

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

MEDICAL SUPPLY CHAIN, INC.,	)	
<i>Plaintiff,</i>	)	
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.	)	
<i>Defendants.</i>	)	

**Suggestion In Opposition To Neoforma, Inc.’s Motion To Dismiss Complaint, Or Alternatively To  
Require Amendment, Pursuant To F.R.C.P. Rules 8 And 9**

Comes now the plaintiff Medical Supply and makes the present suggestion opposing Neoforma Inc.’s motion to dismiss or amend the plaintiff’s complaint (doc.s 15, 16 ).

1. The plaintiff has addressed Neoforma’s Rule 8 and 9 arguments in its suggestion opposing VHA, UHC and Novation’s motion for dismissal and incorporates its answer by reference.
2. The other defendants were able to answer or in the alternative seek dismissal. US Bancorp NA, The Piper Jaffray Companies and their corporate officers have a similar Sarbanes-Oxley Act standard to meet for their responses.
3. Plaintiff welcomes Neoforma’s participation in drafting the pretrial order which will replace the present complaint.

Respectfully Submitted  
S/Bret D. Landrith  
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### **Certificate of Service**

I certify that on April 19th, 2005 I have served 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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