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

Medical Supply CHAIN, INC.,	)
Plaintiff,	)
v.	) Case No. 05-0210-CV-W-ODS
NOVATION, LLC	) Attorney Lien
NEOFORMA, INC.	)
ROBERT J. ZOLLARS	)
VOLUNTEER HOSPITAL ASSOCIATION	)
CURT NONOMAQUE	)
UNIVERSITY HEALTHSYSTEM CONSORTIUM	)
ROBERT J. BAKER	)
US BANCORP, NA	)
US BANK	)
JERRY A. GRUNDHOFFER	)
ANDREW CESERE	)
THE PIPER JAFFRAY COMPANIES	)
ANDREW S. DUFF	)
SHUGHART THOMSON & KILROY	)
WATKINS BOULWARE, P.C.	)
Defendants.	)

Affidavit of Sam Lipari on The Unsuitability of Transfer

1. My name is Samuel Lipari, I reside at 297 Bayview in Lee's Summit Missouri. I am the chief executive officer of Medical Supply Chain, Inc., a company I incorporated in May of 2000. I chose to bring this new action in Missouri District court because I have a responsibility to Medical Supply's stakeholders and to the shareholders of US Bancorp NA, The Piper Jaffray Companies and Neoforma, Inc. to adjudicate these claims in accordance with laws of the United States. I brought two earlier and related actions to Kansas District court based on the advice of my counsel. I witnessed first hand that no decision or outcome in either case including from the Tenth Circuit Court of Appeals had any relationship to the pleadings of my company or applicable law. I make this determination based on my considerable personal experience as a clerk and researcher for a Missouri legal firm and upon discussions with what I believe are the foremost healthcare antitrust authorities in our nation.

2. I know first hand the consequences to Medical Supply and the additional liabilities US Bancorp NA, The Piper Jaffray Companies and Neoforma, Inc. have incurred as a result of the Kansas District court outcomes and the Tenth Circuit delays. I believe several of these defendants will no longer be viable after a judgment at law is made on their conduct.

3. I received a confidential decision by Chief Judge Deanell R. Tacha dated March 23, 2005; a complaint with extensive documented evidence including official court transcripts and affidavits I made to the Tenth Circuit about the conduct of the Kansas District Court Magistrate James P. O'Hara and the attorneys of the law firm Shughart, Thomson & Kilroy described in the lawsuit before this court. Chief Justice Tacha determined that the conduct described presented an issue about the bias of the forum Medical Supply suffered. Included in the complaint was evidence that the bias reached the Office of the Clerk for the Tenth Circuit Court of Appeals and the person of Patrick Fischer, Chief Clerk.

4. Early in the Kansas District Court case against the US Bancorp defendants, I instructed my counsel to write a letter to the Chief Administrative Judge of the Kansas District Court inquiring as to weather the Kansas District court had the resources to adjudicate an antitrust matter based on a Sherman Act refusal to deal claim and if we should transfer the action to a different forum. The Kansas District Court never had the time, resources or manpower to answer my inquiry and it is my belief after observing first hand that the Kansas District Court does not have the resources required for me to prosecute my claims against these defendants.

5. Beyond the lack of sufficient resources, I was repeatedly struck by the bias and open hostility exhibited by the Kansas District Court and Tenth Circuit personnel against the claims of my company and how Kansas government attorneys were enlisted to retaliate against my counsel for bringing these actions. I believe this is the bias that Chief Judge Deanell R. Tacha described in her decision dated March 23, 2005. I became concerned and attended the trial phase of my counsel's representation of James Bolden, an African American small business man who had sought out my counsel when Kansas government attorneys had discouraged or intimidated four of his previous attorneys, the last of which still has not been found. I assisted in the trial preparation for this case believing it would be good practice for Medical Supply's jury trials.

