

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

**MOTION FOR EXTENSION OF TIME**

Comes now the plaintiff Samuel K. Lipari appearing *pro se* and respectfully requests an extension of time in which to respond to the defendants' motions to dismiss for the purpose of consolidating all into a single plaintiff's response, thus conserving the resources of the court and aiding opposing counsel in the parties' thorough resolution of all pleading sufficiency issues before the plaintiff undertakes amendment for their cure. The plaintiff respectfully requests that the date for the plaintiff's response to dispositive motions in lieu of answers by the defendant parties be suspended until all such motions have been filed for the following reasons:

1. The defendants General Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global Signaling, LLC, and General Electric Company filed a motion to dismiss (Docs. # 11 and 12) in lieu of answering the plaintiff's complaint on January 18, 2008.
2. An additional defendant Jeffrey R. Immelt appeared in response to the plaintiff's summons.
3. The additional defendants Seyfarth Shaw LLP, Heartland Financial Group, Inc., Christopher M. McDaniel, Stewart Foster and Bradley J. Schlozman have been served by the plaintiff and have not yet responded.

4. The plaintiff believes that some of the additional defendants will also seek a dismissal rather than answering the plaintiff's complaint.

5. The plaintiff's current complaint cites the most rigorous pleading standard and previous controlling authority *Bell Atlantic Corp. v. Twombly*, \_\_\_ U.S. \_\_\_, 127 S.Ct. 1955, 1968-69, 167 L.Ed.2d 929 (2007) and lays out the plaintiff's averments of facts to be sufficient under *Bell Atlantic Corp.*, 127 S.Ct. 1955.

5. Since the plaintiff's amendment in state court, a new set of cases describing the pleading standard in the wake of *Erickson v. Pardus*, No. 06-7317 (U.S. 6/4/2007) (2007) may be relevant to the court's resolution of pleading sufficiency issues. The new defendants may seek to address these additional authorities and the plaintiff's recent work in the action against the defendants' co-conspirator US Bancorp in *Lipari v. US Bancorp et al*, Ks. Dist. Court case Case No. 2:07-cv-02146-CM-DJW is available for their counsel's reference at

<http://www.medicalsupplychain.com/pdf/Lipari%20Response%20to%20Second%20Motion%20to%20Dismiss.pdf>

6. The plaintiff seeks to extend the time for answering the present motion to dismiss (doc.# 11) and its supporting memorandum (doc.# 12) from the dispositive motion due date under F. R. Civ. P. Rule 12(a)(1)(C) of twenty days plus the three day mail addition under F. R. Civ. P. Rule 6(e) of February 11, 2008 (February 10<sup>th</sup> fell on a Sunday) until the other defendants still eligible to file a motion to dismiss have answered or filed motions to dismiss and to then set the due date for the plaintiff's response to all motions for dismissal to be then twenty days plus the three day mail rule.

Respectfully Submitted,

S/ Samuel K. Lipari

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

**CERTIFICATE OF SERVICE**

I certify I have sent a copy via email to the undersigned and opposing counsel via email on 2/10/08.

The plaintiff has provided a chambers' copy via email to

Hon. Judge Gaitan's clerk

And served the following counsel for Jeffrey R. Immelt, General Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global Signaling, LLC, and General Electric Company via email at the following addresses:

John K. Power  
Leonard L. Wagner  
Michael S. Hargens  
Husch Blackwell Sanders, LLP  
1200 Main Street  
Suite 2300  
Kansas City, MO 64105  
(816)283-4651  
Fax: (816)421-0596  
john.power@husch.com  
lwagner@kcsouthern.com  
michael.hargens@husch.com  
via email

S/ Samuel K. Lipari

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Samuel K. Lipari