

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

SAMUEL K. LIPARI,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-CV-00849-FJG
)	
GENERAL ELECTRIC COMPANY, et al.,)	
)	
Defendants.)	

**GE DEFENDANTS’ MOTION TO DISMISS PLAINTIFF’S AMENDED
COMPLAINT**

Defendants General Electric Company (“GE”), General Electric Capital Business Asset Funding Corporation (“GE Capital”) and GE Transportation Systems Global Signaling, LLC (“GE Transportation”) (collectively, the “GE Defendants”) hereby move this Court to dismiss Plaintiff Samuel Lipari’s Amended Complaint (Doc. 6), pursuant to Fed. R. Civ. P. 8 and 12(b)(6).

As is explained more fully in the GE Defendants’ Memorandum of Law in Support of their Motion to Dismiss (which has been filed contemporaneously with this Motion), all claims within Plaintiff’s Amended Complaint must be dismissed for his wholesale failure to comply with the pleading requirements of Fed. R. Civ. P. 8(a)(2) and 8(e)(1). Additionally, Plaintiff’s federal law claims should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) inasmuch as Plaintiff has failed to state a cognizable claim under either the Racketeer Influenced and Corrupt Organizations Act (RICO) or the Hobbs Act.¹

¹ The GE Defendants also do not believe that Plaintiff has sufficiently pled his state common law causes of action. Should the Court dismiss only the Plaintiff’s federal claims and decide to retain jurisdiction over the remaining state common law causes of action, the GE Defendants anticipate filing a motion to dismiss those remaining claims.

As such, the GE Defendants respectfully request that the Court dismiss all counts within Plaintiff's Amended Complaint with prejudice, and for such other and further relief as the Court deems just and proper.

HUSCH & EPPENBERGER, LLC

By: /s/ Michael S. Hargens

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ELECTRIC COMPANY, GENERAL
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FUNDING CORPORATION AND GE
TRANSPORTATION SYSTEMS
GLOBAL SIGNALING, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was forwarded this 18th day of January, 2008, by first class mail, postage prepaid to:

Samuel K. Lipari
297 NE Bayview
Lee's Summit, MO 64064

/s/ Michael S. Hargens