/2007)
 02/09/2007 Doc. 20.....7866

ORDER denying 6 plaintiff's motion to remand; denying 10 plaintiff's
 motion for more definite statement; denying as moot 11 plaintiff's motion
 to reconsider Court's case management order; granting 15 defendants'
 motion for leave to file excess pages; granting 16 defendant's motion to
 transfer case to District Court of KS; and denying as moot 18 plaintiff's
 motion to stay. Signed by Judge Fernando J. Gaitan Jr. on 4/4/07. (Enss,
 Rhonda) (Entered: 04/04/2007)
 04/04/2007 Doc. 21.....7869

04/09/2007 TRANSFER documents mailed to USDC - District of Kansas. This is a text
 entry only - no document is attached. (Jones, Robin) (Entered: 04/09/2007)

State of Missouri 16th Judicial Circuit
0616-CV32307 – SAMUEL K. LIPARI V. US BANCORP ET AL.

Docket Entry: Pet Filed in Circuit Ct
 Docket Entry: Filing: Text: FORM 4
 Filing Party: LIPARI, SAMUEL K
 Docket Entry: Case Mgmt Conf Scheduled
 Associated Docket Entries: 12/18/2006 - Hearing/Trial Cancelled
 Associated Events:02/28/2007, 08:30:00 - Case Management Conference
 11/28/2006 Doc. 1.....7875

Docket Entry: Notice
 Docket Entry: TO STATE COURT OF FILING OF NOTICE OF
 REMOVAL TO THE WESTERN DISTRICT OF MISSOURI US
 BANCORP NA
 Docket Entry: Removed to Fed Court
 12/13/2006 Doc. 2.....7947

State of Missouri 16th Judicial Circuit
0816-CV04217 – SAMUEL K. LIPARI V NOVATION LLC ET AL.

Docket Entry: Pet Filed in Circuit Ct
 Docket Entry: Filing:
 Text: FORM 4

Filing Party: LIPARI, SAMUEL K
02/25/2008 Doc.17951

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| Attachments Exhibit 3..... | 8078 |
| Attachments Exhibit 4..... | 8084 |
| Attachments Exhibit 5..... | 8110 |
| Attachments Exhibit 6..... | 8124 |

Docket Entry: Case Mgmt Conf Scheduled
Associated Events: 05/27/2008, 08:30:00 - Case Management Conference
Docket Entry: Notice
Text: NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL
CASE ON MAY 27, 2008 AT 8:30 AM IN DIV 2
02/26/2008 Doc. 2

Docket Entry: Motion for Extension of Time
Text: MOTION FOR EXTENSION OF TIME IN WHICH TO ANSER
OR OTHERWISE PLEAD
Filing Party: GRUNDHOFER, JERRY A
04/30/2008 Doc. 3.....8176

Docket Entry: Motion to Dismiss
Text: LP CURT NONOMAQUE AND ROBERT BAKER 'S MOTION
TO DISMISS PLAINTIFFS PETITON FOR LACK OF PERSONAL
JURISDICTION AND FOR FAILURE TO STATE A CLAIM
Filing Party: NONOMAQUE, CURT
05/02/2008 Doc. 4.....8180

Docket Entry: Suggestions in Support
Text: LP SUGGESTIONS IN SUPPORT OF DEFENDANTS MOTION
TO DISMISS FOR FAILURE TO STATE A CLAIM
Filing Party: NOVATION LLC
05/02/2008 Doc. 5.....8188

Docket Entry: Suggestions in Support
Text: LP SUGGESTIONS IN SUPPORT OF CURT NONOMAQUE AN
ROBERT BAKER'S MOTION TO DISMISS PLAINTIFFS PETITION
FOR LACK OF PERSONAL JURISDICTION AND FOR FAILURE TO
STATE A CLAIM
Filing Party: NONOMAQUE, CURT
05/02/2008 Doc. 6.....8192