6. I have now known James Bolden for some time and believe him to be an extraordinarily honest god-fearing man. I also know that his work vehicle was firebombed while it was parked next to his home and the Topeka Police Department refused to even take a police report and that he feared for his life while his case was being litigated in the Kansas District Court. The injuries and threats made against his witnesses who I also know and believe are honest made affidavits of the incidents, including the opposing city attorney, Sherri Price's threat to criminally prosecute the Topeka business owner Fred Sanders if he testified in federal court on behalf of James Bolden.

7. The City of Topeka and the Topeka office of the US Attorney threatened and intimidated other witnesses I have met because of their testimony in Mr. Landrith's cases. Affidavits of these incidents were filed in the various Kansas District Court cases and the response of the Kansas judicial branch was to increase its threats against Mr. Landrith, one of which was mailed the afternoon Mr. Landrith had called Mark Hunt a former US

Army officer and an African American to testify in a Topeka Federal courtroom. Mark Hunt was severely retaliated against for that testimony and Melvin Johnson, a retired US Postal worker client of Mr. Landrith was also retaliated against by city officials that night, leaving him homeless. The Topeka office of Eric Melgran the US Attorney caused Melvin Johnson's key witness, Rosemary Price to be retaliated against for her participation in a deposition held in the Topeka federal courthouse a week later.

8. The Kansas District court repeatedly rebuked Mr. Landrith for documenting the obstruction and deliberate interference of justice that seems to be commonplace in the Kansas legal culture. Magistrate James P. O'Hara issued a very harsh report against Mr. Landrith in the Bolden case that seems to be more about Medical Supply's case and what has happened to Shughart, Thomson and Kilroy. The Kansas Disciplinary Administrator Stanton Hazlett used the report to justify his investigation and prosecution of Mr. Landrith.

9. I advised Mr. Landrith to file in Kansas District Court to stop the state disciplinary administrator from prosecuting him for representing an African American and his American Indian witness. Affidavits in both cases revealed that Kansas state officials repeatedly obstructed justice and that the opposing counsel Sherri Price had threatened minority business men with criminal prosecution if they testified in Kansas District court against the City of Topeka. I knew that since none of this testimony was ever disputed the District of Kansas would certainly prevent the state from retaliating against Mr. Landrith for his protected speech on behalf of an African American and his American Indian witness. Surprisingly, however the District of Kansas judges recused themselves and the

Tenth Circuit assigned the Chief Judge Dee Benson of the District of Utah who made no findings of fact or law and dismissed the case with prejudice.

10. I attended the pre trial order conference of the Kansas Disciplinary Administrator before a three-attorney panel consisting of Sally H. Harris, Michael K. Schmitt and presided over by Randall D. Grisell. Stanton Hazlett admitted to the panel that the secret probable cause hearing had excluded official court records and evidence including a reply brief in the adoption appeal that matched court transcripts refuting each evidentiary point raised by the adoption attorney seeking to terminate Mr. Price's parental rights. Stanton Hazlett admitted he had secured the probable cause to prosecute Mr. Landrith by stating there was no evidence behind the appeal.

11. Randall D. Grisell and the panel ruled that Mr. Landrith would not be able to present any evidence or witnesses related to the discriminatory prosecution of himself while the felony threats to obstruct justice documented in the case and including opposing counsel were being ignored. Strangely, the panel also ordered the exclusion of any evidence or witnesses supporting the truth of the underlying litigations. Randall D. Grisell also ruled that the substantial family interest of Stanton Hazlett in the private adoption industry and that the chief complaining witness, Kansas state Judge G. Joeseph Pierron, Jr. held a position on the board of directors of a private $40 million dollar commercial adoption contractor with the State of Kansas, Kansas Children's Service League, Inc. did not require the dismissal and reinvestigation of the complaint. Judge G. Joeseph Pierron, Jr. had refused to disqualify himself when Mr. Price's appeal raised questions about widespread Kansas adoption law violations and the failure of the Kansas

Social and Rehabilitation Services to ensure compliance with laws designed to prevent interstate child trafficking.

