

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

SAMUEL K. LIPARI,)
<i>Plaintiff,</i>)
)
v.) Civil No. 07-0849-CV-W-FJG
) Formerly 06-0573-CV-W-FJG
GENERAL ELECTRIC COMPANY, <i>et al.</i> ,) Formerly 16 th Cir. Case No.0616-
<i>Defendants</i>) CV07421

NOTICE OF APPEAL

Comes now the plaintiff Samuel K. Lipari appearing *pro se* and respectfully files this notice of appeal.

The plaintiff appeals this court's 07-0849-CV-W-FJG order (doc. 59) dated 7/30/08 granting defendants' motions for dismissal and denying plaintiff's Motion to Amend his Complaint (Doc. 49)

The plaintiff appeals this court's denial as moot the plaintiff's motion for recusal (doc. 24) Case 4:06-cv-00573-FJG in the order (doc. 29) filed 11/29/2006.

The appeal is timely having been filed within days of this court's Judgment (doc. 60) entered 7/30/08 and is held in abeyance until the court rules on the plaintiff's Rule 59(e) Motion (doc.61); the plaintiff's Motion to Disqualify Attorney General Michael Mukasey (doc. 68); and the plaintiff's Motion to Withdraw Any and All *Ex Parte* Orders (doc. 69):

"Pursuant to Federal Rule of Appellate Procedure 4(a)(4), when a notice of appeal is filed after announcement or entry of judgment but before disposition of a post-judgment motion, **the appeal is held in abeyance pending the district court's disposition of the post-judgment motion.** FED. R. APP. P. 4(a)(4)(B)(I) (stating that under such circumstances, the prior filed notice of appeal does not become effective until "the order disposing of the last such remaining motion is entered[>")." [Emphasis added]

Stewart Park and Reserve Coalition Inc. v. Slater, 374 F.Supp.2d 243 at 252 (N.D. N.Y., 2005).

Respectfully submitted,

S/ Samuel K. Lipari
Samuel K. Lipari

CERTIFICATE OF SERVICE

I certify I have sent a copy via email to the undersigned and opposing counsel via email on 8/12/08.

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