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| Docket Entry: Exhibit Filed Text: LP SUPPLEMENTA EXHIBITS TO CURT NONOMAQUE AND ROBERT BAKERS MOTION TO DISMISS PLAINTIFFS PETITION FOR LACK OF PERSONAL JURISDICTION AND FOR FAILURE TO STATE A CLAIM Filing Party: NONOMAQUE, CURT 05/07/2008 | |
| Docket Entry: Answer Filed Text: LP ANSWER TO PLAINTIFFS PETITION Filing Party: LATHROP AND GAGE LC 05/09/2008 Doc. 8..... | 8200 |
| Docket Entry: Motion for Extension of Time Text: LP MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER DEFENDANTS MOTIONS FOR DISMISSALS Filing Party: LIPARI, SAMUEL K 05/09/2008 Doc. 9..... | 8222 |
| Docket Entry: Motion for Extension of Time Text: LP MOTION FOR EXTENSION OF TIME IN WHICH TO ANSWER OR OTHERWISE PLEAD Filing Party: SHUGART THOMSON AND KILROY PC 05/13/2008 Doc. 10..... | 8226 |
| Docket Entry: Motion Filed Text: LP MOTION TO REQUIRE DEFENDANT LATHROP & GAGE, L.C. TO MAKE A MORE DEFINITE ANSWER UNDER RULE 5.27(d) Filing Party: LIPARI, SAMUEL K 05/13/2008 Doc. 11..... | 8228 |
| Docket Entry: Motion to Strike Text: LP MOTION TO STRIKE DEFENDANT LATHROP & GAGE, L.C.'S SECOND THROUGH NINETEENTH AFFIRMATIVE DEFENSES UNDER RULE 55.08 Filing Party: LIPARI, SAMUEL K 05/13/2008 Doc. 12..... | 8231 |
| Docket Entry: Suggestions in Support Text: LP SUGGESTIONS IN SUPPORT OF MOTION TO DISMISS PETITION FOR FAILURES TO STATE A CLAIM Filing Party: HUSCH BLACKWELL SANDERS LLP 05/15/2008 Doc. 13..... | 8236 |

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| Docket Entry: Motion to Dismiss Text: LP MOTION TO DISMISS PETITION FOR FAILURE TO STATE A CLAIM Filing Party: HUSCH BLACKWELL SANDERS LLP 05/15/2008 Doc. 14..... | 8250 |
| Docket Entry: Motion for Extension of Time Text: MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS AMENDED COMPLAINT Filing Party: GHX LLC 05/16/2008 Doc.15..... | 8252 |
| Docket Entry: Order Text: ORDER GRANTED: Defendant, Shughart, Thomson & Kilroy's Motion for Extension of Time, filed May 13, 2008 The Court also takes up Plaintiffs Motion for Extension of Time in Which to Answer Defendants Motions for Dismissal filed May 9, 2008. The Court GRANTS in part the motion. The Court grants the Motion insofar as it requests additional time, however, Plaintiff is ordered to respond to Defendants Motions to Dismiss within 30 days from the date of this Order. 05/19/2008 Doc. 16..... | 8254 |
| Docket Entry: Order Text: CAE MGMT SCHEDULING ORDER; TRIAL SET FOR 11-2-09 AT 9AM DIV 2 | |
| Docket Entry: Response Filed Text: LP RESPONSE TO PLAINTIFFS MOTION TO STRIKE SECOND THROUGH NINETEENTH AFFIRMATIVE DEFENSES UNDER RULE 55.08 Filing Party: LATHROP AND GAGE LC Docket Entry: Jury Trial Scheduled 05/27/2008 Doc. 17 | |
| Docket Entry: Response Filed Text: LP RESPONSE TO PLAINTIFFS MOTION TO REQUIRE DEFENDANT TO MAKE A MORE DEFINITE ANSWER UNDER RULE 55.27 (d) Filing Party: LATHROP AND GAGE LC 05/27/2008 Doc. 18..... | 8255 |
| Docket Entry: Motion for Extension of Time Text: LP 2ND MOTION Filing Party: LIPARI, SAMUEL K 05/29/2008 Doc.19..... | 8260 |

