

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
KANSAS CITY, MISSOURI

SAMUEL K. LIPARI
(Assignee of Dissolved
Medical Supply Chain, Inc.)
Plaintiff

vs.

GENERAL ELECTRIC COMPANY,
GENERAL ELECTRIC CAPITAL
BUSINESS ASSET FUNDING CORPORATION,
GE TRANSPORTATION SYSTEMS
GLOBAL SIGNALING, L.L.C.
JEFFREY R. IMMELT
SEYFARTH SHAW LLP
STEWART FOSTER
HEARTLAND FINANCIAL GROUP, Inc.
CHRISTOPHER M. MCDANIEL
BRADLEY J. SCHLOZMAN
Defendants

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) Case No. 07-0849-CV-W-FJG
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) Jury Requested
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THIRD MOTION FOR EXTENSION OF TIME

Comes now the plaintiff Samuel K. Lipari appearing *pro se* and respectfully renews his request for an extension of time in which to respond to the defendants' new motions to dismiss for the purpose of consolidating all into a single plaintiffs 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 believes that under Missouri State Rule 54.20 (6) that the last defendant, Bradley J. Schlozman has been served.

STATEMENT OF FACTS

1. The last defendant, Bradley J. Schlozman has been served.
2. The plaintiff caused a copy of the complaint and a summons issued by the Western District of Missouri court to be delivered to the address in Wichita, Kansas where Bradley J. Schlozman is registered as an attorney of the Kansas Bar.
3. The delivery of the complaint and summons was rejected.
4. The defendant Bradley J. Schlozman had twenty days from January 25, 2008 in which to answer or file a dismissal and has not done so.

SUGGESTION IN SUPPORT

The refusal to accept the plaintiffs delivery of a summons and copy of the complaint constitutes service of process on the defendant Bradley J. Schlozman under the Federal Rules of Civil Procedure's provision for alternative use of the forum state's service statute.

Bradley J. Schlozman was served under F.R.Civ.P. Rule 4 (e)(1) which states in the relevant part:

"Whenever a statute or rule of court of the state in which the district court is held provides (1) for service of a summons, or of a notice, or of an order in lieu of summons upon a party not an inhabitant of or found within the state ... service may in either case be made under the circumstances and in the manner prescribed in the statute or rule." [Emphasis added]

F.R.Civ.P. Rule 4 (e)(1).

The plaintiff has established proof of service on Bradley J. Schlozman under Missouri State Rule 54.20 (6); the relevant part stating:

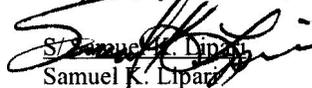
"Refusal to Receive Service. When the person to be served or an agent authorized to accept service of process for the person to be served, either within or outside the state, shall refuse to receive copies thereof, the offer of the server to deliver copies thereof, and such refusal, when these facts are shown on the server's return, shall constitute proof of service."

RULE 54.20 (6) RSMo 1994.

CONCLUSION

Whereas for the above reasons, the plaintiff respectfully requests that the court extend the due date for the plaintiffs response to all motions for dismissal until the time for objections from the defendants (or a limited appearance by Schlozman objecting to sufficiency of service) and the 23 days under the Federal Rules of Civil Procedure for replying to a dispositive motion has elapsed. The therefore respectfully requests the court extend the due date for the plaintiffs response to April 4, 2008.

Respectfully Submitted,



Samuel K. Lipari
297 NE Bayview
Lee's Summit, MO 64064
816-365-1306

saml@medicalsupplychain.com

Prose

CERTIFICATE OF SERVICE

I certify I have sent a copy via email to the undersigned and opposing counsel via email on 3/03/08.

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

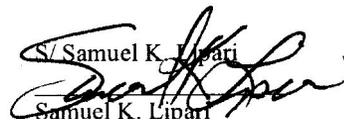
Attorneys for the GE Defendants

J. Nick Badgerow
Spencer Fane Britt & Browne, LLP
940 I Indian Creek Parkway
Suite 700
Overland Park, KS 66210
(913)327-5134
Fax: (913)345-0736
Email: nbadgerow@spencerfane.com

Attorney for Seyfarth Shaw LLP

Winton M. Hinkle
Senior Counsel
Hinkle Elkouri LLC
2000 Epic Center
301 North Main Street
Wichita, KS 67202
(316) 660-6163
whinkle@hinklaw.com

Defendant Schlozman's employer


S/ Samuel K. Libari
Samuel K. Libari

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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

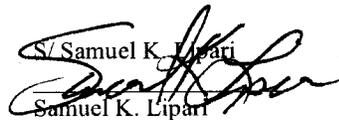
Attorneys for the GE Defendants

J. Nick Badgerow
Spencer Fane Britt & Browne, LLP
9401 Indian Creek Parkway
Suite 700
Overland Park, KS 66210
(913)327-5134
Fax: (913)345-0736
Email: nbadgerow@spencerfane.com

Attorney for Seyfarth Shaw LLP

Winton M. Hinkle
Senior Counsel
Hinkle Elkouri LLC
2000 Epic Center
301 North Main Street
Wichita, KS 67202
(316) 660-6163
whinkle@hinklaw.com

Defendant Schlozman's employer


S/ Samuel K. Lipari
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