12. A few days after Mr. Landrith asked to call Frank D. Williams as a witness to Stanton Hazlett's pattern and practice of not reading or familiarizing himself with the case before seeking to prosecute an individual, Kansas state officials in the judicial branch attempted to seize $50,000.00 in Southwestern Bell stock owned by Frank D. Williams on a ten year old judgment that had expired without being renewed or served on Mr. Williams. I believe this was an effort by state officials in the Kansas legal community to retaliate against witnesses and to threaten and harass witnesses with their misconduct. Since the Medical Supply complaint addresses misconduct related to influencing the Kansas District court, I believe that similar efforts will be made against Medical Supply's witnesses if the case is tried in a Kansas forum.

13. I witnessed the stress mount on Mr. Landrith leading up to the pretrial conference for the ethics prosecution. It was a dark holiday season as he had to spend an enormous amount of time preparing evidence for the ethics trial in January. I offered to clerk for Mr. Landrith during the trial and sat with him during its entirety at the counsel table.

14. On January 19th 2005 Stanton Hazlett sent another disciplinary complaint letter to Mr. Landrith. I saw that the ethics trial was not going well for Stanton Hazlett who seemed entirely unfamiliar with the evidence and exhibited shock and surprise when the testimony of Hazlett's own witnesses revealed that court records had been withheld from Mr. Landrith violating the due process and Sixth Amendment rights of his clients and that actions had been taken to deceive the court in the underlying cases.

15. Even though the bad faith basis for the prosecution had become overwhelmingly clear, Stanton Hazlett argued (looking to Andrew DeMarea's complaint for the inspiration that an appeal could be frivolous even though the ruling contradicts both statue and controlling case law and in the face of documented trial court misconduct) that Mr. Landrith should never have accepted the appeal of the indigent David Price when his appointed attorney had withdrawn before the conclusion of the trial court case and the trial court had refused to hear any of Mr. Price's pro se motions or allow him access to records required for post trial representation. This struck me as a living nightmare that the State of Kansas was so far removed from lawfulness and the constitution that I was thankful I don't live there.

16. At the conclusion of Mr. Landrith's ethics trial, Sally H. Harris, Michael K. Schmitt and Randall D. Grisell stated that they had found Mr. Landrith guilty of something but were not sure yet what it was. Stanton Hazlett then argued that the only possible punishment was disbarment.

17. Following the hearing I observed Magistrate O'Hara lagging behind in an effort to communicate with Stanton Hazlet and the three judge panel. Throughout this hearing there were several occasions were Stanton Hazlet and the three-judge panel had what appeared to be private off the record conversations.

18. Mr. Landrith asked me to accompany him to a meeting with John Ambrosio, a Topeka attorney Stanton Hazlett had directed to investigate the complaint made by Andrew DeMarea of Shughart Thomson and Kilroy who was representing counsel for the defendant US Bank in the Medical Supply case. Mr. Landrith had told me he had

answered the complaint and sent additional documents, but John Ambrosio had sent several letters threatening disbarment if Mr. Landrith did not attend a meeting.

19. Bret Landrith also arranged for Mr. Dennis Hawver to accompany us to the meeting since Mr. Hawver was investigating filing a legislative claim on behalf of Mr. Landrith for the enormous burden the repeated bad faith prosecutions by Stanton Hazlett in retaliation for Mr. Landrith's representing minority Kansans who were injured by state officials violating Kansas law. When we got there John Ambrosio's wife Kathleen Ambrosio who Janice King, a voluntary process server for Mr. Landrith told me had been assigned by the Kansas Judicial branch to assist a divorce attorney opposing her claims for child support in the Tenth Circuit stood around listening to our conversations. Then we were taken to John Ambrosio's office.

20. John Ambrosio was introduced to me and did not recognize my name even though he had insisted Mr. Landrith attend this meeting to be questioned about the Medical Supply case. I heard Mr. Landrith call his attention to the fact that he had been threatened several times by John Ambrosio if he did not make himself available for questioning about the case yet Ambrosio had clearly made no preparations and was unfamiliar with the complaint or the documents furnished by Stanton Hazlett. Furthermore Mr. Landrith complained that Stanton Hazlett had been prosecuting him for over two years, making it impossible to earn a living and that he had been told he would be disbarred on the earlier claims.