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| Docket Entry: Order Text: COURT DENIES PLT'S MOT TO STRIKE - COURT DENIES PLT'S MOT FOR MORE DEFINITE STATEMENT 05/29/2008 Doc. 20..... | 8262 |
| Docket Entry: Motion for Extension of Time Text: LP SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS AMENDED COMPLAINT Filing Party: GHX LLC 06/05/2008 Doc. 21..... | 8263 |
| Docket Entry: Motion to Dismiss Text: LP MOTION TO DISMISS AND SUGGESTIONS IN SUPPORT Filing Party: THE PIPER JAFFRAY COMPANIES 06/05/2008 Doc. 22..... | 8265 |
| Docket Entry: Suggestions in Opposition Text: LP SUGGESTIONS IN OPPOSITION TO LIMITED APPEARANCE Filing Party: LIPARI, SAMUEL K 06/12/2008 Doc. 23..... | 8274 |
| Docket Entry: Notice Text: LP NOTICE OF UNAVAILABILITY OF THE PLAINTIFF Filing Party: LIPARI, SAMUEL K 06/12/2008 Doc. 24..... | 8277 |
| Docket Entry: Motion to Dismiss Text: LP MOTION TO DISMISS PLAINTIFFS PETITION FOR FAILURE TO STATE A CLAIM Filing Party: GHX LLC 06/13/2008 Doc. 25..... | 8278 |
| Docket Entry: Suggestions in Support Text: LP SUGGESTIONS IN SUPPORT OF MOTION TO DISMISS PETITION FOR FAILURE TO STATE A CLAIM Filing Party: GHX LLC 06/13/2008 Doc. 26..... | 8281 |
| Docket Entry: Motion to Dismiss Text: LP JERRY GRUNDHOFFER, RICHARD DAVIS AND ANDREW CECERE'S MOTION TO DISMISS Filing Party: GRUNDHOFER, JERRY A 06/13/2008 Doc. 27..... | 8304 |

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| Docket Entry: Motion to Dismiss Text: LP MOTION TO DISMISS Filing Party: SHUGART THOMSON AND KILROY PC 06/13/2008 Doc. 28..... | 8307 |
| Docket Entry: Suggestions in Support Text: LP JERRY GRUNDHOFER, RICHARD DAVIS AND ANDREW CECERE'S SUGGESTIONS IN SUPPORT OF MOTION TO DISMISS Filing Party: GRUNDHOFER, JERRY A 06/13/2008 Doc. 29..... | 8310 |
| Docket Entry: Suggestions in Support Text: LP SUGGESTIONS IN SUPPORT OF MOTION TO DISMISS Filing Party: SHUGART THOMSON AND KILROY PC 06/13/2008 Doc. 30..... | 8337 |
| Docket Entry: Reply Text: LP REPLY IN SUPPORT OF THEIR MOTION TO DISMISS Filing Party: THE PIPER JAFFRAY COMPANIES 06/16/2008 Doc. 31..... | 8360 |
| Docket Entry: Order Text: ORDER GRANTED: Plaintiffs Motion for Extension of Time in Which to Answer Defendants Motions for Dismissal, filed May 29, 2008. 06/30/2008 Doc. 32..... | 8366 |
| Docket Entry: Motion for Extension of Time Text: LP MOTION FOR EXTENSION OR RECONSIDERATION Filing Party: LIPARI, SAMUEL K 07/07/2008 Doc. 33..... | 8367 |
| Docket Entry: Order Text: ORDER GRANTED: Plaintiffs Motion for Extension of Time in Which to Answer Defendants Motions for Dismissal, filed July 7, 2008 07/22/2008 Doc. 34..... | 8366 |
| Docket Entry: Motion to Dismiss Text: LP MOTION AND SUGGESTIONS TO DISMISS PLAINTIFFS PETITION FOR FAILURE TO STATE A CLAIM Filing Party: NEOFORMA INC 07/25/2008 Doc. 35..... | 8372 |

