

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN (KANSAS CITY) DIVISION

MEDICAL SUPPLY CHAIN, INC.,)	Case No. 05-0210-CV-W-ODS
)	
Plaintiff,)	
)	
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. GRUNDHOFFER)	
ANDREW CESERE)	
THE PIPER JAFFRAY COMPANIES)	
ANDREW S. DUFF)	
SHUGHART THOMSON & KILROY)	
WATKINS BOULWARE, P.C.)	
)	
Defendants.)	
)	

DEFENDANT ROBERT ZOLLARS' MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION

Defendant Robert Zollars moves for an Order of this Court dismissing plaintiff's Complaint in its entirety pursuant to Rule 12b(2) of the Federal Rules of Civil Procedure for lack of personal jurisdiction over this defendant. The motion is brought for the following reasons.

1. For there to be personal jurisdiction over Mr. Zollars, it is the plaintiff's burden to establish either that there is general personal jurisdiction over him or that there is specific jurisdiction that is proper under the Missouri long-arm statute and which also comports with due process. Plaintiff fails to allege any facts that would carry that burden. The Declaration of Mr.

Zollars establishes that he does not have contacts that would support general or specific jurisdiction under either the long-arm statute or a due process analysis.

2. There is no general jurisdiction over Mr. Zollars, because he does not have sufficient contacts with the State of Missouri to establish general jurisdiction. He does not conduct business there and has had only a few visits to the state in the last several years. These few contacts are not sufficient to establish general jurisdiction.

3. There are no facts to establish that Mr. Zollars fits within any of the categories of the Missouri long-arm statute, Mo. Rev. Stat. § 506.500, such that specific jurisdiction can be established. He has not transacted business within the state, entered into a contract within the state nor committed a tort within the state.

4. Exercise of specific jurisdiction over Mr. Zollars would not comport with due process because he has no business contacts with the state and has visited the state only minimally for personal reasons over the last several years. Further, requiring him to defend a suit in Missouri would be unreasonable under the circumstances since he resides and works in California.

5. There is no nationwide service or process over Mr. Zollars under the antitrust laws since he is an individual, not a corporation, and therefore the long-arm statute and due process analysis apply.

6. There is no jurisdiction under the Racketeer Influenced And Corrupt Organizations Act (“RICO”), since no facts are alleged that would bring this defendant under RICO and exercise of nationwide jurisdiction would not be reasonable in these circumstances.

7. Defendant incorporates his Declaration, and Suggestions in Support of His Motion to Dismiss For Lack of Personal Jurisdiction.

For all these reasons, defendant Robert Zollars requests that the Court enter an order dismissing the Complaint for lack of personal jurisdiction.

REQUEST FOR ORAL ARGUMENT

Defendant Robert Zollars hereby requests oral argument on his Motion to Dismiss for Lack of Personal Jurisdiction.

HUSCH & EPPENBERGER, LLC

By: /s/ John K. Power
John K. Power, # 35312
Joel K. Goldman, #40453
1200 Main Street, Suite 1700
Kansas City, MO 64105
Telephone: (816) 421-4800
Facsimile: (816) 421-0596

ATTORNEYS FOR DEFENDANTS NOVATION,
LLC, NEOFORMA, INC., ROBERT J. ZOLLARS,
VOLUNTEER HOSPITAL ASSOCIATION,
CURT NONOMAQUE, UNIVERSITY
HEALTHSYSTEM CONSORTIUM, ROBERT J.
BAKER

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 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::

Bret D. Landrith landrithlaw@cox.net
Attorney for Plaintiff

/s/ John K. Power
John K. Power