21. John Ambrosio insisted I leave and that I not witness the meeting but Mr. Hawver could stay. Mr. Landrith declined to be interviewed without my presence and I heard John Ambrosio threaten Mr. Landrith again with disbarment stating that if Mr. Landrith

didn't cooperate he would respond to Stanton Hazlett stating that everything Andrew DeMarea had alleged would be reported as true since Mr. Landrith was unwilling to refute it.

22. At that moment I knew the meeting had been arranged solely to harass Mr. Landrith for representing me. Despite being paid by the State of Kansas to do an ethics investigation, John Ambrosio had not even bothered to read Andrew DeMarea's complaint. Like Sherri Price, the City of Topeka attorney relaying Magistrate James O'Hara's order, Andrew DeMarea was smart enough to sign his name only to the cover page relaying without subjective comment a ruling designed to injure Mr. Landrith for his representation, neither alleged any wrongdoing against Mr. Landrith. I could see that despite John Ambrosio's visible intent to severely frighten Mr. Landrith if he did not meet without a witness, John Ambrosio had not bothered to review the case.

23. When the defendants realized they had to answer my action in Missouri, I experienced the intensified presence of law enforcement officials. Including uniformed and plain-clothes surveillance. I believe two plain clothes officers arranged to meet and question me. I was questioned extensively about GPO practices and how I was able to finance my litigation. I believe the justification for this investigation was the USA PATRIOT Act suspicious activity report filed against my company and me over two years ago.

24. I know the suspicious activity reports were filed because my father has my same name and the secret reports disrupted the financial operations of my father's trucking company at the time causing him significant loses in income and stress arising from the decreased income and the threats of foreclosure on the home he and my stepmother

shared. The stress aggravated their physical health and my stepmother died from a stroke later that year.

25. I believe the impetuous for the investigation however was the requests made by the defendants to government officials in Missouri starting once the Missouri action was filed. I went to the FBI office in Kansas City, Missouri with supporting documentation and the information described in the complaint about the defendants actions to retaliate against my attorney Mr. Landrith in their plan to impede the administration of justice.

26. No action was taken on my complaint and the law enforcement officials did not start surveillance of my home until the defendants requested it. I believe the surveillance was unproductive in that it did not serve the goals of the government officials who had attempted to accommodate the defendants. I believe this resulted in my fiancé who I lived with for four years and whose daughter we were arraigning for me to adopt as father was being targeted. When she was pressured repeatedly to find something unlawful I was doing, it led to our relationship being canceled and I lost my home.

27. I moved in with my father and live in his basement. I believe that this residence and my office in it has been searched while we were out, again under the justification of the USA PATRIOT Act suspicious activity report filed against my company and me over two year ago but for the purpose of finding something that could be used to stop my litigation.

28. I continue to experience Internet research interruption and email delays even though I believe the Missouri officials are satisfied as to Medical Supply's claims and the lawfulness of our litigation against the defendants. I am hopeful they will enforce the law and protect the witnesses of every party. The events that appeared to have occurred in

Texas, California and Kansas when persons have challenged the defendants' monopoly make this action's location in Missouri necessary for all the safety of all involved.

29. Unfortunately, I am experiencing the fallout from law enforcement officials on the Missouri side discovering that Medical Supply's claims were justified and that nothing unlawful is being done in my litigation against the defendants. Kansas state officials in the judicial branch, including Stanton Hazlett have contacted persons in the last two weeks to relay their intentions to me. This is on its face unlawful because Stanton Hazlett is required to keep that information confidential until the complaint is filed. One such person who had a conversation with Stanton Hazlett has made it clear that Mr. Landrith will be disbarred regardless of the law or evidence in the record. While this threat imperils Medical Supply's chance for justice in this litigation, the threat accompanied offers to "save" Medical Supply. This involves replacing Medical Supply's counsel with a Kansas attorney as lead counsel I feel Stanton Hazlett believes he and Magistrate O'Hara can control. I was offered the $300,000.00 US Bancorp deprived Medical Supply of to capitalize my company's entry to market if I would agree to this arrangement. While this is being suggested to me repeatedly to the point that it is becoming a pressure, the suggested attorneys have no antitrust experience or familiarity with the present actions.