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Docket Entry: Suggestions in Opposition
Text: LP SUGGESTION IN OPPOSITION TO DEFENDANTS
MOTIONS TO DISMISS
Filing Party: LIPARI, SAMUEL K
08/04/2008 Doc. 36.....8375

Docket Entry: Judgment Entered
Text: JUDGMENT OF PARTIAL DISMISSAL GRANTED: Defendants,
Novation LLC, VHA, Inc., University Healthsystem Consortium, VHA
Mid-America, LLC; Thomas Spindler, Robert Bezanson, Gary Duncan,
Maynard Oliverius, Sandra Van Trease, Charles Robb, Michael Terry,
Cox Health Care Services of the Ozarks, Inc., Saint Lukes Health System,
Inc. and Stormont-Vail Healthcare, Inc.'s Motion to Dismiss, filed May 2,
2008. GRANTED: Defendants, Curt Nonomaque's and Robert Baker's
Motion to Dismiss, filed May 2, 2008 GRANTED: Defendant, Husch
Blackwell Sanders LLC's Motion to Dismiss, filed May 15, 2008
GRANTED: Defendants, Piper Jaffray Companies and Andrew Duff's
Motion to Dismiss, filed June 5, 2008 GRANTED: Defendant, Shughart,
Thomson & Kilroy's Motion to Dismiss, filed June 13, 2008. GRANTED:
Defendants, Jerry Grundhofer's, Richard Davis' and Andrew Cecere's
Motion to Dismiss, filed June 13, 2008 GRANTED: Defendant, GHX
LLC's Motion to Dismiss, filed June 13, 2008 GRANTED: Defendant,
Neoforma Inc.'s Motion to Dismiss, filed July 25, 2008 ALL OTHER
CLAIMS AND COUNTERCLAIMS OF THE VARIOUS PARTIES
REMAIN PENDING. Plaintiffs cause of action against Defendants named
is hereby DISMISSED WITH PREJUDICE., each party to bear their own
costs
08/08/2008 Doc. 37.....8459

Docket Entry: Notice of Appeal Filed
Text: NOTICE OF APPEAL
Filing Party: LIPARI, SAMUEL K
08/13/2008 Doc. 38.....8461

U.S. District Court District of Kansas
02-CV-02539-CM MEDICAL SUPPLY CHAIN V. US BANCORP N A, ET AL

COMPLAINT with trial location of Kansas City, Kansas; No summons
(es) issued; jury demand (case referred to Magistrate Judge David J.
Waxse) (BL) (Entered: 10/23/2002)
10/22/2002 Doc. 1.....8484

MOTION (requesting emergency hearing on) for preliminary injunction
relief by plaintiff; referred to Judge Carlos Murguia (MG) (Entered:
11/12/2002)
11/12/2002 Doc. 2

AMENDED COMPLAINT regarding the complaint [1-1] with trial location of Kansas City, Kansas by plaintiff; jury demand. (MG) (Entered: 11/12/2002)
11/12/2002 Doc.3

MINUTE SHEET of motion for TRO hearing before Judge Carlos Murguia denying plaintiff's motion for preliminary injunctive relief. [2-1] Court Reporter: Nancy Wiss (MG) (Entered: 11/19/2002)
11/18/2002 Doc.4

MEMORANDUM in opposition by defendants to plaintiff's motion for preliminary relief; referred to Judge Carlos Murguia. [2-1] (MG) (Entered: 11/19/2002)
11/18/2002 Doc. 5

MOTION for urgent preliminary injunctive relief from USA Patriot Act Reporting by plaintiff; referred to Judge Carlos Murguia (MG) (Entered: 11/22/2002)
11/22/2002 Doc.6

