

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

MEDICAL SUPPLY CHAIN, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:05-cv-2299-KHV-GLR
)	
NOVATION, LLC, et al.,)	
)	
Defendants.)	

**NOVATION, LLC, VHA INC.,
UNIVERSITY HEALTHSYSTEM CONSORTIUM
ROBERT BAKER AND CURT NONOMAQUE'S
MEMORANDUM IN OPPOSITION TO PLAINTIFF'S
MOTION TO STRIKE DEFENDANTS' RENEWED MOTION TO DISMISS**

TO THE HONORABLE JUDGE OF THIS COURT:

Defendants Novation, LLC ("Novation"), VHA Inc. ("VHA"), University Healthsystem Consortium ("UHC"), Robert Baker, and Curt Nonomaque (collectively, "Defendants") respectfully request that the Court deny Plaintiff's Motion to Strike Defendants' Renewed Motion to Dismiss .

Plaintiff argues, among other things, that Defendants' Renewed Motion to Dismiss constitutes a "second" motion to dismiss prohibited by Rule 12. That is patently untrue, as Defendants have simply renewed their Motion to Dismiss, originally filed in the U.S. District Court for the Western District of Missouri, because such motion was not addressed prior to transfer. To the extent that Plaintiff's Motion to Strike includes arguments directed at the merits of Defendants' Motion to Dismiss, Defendants hereby incorporate the arguments and authorities contained in Defendants' Motion to Dismiss and in Defendants' reply brief.

PRAYER

WHEREFORE, for all of these reasons, Defendants request that the Court deny Plaintiff's Motion to Strike and also request all other relief to which Defendants are entitled.

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BAKER

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2005, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following::

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