

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

SAMUEL K. LIPARI)	
(Assignee of Dissolved)	
Medical Supply Chain, Inc.))	
<i>Plaintiff</i>)	Case No. 07-0849-CV-W-FJG
)	
vs.)	
)	
GENERAL ELECTRIC COMPANY,)	
GENERAL ELECTRIC CAPITAL)	
BUSINESS ASSET FUNDING CORPORATION,)	
GE TRANSPORTATION SYSTEMS)	
GLOBAL SIGNALING, L.L.C.)	<u>Jury Requested</u>
JEFFREY R. IMMELT)	
SEYFARTH SHAW LLP)	
STEWART FOSTER)	
HEARTLAND FINANCIAL GROUP, Inc.)	
CHRISTOPHER M. MCDANIEL)	
BRADLEY J. SCHLOZMAN)	
<i>Defendants</i>)	

RULE 4(c)(3) MOTION FOR SERVICE BY US MARSHALL

Comes now the plaintiff Samuel K. Lipari appearing *pro se* and respectfully requests the court service by US Marshall on the defendant Bradley J. Schlozman, the former US Attorney for the Western District of Missouri unlawfully appointed as such through a now repealed provision of the SA PATRIOT Improvement and Reauthorization Act of 2005, Public Law 109-177 (USA PATRIOT Act II) imposed upon the plaintiff in violation of the plaintiff's constitutionally guaranteed right to a republican form of government. The plaintiff respectfully requests US Marshall Service for the following reasons:

STATEMENT OF FACTS

1. Bradley J. Schlozman has not accepted service at the address he is registered under as a State of Kansas licensed attorney.
2. The State of Kansas Attorney Disciplinary Administrator Stanton Hazlett has expressed the sound opinion that the Office of the Disciplinary Administrator cannot validly accept service for Bradley J. Schlozman.

3. Bradley J. Schlozman's employer, Winton M. Hinkle of the Hinkle Elkouri, LLC law firm in Wichita, Kansas has not been able to prevail upon Bradley J. Schlozman in asserting any understanding of the social responsibility, professional duty or urgency required of Bradley J. Schlozman in this matter.
4. Bradley J. Schlozman did appear repeatedly before this court and purported to represent the U.S. government.
5. SEC. 502. Interim Appointment Of United States Attorneys of the USA PATRIOT Act II was inserted into the act through a provision included from the office of the Hon. Senator Arlen Specter without knowledge of the Senator by the Republican National Committee member Brett Tolman as a "comprehensive fix" to eliminate this District Court's role in appointing an interim US Attorney. See **Exb. 1**.
6. The current complaint describes the conduct of Bradley J. Schlozman in Schlozman's private capacity in abuse of that USA PATRIOT Act II provision to deprive the plaintiff of a republican form of government.
7. The US Senate has effected the relief and redress for the plaintiff's suffering denial of a republican form of government through political action in repealing the USA PATRIOT Act II provision used by Bradley J. Schlozman and Schlozman's co-conspirators as described in the present complaint.
8. This court which itself has been used an instrument of the now repealed has an interest in Bradley J. Schlozman appearing an answering to the plaintiff's charges of interference with W.D. of Missouri Civil Litigation.
9. As both a former prosecutor and a person identified with a scheme to violate the Voting Rights Act with Georgia, Kansas and Missouri state officials, Bradley J. Schlozman may have a legitimate interest in concealing his residential address from citizens and this interest may be best furthered by US Marshall service.

SUGGESTIONS IN SUPPORT

The co-conspirators identified in the complaint installed Bradley J. Schlozman as the US District Attorney for the District of Missouri. Later, Bradley J. Schlozman was replaced on April 11, 2007, two days after the plaintiff's press release (See **Exb. 2**) described at ¶¶ 155, 286, 297, 304, 306, 308, 310 of the plaintiff's complaint with John Wood.

The Hon. Sen. Arlen Specter, Senior Minority representative to the US Senate Committee on the Judiciary stated publicly that the provision that allowed the Attorney General Alberto Gonzales to appoint the defendant Bradley J. Schlozman had been inserted by Brett Tolman while Tollman was counsel for the Judiciary Committee while it was under the chairmanship of Hon. Sen. Arlen Specter and before Tollman was appointed US Attorney for Utah. The Hon. Sen. Arlen Specter stated:

“That provision was in a Conference Report which was available for examination for some three months. The first I found out about the change in the PATRIOT Act occurred a few weeks ago when Senator Feinstein approached me on the floor and made a comment about two U.S. Attorneys who were replaced under the authority of the change in law in the PATRIOT Act which altered the way U.S. Attorneys are replaced.