MOTION for urgent preliminary injunctive relief from trade secret misappropriation by plaintiff; referred to Judge Carlos Murguia (MG) (Entered: 11/22/2002)
11/22/2002 Doc.7

MOTION to strike Motion for Urgent Preliminary Injunctive Relief from Trade Secret Misappropriation and Motion for Urgent Preliminary Injunctive Relief Against USA Patriot Act Reporting and MEMORANDUM IN OPPOSITION to these 11/22/03 motions by defendant; referred to Judge Carlos Murguia (CK) (Entered: 12/03/2002)
12/02/2002 Doc. 8

MOTION TO STRIKE AND MEMORANDUM in opposition by defendant to motion for urgent preliminary injunctive relief from trade secret misappropriation by plaintiff; referred to Judge Carlos Murguia [7-1] and in opposition to motion for urgent preliminary injunctive relief from USA Patriot Act Reporting by plaintiff; referred to Judge Carlos Murguia [6-1] (CK) (Entered: 12/03/2002)
12/02/2002 Doc.8

REPLY by plaintiff to defendants' (response) to their motion for urgent preliminary injunctive relief from trade secret misappropriation; referred to Judge Carlos Murguia [7-1], and for urgent preliminary injunctive relief from USA Patriot Act Reporting; to Judge Carlos Murguia. [6-1] (MG) (Entered: 12/06/2002)
12/06/2002 Doc. 9

RESPONSE (REPLY) by plaintiff to defendants' motion to strike plaintiff's Motion for Urgent Preliminary Injunctive Relief from Trade Secret Misappropriation and Motion for Urgent Preliminary Injunctive Relief Against USA Patriot Act Reporting and MEMORANDUM IN OPPOSITION to these 11/22/03 motions by defendant; referred to Judge Carlos Murguia. [8-1] (MG) (Entered: 12/06/2002)
12/06/2002 Doc. 9

NOTICE OF HEARING before Judge Carlos Murguia regarding hearing on motions [7-1], [6-1] for preliminary injunction; preliminary injunction hearing set for 12:00 p.m. on 12/12/03 (cc: all counsel) (MG)(Entered: 12/10/2002)
12/09/2002 Doc.10

MINUTE SHEET of hearing before Judge Carlos Murguia: Prel inj hearing held; the court denies motion for urgent preliminary injunctive relief from USA Patriot Act by plaintiff [6-1]; denying motion for urgent preliminary injunctive relief from trade secret misappropriation by plaintiff [7-1] and the court denies motion to strike Motion for Urgent Preliminary Injunctive Relief from Trade Secret Misappropriation and Motion for Urgent Preliminary Injunctive Relief Against USA Patriot Act Reporting [8-1]. (CK) (Entered: 12/18/2002)
12/12/2002 Doc.11

NOTICE OF INTERLOCUTORY APPEAL to 10CCA by Medical Supply Chain re: denial of motion for urgent preliminary injunctive relief from trade secret misappropriation by plaintiff [7-1] and denial of motion for urgent preliminary injunctive relief from USA Patriot Act Reporting by plaintiff [6-1]; these rulings made 11/18/03 and 12/12/03; see minutes of 12/12/03 [11-2] (cc: all counsel, 10CCA) (CK) (Entered: 12/18/2002)
12/17/2002 Doc.12

12/18/2002 APPEAL FEE STATUS: filing fee paid re: appeal [12-1] (Receipt # 096791) (CK) Modified on 12/18/2002 (Entered: 12/18/2002)
12/27/2002 LETTER to 10CCA stating transmittal of PROA re: appeal [12-1]) (CK) Modified on 12/27/2002 (Entered: 12/27/2002)

LETTER to 10CCA stating transmitting Preliminary ROA re: appeal [12-1] (KM) (Entered: 12/27/2002)

ANSWER with trial location of Kansas City, KS by defendant to complaint [3-1]; jury demand (CK) Modified on 12/31/2002 (Entered: 12/27/2002)
12/27/2002 Doc. 13

