

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

SAMUEL K. LIPARI,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 2:07-cv-02146-CM
)	
U.S. BANCORP and)	
U.S. BANK NATIONAL ASSOCIATION,)	
)	
<i>Defendants.</i>)	

NOTICE OF APPEAL

Comes now the plaintiff Samuel K. Lipari, the assignee of the dissolved Missouri corporation Medical Supply Chain, Inc., appearing *pro se* and makes the following notice of appeal from this court's orders including the following:

1. Asserting jurisdiction while this same matter or controversy was on appeal and in violation of the first to file rule;
2. The subsequent granting of the defendants more than one motion to dismiss in violation of the Federal Rules Of Civil Procedure;
3. The court's dismissal of the plaintiff's contract, fiduciary duty and fraud based claims contradicting the Western District Court of Missouri and Missouri state court rulings that the alleged facts stated a claim and were plausible;
4. The court's Memorandum and Order of 10/10/08 upholding rulings made by this court during an open affidavit of prejudice and in the absence of jurisdiction;
5. The denial of discovery by the plaintiff permitted by the Federal Rules Of Civil Procedure by refusing to rule on the plaintiff's objections to defendants' frivolous assertions of blanket protective orders until after discovery was closed and after the plaintiff has stipulated to dismissal of his remaining claims;
6. The continued assertion of jurisdiction over discovery demonstrated by the court's order of October 16th, 2008 when the question of protective orders will be resolved in the Missouri 16th Circuit Court at Independence, Missouri.

The plaintiff stipulated to dismissal with prejudice of his remaining claim for violation of Missouri State Trade Secret Act on October 15, 2008.

The plaintiff was not able to appeal the transfer at law until the transferee court relinquished jurisdiction. The plaintiff has given simultaneous notice of appeal in this the transferee court and the transferor court.

The plaintiff now timely appeals.

Respectfully submitted,

S/ Samuel K. Lipari

Samuel K. Lipari
297 NE Bayview
Lee's Summit, MO 64064
816-365-1306
saml@medicalsupplychain.com
Pro se

Certificate of Service

I certify that on October 16th, 2008 I have served the opposing counsel with a copy of the foregoing notice using the CM/ECF system which will send a notice of electronic filing to the following:

Mark A. Olthoff
MARK A. OLTHOFF MO #38572
SHUGHART THOMSON & KILROY, P.C.
Twelve Wyandotte Plaza
120 W. 12th Street, Suite 1700
Kansas City, Missouri 64105
Telephone: (816) 421-3355
Facsimile: (816) 374-0509

ANDREW M. DeMAREA KS #16141
JAY E. HEIDRICK KS #20770
SHUGHART THOMSON & KILROY, P.C.
32 Corporate Woods, Suite 1100
9225 Indian Creek Parkway
Overland Park, Kansas 66210
ademarea@stklaw.com
jheidrick@stklaw.com

ATTORNEY FOR DEFENDANTS

S/ Samuel K. Lipari

Samuel K. Lipari