

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

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

**DEFENDANTS HEARTLAND FINANCIAL GROUP, INC., CHRISTOPHER
MCDANIEL, AND STUART FOSTER’S MOTION TO DISMISS PLAINTIFF’S
AMENDED COMPLAINT**

Defendants Heartland Financial Group, Inc., Christopher McDaniel and Stuart Foster (hereinafter “Defendants”) hereby move this Court to dismiss Plaintiff Samuel Lipari’s Amended Complaint (Doc. 6), pursuant to Fed. R. Civ. P. 12(b)(6), 8(a)(2) and 8(e)(1) .

As is explained more fully in Defendants’ Memorandum of Law in Support of their Motion to Dismiss (which has been filed contemporaneously with this Motion), Plaintiff’s only claims against these Defendants were purportedly brought under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1962. However, these claims should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) inasmuch as Plaintiff has failed to state a cognizable RICO claim against any of these Defendants. In addition, 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).

As such, 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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INC., CHRISTOPHER MCDANIEL AND
STUART FOSTER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was forwarded this 27th day of February, 2008, by first class mail, postage prepaid to:

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

And an electronic copy was filed via the CM/ECF system which will send a notice of electronic filing to the following:

Nick Badgerow
Spencer Fane Britt & Browne LLP
9401 Indian Creek Parkway, Suite 700
Overland Park, KS 66210

/s/ Michael S. Hargens