NOTICE by defendants of Rule 7.1 Disclosure statement. (CK) Modified on 12/31/2002 (Entered: 12/27/2002)
12/27/2002 Doc. 14

TRANSCRIPT of hearing on motion for temporary restraining order held 11/18/02 before Judge Carlos Murguia regarding plaintiff's interlocutory appeal [12-1]; volume 1, pages 1-19; Court Reporter: Nancy Wiss. (Appeal No. 02-3443) (MG) (Entered: 02/20/2003)
02/20/2003 Doc.17

TRANSCRIPT of hearing on motion for temporary restraining order held 12/12/02 before Judge Carlos Murguia regarding plaintiff's interlocutory appeal [12-1]; volume 1, pages 1-23; Court Reporter: Nancy Wiss. (Appeal No. 02-3443) (MG) (Entered: 02/20/2003)
02/20/2003 Doc.18

ORDER SETTING SCHEDULING CONFERENCE signed by Judge Waxse on 3/20/03: Telephone Scheduling Conference set for 5/6/2003 at 03:00 PM before Judge Waxse. (ll) (Entered: 03/20/2003)
03/20/2003 Doc. 20.....8555

MOTION to Dismiss by Defendants Lars Anderson, Andrew Cesere, Corporate Trust, Institutional Trust and Custody, Brian Kabbes, Mutual Fund Services, LLC, Susan Paine, Piper Jaffray, US Bancorp N A, US Bank Private Client Group, Unknown Healthcare Supplier (Olthoff, Mark) (Entered: 03/27/2003)
03/27/2003 Doc. 21.....8559

NOTICE of Motion for En Banc Rehearing on Sanctions and Reasonable Fees Exceed \$350.00 an Hour by Medical Supply Chain, Inc. (Attachments: # 1 Supplement Motion For En Banc Review of Sanctions# 2 Exhibit Exhibit 1 Saction Order# 3 Exhibit Denied En Banc Motion# 4 Exhibit Exb 3 Sherman Act Claims# 5 Exhibit Exb 4 Letter to Patrick Fisher# 6 Exhibit Excerpt from new trial motion# 7 Exhibit Trial Court Order# 8 Exhibit USA PATRIOT Act Claims# 9 Exhibit Appellate Show Cause Order)(Landrith, Bret) (Entered: 01/11/2005)
01/11/2005 Doc. 53.....8563

Attachments Exhibit 1.....8566
Attachments Exhibit 2.....8587
Attachments Exhibit 3.....8596
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Attachments Exhibit 5.....8629
Attachments Exhibit 6.....8641
Attachments Exhibit 7.....8657