Prior to the PATRIOT Act, U.S. attorneys were replaced by the Attorney General for 120 days and then appointments by the Court or the First Assistant succeeded to the position of U.S. Attorney. The PATRIOT Act gave broader powers to the Attorney General to appoint replacement U.S. Attorneys. I then contacted my very-able Chief Council Michael O’Neill to find out exactly what had happened. Mr. O’Neill advised me that the requested change had come from the Department of Justice, that it had been handled by Brett Tolman, who is now the US Attorney for Utah.

That the change had been requested by the Department of Justice because there had been difficulty with the replacement of a US Attorney in South Dakota where the court made a replacement which was not in the course with the statute, hadn’t been a prior federal employee and did not qualify. There was also concern because in a number of districts the courts had questioned the propriety of their appointing power because of separation of powers. As Mr. Tolman explained it to Mr. O’Neill, those were the reasons and the provision was added to the PATRIOT Act, and as I said was open for public inspection for more than three months while the Conference Report was not acted on.

If you’ll recall, Senator Schumer came to the floor on December 16, and said he had been disposed to vote for the PATRIOT Act but had changed his mind when the New York Times disclosed the secret wiretap program, electronic surveillance.

May the record show that Senator Schumer is nodding in the affirmative; there is something we can agree on. In fact we agree sometimes in addition.

Well, the Conference Report wasn’t acted on for months and at that time this provision was subject to review.

Now, I read in the newspaper that the Chairman of the Judiciary Committee, Arlen Specter, slipped it in. I take umbrage and offense to that. I did not slip it in and I do not slip things in. That is not my practice. If there is some item which I have any idea is controversial I tell everybody about it. That’s what I do. So I found it offensive to have the report of my slipping it in. That’s how it got into the bill.”

The provision stated Brett Tolman inserted stated:

“SEC. 502. INTERIM APPOINTMENT OF UNITED STATES ATTORNEYS.

Section 546 of title 28, United States Code, is amended by striking subsections (c) and (d) and inserting the following new subsection:

(c) A person appointed as United States attorney under this section may serve until the qualification of a United States Attorney for such district appointed by the President under section 541 of this title.”

The Hon. Sen. Patrick Leahy, Chairman of the US Senate Committee on the Judiciary, stated that this provision violated the checks and balances of our republican form of government:

“During the Patriot Act Reauthorization last year, curbs on the authority of the Attorney General to appoint interim United States Attorneys to fill a vacancy temporarily were removed. The

change to the law removed the 120-day limit for such appointments and removed the district court's role in making any subsequent interim appoints. This change in law, accomplished over my objection, allowed the Attorney General for the first time to make so-called interim appointments that could last indefinitely.

Regrettably, we do not have to imagine the effects of this unfettered authority. We learned recently that the Department of Justice has asked several outstanding U.S. Attorneys from around the country to resign their positions. Some are engaged in difficult and complex public corruption cases. We also understand the Attorney General has or is planning to appoint interim replacements, raising a potential of avoiding the Senate confirmation process altogether. This is a clear end-run around our system of checks and balances."

Statement Of Sen. Patrick Leahy Chairman, Senate Judiciary Committee On S. 214, Preserving United States Attorney Independence Act Of 2007 February 8, 2007.

The passage of the Preserving United States Attorney Independence Act provided the plaintiff redress for the co-conspirator's wrongful installment of Bradley J. Schlozman in the only way permitted:

"The proposition that the states have the responsibility to provide their citizens some kind of judicial process is strongly supported by Art. IV, Sec. 4 of the Constitution, which states: "The United States shall guarantee to every State in this Union a Republican Form of Government ..." It is settled, however, that Congress, not the courts, has the responsibility for enforcing this provision. *Baker v. Carr*, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962)."

Morrison v. Lipscomb, 877 F.2d 463 at fn 5 (C.A.6 (Mich.), 1989).

