

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

**MEDICAL SUPPLY CHAIN, INC.,**

**Plaintiff,**

**v.**

**GENERAL ELECTRIC COMPANY, et al.,**

**Defendants.**

**No. 03-2324CM**

**ORDER**

The Tenth Circuit has remanded this case, directing this court to determine the proper sanction to be assessed for plaintiff Medical Supply Chain, Inc.'s inclusion of one of the defendants, Jeffrey Immelt, as a defendant in his individual capacity. The Tenth Circuit held that plaintiff's claims against defendant Immelt in his individual capacity were frivolous because plaintiff did not allege that defendant Immelt (1) had any personal connection to plaintiff's alleged injury, or (2) even knew that plaintiff existed. This court therefore must determine the appropriate amount of sanction under Rule 11.

Defendants (including defendant Immelt) originally sought attorney fees and costs. In their pre-appeal motion dated September 23, 2003, they asked for ten days after any order awarding sanctions in which to file a detailed petition for attorney fees. Defendant Immelt has not yet filed his accounting, and the court cannot award sanctions in accordance with the Tenth Circuit's directive until he does so.

**IT IS THEREFORE ORDERED** that defendant Immelt submit, within ten (10) days of this Order, a statement indicating whether he still intends to pursue sanctions in this case, and, if

appropriate, affidavits providing the court with information on reasonable attorney fees and costs incurred.

Dated this 9<sup>th</sup> day of January 2007, at Kansas City, Kansas.

s/ Carlos Murguia  
**CARLOS MURGUIA**  
**United States District Judge**