30. I believe Stanton Hazlett and Magistrate O'Hara are acting in the interests of the defendant Shughart Thomson & Kilroy to use their control over the enforcement of Kansas Attorney Ethics rules to change counsel so that evidence of Shughart Thomson & Kilroy's actions in furtherance of the defendant's conspiracy will not be subjected to discovery, accomplishing the conspiracy's short term objective of concealing what was done to influence the Kansas District Court and the defendant conspiracy's long term

objective of eliminating liability for their conduct. Because the conspiracy so overtly seeks to control and prevent the presentation of evidence regarding the occurrences in Kansas District court and the motivations for what was done to Mr. Landrith while suppressing evidence of misconduct including felony obstruction of justice, witness intimidation and harassment related to Mr. Bolden and Mr. Price's entirely unrelated cases.

31. Chief Judge Deanell R. Tacha's confidential decision clearly casts the Sherman Antitrust Act and 18 U.S.C.§ 241 as "frivolous" laws. This also comports with the Tenth Circuit's formal opinions regarding Medical Supply's antitrust claims. Since my company cannot enter the market unless the conspirators exerting monopolistic control over the market are enjoined from further planned actions to exclude competition and discouraged from the belief that US antitrust law will not be enforced in the ecommerce delivery of hospital supplies, I must bring my company's claims to a jurisdiction that will follow US Antitrust law. I believe that excludes the Kansas District court and its appellate circuit.

32. At the time my counsel has twelve days to answer about 20 motions seeking the dismissal and transfer of this case, Stanton Hazlett is misleading the Tenth Circuit into dismissing the motion to enjoin further disbarment proceedings during the pendancy of Mr. Landrith's civil rights cases (he still has to represent Mr. James Bolden) based on Stanton Hazlett's misrepresentations that the appeal is moot because Mr. Landrith is not being disciplined, then, Stanton Hazlett filed a recommendation of disbarment against Mr. Landrith in the Kansas Supreme Court on April 14, 2005 without retracting his Tenth Circuit Motion to dismiss.

33. The defendants seek to transfer Medical Supply's case to Kansas. I have feared for my life during parts of this litigation especially after calling the Ft. Worth, TX office of the US Attorney to ask to speak to the attorney that issued the criminal subpoenas against my cases defendants and being told she was dead and then finding out that the FCA attorney had died shortly before her. It is my belief that I would be putting witnesses in jeopardy if this action were conducted in Kansas and that would principally be a result of the hostility the Kansas District court has for victims of witness intimidation and harassment and the obvious willingness of the Kansas judicial branch to assist in the harassment and intimidation. Certainly, it would be unlikely that law enforcement officials could bring anyone to justice in that environment.

34. I do believe the State of Missouri will uphold the laws against witness and victim harassment and secure the protection of all parties. In Missouri, law enforcement officials appear to have already looked into this litigation at the request of the defendants and I also have my up most confidence in them

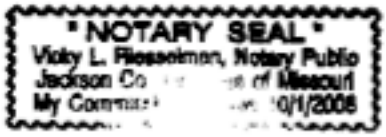
VERIFICATION

STATE OF KANSAS)
) SS:
COUNTY OF MISSOURI)

I, Samuel K. Lipari being of lawful age and being first duly sworn upon my oath, state that I have read the above and foregoing affidavit and find the statements therein made to be true and correct to the best of my information, knowledge and belief.

Samuel K. Lipari

Subscribed and sworn to before me this 18th day of April, 2005.

Notary

Commission expires 10/01/08