The plaintiff believes that US Marshall service of the summons and complaint upon Bradley J. Schlozman is the appropriate way to place Schlozman under jurisdiction of this court for Bradley J. Schlozman and his co-conspirators' racketeering and interference in the plaintiff's US District Court for the Western District of Missouri civil litigation. US Marshall service can reasonably be relied upon, *Slavov v. Marriott Intern., Inc.*, 990 F.Supp. 566 (N.D. Ill., 1998).

Respectfully Submitted,

S/ Samuel K. Lipari

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CERTIFICATE OF SERVICE

I certify I have sent a copy via email to the undersigned and opposing counsel via email on 2/15/08.

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S/ Samuel K. Lipari

Samuel K. Lipari



Friday, February 15, 2008

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Change in Naming Interim U.S. Attorneys Was Benign, Former Justice Official Says

By Chitra Ragavan

Posted 4/12/07

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In 2005, Moschella had a new "vehicle" for the proposed change: the Patriot Act reauthorization bill. On Nov. 9, 2005, Moschella forwarded Collins's recommendations in an E-mail to Brett Tolman, who served as counsel to then Senate Judiciary Committee member Orrin Hatch, a Utah Republican. Tolman responded that he would "get the comprehensive fix" that Moschella had recommended. Two days later, Moschella sent to some of his colleagues a "need help ASAP" E-mail saying that an amendment had been "floated" by "one of our friends" during the Patriot Act negotiations that would eliminate the judges' role in naming interim U.S. attorneys.

"We support eliminating the court's role," Moschella wrote, "and believe that the AG should have that authority alone." That, apparently, was the "comprehensive fix" Tolman referred to. Moschella asked his colleagues for examples of judges refusing to reappoint the attorney general's picks after the 120-day period, to bolster their case.

Sen. Arlen Specter, a Pennsylvania Republican who chaired the Senate Judiciary Committee when the Patriot Act was amended last year, has denied charges by prominent Democrats, including Sen. Dianne Feinstein of California, that he slipped in the provision in the dead of night. Specter said Tolman—who is now the U.S. attorney in Utah—was responsible and that the measure was inserted specifically at the Justice Department's request. Specter said that his chief of staff, Michael O'Neil, had been in the know but that Specter had not read the bill. Tolman declined to comment for this piece. Specter also noted that the measure had been in the conference report for 85 days for all to see and that at no point during the floor debate on the reauthorization package had anyone, including Democrats, raised any objections.

Justice spokesman Roehrkasse says that at that time, Moschella "did not have any knowledge of plans to remove U.S. attorneys." Roehrkasse also says that Justice officials were "unaware" that "any member of Congress opposed this provision" during the months-long debate.

In December 2006, Kyle Sampson, then chief of staff to Gonzales, sent an E-mail to a White House lawyer about using the Patriot Act provision to replace the existing U.S. attorney from Arkansas with Timothy Griffin, a former Bush campaign [operative](#) and protégé of White House political adviser Karl Rove. Sampson wondered in the E-mail whether Griffin was the best case with which to "test drive this authority."

But, "if we don't ever exercise it," Sampson asked, "then what's the point of having it?" Sampson added that "all of this should be done in 'good faith,' of course."

Justice spokesman Roehrkasse says that "to the extent" that Sampson's E-mail and other documents released by the department "suggest there was an attempt to circumvent the process, this does not and did not represent the views or final actions of the department."

He points to the fact that since March 9, 2006, when Gonzales obtained the authority to appoint interim U.S. attorneys, President Bush has nominated 16 individuals for Senate confirmation.

"We have stated a number of times," says Roehrkasse, "that in every single case, it is our goal to have a U.S. attorney that is confirmed by the Senate."



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Former MO US Attorney Todd Graves the Ninth Attorney Targeted by Alberto Gonzales

Apr 09, 2007

KANSAS CITY, MO -- Medical Supply Chain founder Samuel Lipari unearthed a US Department of Justice memo revealing the Office of the Attorney General had targeted not eight but ten US Attorneys including the former attorney for the Western District of Missouri, Todd P. Graves. The documents were obtained during Medical Supply Chain's discovery related to the civil antitrust action Medical Supply Chain, Inc. v. Novation LLC, et al, Western District of Missouri case #05-210-CV-W-ODS filed on March 9, 2005.