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| Attachments Exhibit 8..... | 8665 |
| MOTION for Attorney Fees by Defendants Lars Anderson, Brian Kabbes, US Bancorp N A, US Bank Private Client Group, Corporate Trust, Institutional Trust and Custody, Mutual Fund Services, LLC, Piper Jaffray, Andrew Cesere, Susan Paine (Olthoff, Mark) (Entered: 01/27/2005) 01/27/2005 Doc. 54..... | 8668 |
| MEMORANDUM IN SUPPORT of 54 MOTION for Attorney Fees by Defendants Lars Anderson, Brian Kabbes, US Bancorp N A, US Bank Private Client Group, Corporate Trust, Institutional Trust and Custody, Mutual Fund Services, LLC, Piper Jaffray, Andrew Cesere, Susan Paine (Attachments: # 1 Exhibits)(Olthoff, Mark) (Entered: 01/27/2005) 01/27/2005 Doc. 55..... | 8672 |
| Attachments Exhibit 1..... | 8676 |
| MOTION to Seal Document by Defendants Lars Anderson, Brian Kabbes, US Bancorp N A, US Bank Private Client Group, Corporate Trust, Institutional Trust and Custody, Mutual Fund Services, LLC, Piper Jaffray, Andrew Cesere, Susan Paine(Olthoff, Mark) (Entered: 01/27/2005) 01/27/2005 Doc. 56..... | 8693 |
| ORDER granting 56 Motion to Seal Document. Counsel for defendants are directed to provide the court with a disk containing a copy of the exhibits C and D. Signed by Judge Carlos Murguia on 1/28/05. (ck) (Entered: 01/28/2005) 01/28/2005 Doc. 57..... | 8697 |
| INDEX AND SEALED EXHIBITS C -(Billing Records) and D - (Declaration of Mark A. Olthoff) by Defendants re 54 MOTION for Attorney Fees. These exhibits are contained in disc form and maintained in the Clerk's Office w/copy to chambers. (ck) (Entered: 02/01/2005) | |
| SUPPLEMENTAL APPEAL MANDATE from 10CCA as to Notice of Appeal - Final Judgment 42 filed by Medical Supply Chain, Inc., (km) (Entered: 02/14/2005) 02/14/2005 Doc. 59..... | 8699 |
| MOTION to Consolidate Cases by Plaintiff Medical Supply Chain, Inc. (Attachments: # 1 Exhibit Medical Supply Chain, Inc. v. Novation et al# 2 Exhibit)(Landrith, Bret) (Entered: 03/24/2005) 03/24/2005 Doc. 60..... | 8702 |

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| Attachments Exhibit 1..... | 8706 |
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| Attachments Exhibit 1..... | 8822 |
| MEMORANDUM in Opposition by Defendant US Bancorp N A re 60 MOTION to Consolidate Cases (Olthoff, Mark) (Entered: 04/05/2005) 04/05/2005 Doc. 61..... | 8825 |
| ORDER finding as moot 60 Motion to Consolidate Cases. Case closed on 6/16/03. The only remaining issue before the court is Doc. 54, Motion for Attorney Fees. Signed by Judge Carlos Murguia on 4/27/2005.(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry) (js) (Entered: 04/27/2005) | |
| ORDER granting 54 Motion for Attorney Fees in the amount of \$23,956.00. Signed by Judge Carlos Murguia on 5/13/05. (ck) (Entered: 05/15/2005) 05/13/2005 Doc. 63..... | 8832 |
| JUDGMENT regarding Order on Motion for Attorney Fees in favor of defendants against plaintiff. Signed by Judge Carlos Murguia on 6/9/05. (yh,) (Entered: 06/09/2005) 06/09/2005 Doc. 64..... | 8834 |
| Letter from 10CCA stating that Petition for Writ of Certiorari has been filed re 42 Notice of Appeal - Final Judgment; assigned Supreme Court No. 05-5503 (Appeal No. 03-3342) (kao) (Entered: 08/04/2005) 10/26/2005 66 Letter from 10CCA stating petition for writ of certiorari was denied by an order of the Supreme Court. (kao) (Entered: 10/26/2005) 08/04/2005 Doc. 65..... | 8835 |
| Missouri Western District Appeals | |
| WD70001 SAMUEL LIPARI, APLP V NOVATION, LLC, ET AL. | |
| Docket Entry: NOA Filed in Circuit Court Docket Entry: Filing Fee Paid Docket Entry: NOA- Civil Case Info Form Filed 08/13/2008 | |
| Docket Entry: NOA Filed in Appellate Court 08/18/2008 Doc. 2..... | 8966 |

Docket Entry: Suggs in Support of Appeal Due

Text: on or before 10-SEP-2008

08/27/2008 Doc. 3.....8969

Attachments Exhibit 1.....8992

Attachments Exhibit 2.....9000

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Attachments Exhibit 3.....9161

Attachments Exhibit 4.....9357

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Attachments Exhibit 5.....9560

Docket Entry: Respondent's Suggestions Due

Text: on or before 17-SEP-2008

08/27/2008

Docket Entry: Apel Requested Suggestions

Filing Party: LIPARI, SAMUEL K

09/03/2008