

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

SAMUEL K. LIPARI,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Case No. 2:07-cv-02146-CM
	)	
U.S. BANCORP and	)	
U.S. BANK NATIONAL ASSOCIATION,	)	
	)	
<i>Defendants.</i>	)	

**28 U.S.C. § 144 AFFIDAVIT OF PREJUDICE**

Comes now the plaintiff Samuel K. Lipari appearing *pro se* and makes the following affidavit of prejudice under 28 U.S.C. § 144.

The plaintiff timely calls the court's attention to its own prejudice when the court disregarded notice filed on August 18, 2008 that the appeal in this same matter or controversy has not been dismissed.

The magistrate Hon. Judge Waxse has issued orders at the instruction of the trial court Hon. Judge Murguia that disregard the loss of jurisdiction by the appeal.

The orders corruptly continue what was revealed by the defendants motion served at approximately 6:30 am this morning to be the court's scheme to not rule on the defendants frivolous protective orders and to dismiss the plaintiff's cause for interrogatories and documents that the plaintiff submitted to the defendants in discovery.

The court has meanwhile demonstrated its manifest prejudice and bias against the plaintiff by Hon. Judge Waxse and Hon. Judge Murguia jointly participating in this plan with disregard to their oaths of office and duty to their own court to be fair and unbiased revealed in an order filed by the magistrate on this day sanctioning the plaintiff in participation with the defendant counsel's extrinsic fraud over the response of the plaintiff regarding the signed agreement to provide escrow accounts in the form of emails as recognized under Missouri and Federal statute and the lie regarding the failure to provide the documents in the plaintiff's Rule 26 disclosure.

This court does not have jurisdiction over the concurrent state claims filed in the State of Missouri that were in error removed and transferred to this court.

The court was given notice it had irrefutably lost jurisdiction when the plaintiff timely appealed the striking of the plaintiff's Rule 59 Motion in *MSCI v. Neoforma et al.*

The plaintiff has been or will be irreparably harmed by the bias and prejudice of Hon. Judge Waxse and Hon. Judge Murguia.

Signature \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_

Notary

Subscribed and sworn before me on \_\_\_\_\_ Date \_\_\_\_\_

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_

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 to the undersigned opposing counsel via electronic filing on 8/18/08.

Mark A. Olthoff, Esq.,  
Jay E. Heidrick, Esq.  
Shughart Thomson & Kilroy, P.C.  
Twelve Wyandotte Plaza  
120 W. 12th Street  
Kansas City, MO 64105

via email  
jheidrick@stklaw.com  
molthoff@stklaw.com  
ademarea@stklaw.com

S/ Samuel K. Lipari

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Samuel K. Lipari