The e-mail dated January 9th, 2006 from Kyle Sampson, chief of staff for Attorney General Alberto Gonzales, to Harriet Miers and William Kelley at the White House, shows the ten U.S. Attorneys that were first selected to voluntarily resign or face termination. Attorneys that resigned were redacted. Todd P. Graves of Missouri resigned March 24, 2006.

The Western District of Missouri US Attorney office under Todd P. Graves had been active in prosecuting Medicare fraud. Medical Supply Chain, Inc.'s civil antitrust suit against Texas based Novation LLC, Volunteer Hospital Association (VHA), University Health System Consortium (UHC) and Neoforma, Inc. alleges the companies formed a cartel and were involved in a scheme to monopolize hospital supplies to defraud Medicare through payments to administrators and kickbacks. The scheme resulted in almost all of Kansas City, Missouri St. Luke's hospital's one hundred million dollar supply budget being purchased through Novation LLC. St. Luke's merged with University of Kansas Hospital after Irene Cumming, CEO of the University of Kansas Hospital was given a job by University Health System Consortium (UHC) on March 19, 2007.

The first prosecutor identified as being fired by the Office of the Attorney General was Carol Lam, a U.S. Attorney in San Diego, California. Carol Lam was personally prosecuting Medicare fraud at the Tenet Healthcare Alvarado hospital when political pressure was brought on the Justice Department to remove her from office. Carol Lam's prosecution caused the U.S. Department of Health and Human Services threatened to cut Medicare and Medicaid funds to Alvarado Hospital Case # 03CR15870 US Dist. Court Southern California.

On May 17, 2006, Alvarado Hospital's parent company, Tenet Healthcare, agreed to sell or close the hospital and pay \$21 million to settle criminal and civil charges.

The Medical Supply Chain discovered documents include a December 4, 2006 e-mail from Attorney General Alberto Gonzales' Chief of Staff Kyle Sampson targeting Carol Lam. On December 7, 2006, the Justice Department fired Carol Lam and the six other U.S. attorneys that refused to resign.

Samuel Lipari became concerned that Attorney General Alberto Gonzales was using the firing of appointed US Attorneys and senior assistant US Attorneys to obstruct justice in investigations involving public corruption on October 18, 2004 when white collar crime prosecuting Assistant US Attorneys Leonard Senerote, Michael Uhl and Michael Snipes were fired from the Ft. Worth Texas office of the US Attorney that had issued subpoenas in an ongoing investigation of Novation LLC and other hospital suppliers for anticompetitive practices. Samuel Lipari was especially concerned over the firings in the Ft. Worth office where the chief US Attorney responsible for Medicare fraud, Thelma Louise Quince Colbert had been found dead in her swimming pool on July 20th, 2004 and the Ft. Worth office Senior US Prosecuting Attorney that had signed the subpoenas, Shannon Ross (formerly of Kansas) was found dead in her home on September 13th, 2004. Shannon Ross's investigation of Novation LLC sparked the New York Times article "Wide U.S. Inquiry Into Purchasing For Health Care" on Saturday August 21, 2004.

Attorney General Alberto Gonzales used a little known provision of the USA PATRIOT Act to replace Todd P. Graves with Bradley Schlozman. Bradley Schlozman failed to prosecute public corruption related to the Medical Supply Chain litigation and failed to enforce civil rights laws related to the Novation LLC defendants success in getting Medical Supply Chain's counsel Bret D. Landrith disbarred. Samuel Lipari raised these concerns before the US Court of Appeals for the Eight Circuit. On January 16, 2007 Attorney General Gonzales tried to quell criticism of the mass US Attorney firings and the misuse of the USA PATRIOT Act by announcing John Wood would be taking Schlozman's place in Kansas City.


Samuel Lipari is the founder of Medical Supply Chain and is currently launching a consumer oriented discount medical supply business based in Lee's Summit, Missouri: <http://MedicalSupplyLine.com> Mr. Lipari was forced to represent himself in the lawsuit.

About Medical Supply Chain: Medical Supply Chain (MSC) is a worldwide provider of web-based supply chain collaboration solutions with an electronic marketplace serving health care communities and their trading partners. Medical Supply Chain was founded in May of 2000 with a mission to deliver enabling supply chain technology in health care. To learn more visit: <http://www.MedicalSupplyChain.com/news.htm>.

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
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