

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

SAMUEL K. LIPARI)	
(Assignee of Dissolved)	
Medical Supply Chain, Inc.))	
<i>Plaintiff</i>)	Case No. 07-0849-CV-W-FJG
)	
vs.)	
)	
GENERAL ELECTRIC COMPANY,)	
GENERAL ELECTRIC CAPITAL)	
BUSINESS ASSET FUNDING CORPORATION,)	
GE TRANSPORTATION SYSTEMS)	
GLOBAL SIGNALING, L.L.C.)	<u>Jury Requested</u>
JEFFREY R. IMMELT)	
SEYFARTH SHAW LLP)	
STEWART FOSTER)	
HEARTLAND FINANCIAL GROUP, Inc.)	
CHRISTOPHER M. MCDANIEL)	
BRADLEY J. SCHLOZMAN)	
<i>Defendants</i>)	

**MOTION TO DISQUALIFY
ATTORNEY GENERAL MICHAEL B. MUKASEY
AND THE USDOJ FROM REPRESENTING BRADLEY J. SCHLOZMAN**

Comes now the plaintiff Samuel K. Lipari appearing *pro se* and respectfully requests that the court disqualify Attorney General Michael B. Mukasey and the United States Department of Justice including the Western District Office of US Attorney John Wood from representing the private individual defendant Bradley J. Schlozman who is expressly charges in this matter for his conduct as an agent of the Republican National Committee.

STATEMENT OF FACTS

1. The USDOJ Inspector General is to release a report this month on Bradley J. Schlozman’s conduct outside of the scope of authority of his office as an attorney for the USDOJ in various capacities and outside of the scope of authority of his office as the US Attorney for the Western District of Missouri.
2. During Attorney General Michael B. Mukasey and the Western District Office of US Attorney John Wood’s representation of Bradley J. Schlozman in this matter the USDOJ has targeted Bradley J. Schlozman in an investigation by a currently empanelled federal grand jury directed by USDOJ Assistant US Attorneys.

3. The Grand Jury is reported to be investigating the criminal conduct of Bradley J. Schlozman including the perjury before the US Senate averred in the plaintiff's complaint.
4. The RICO conspirator's scheme to defraud Medicare and Medicaid described in detail in the plaintiff's complaint included the plaintiff's averments related to the interference with the criminal prosecution of Cox Health Care Services Of The Ozarks, Inc. and its current CEO Robert H. Bezanson for Medicare fraud.
5. The response by the plaintiff to Bradley J. Schlozman included a copy of a later petition filed in the 16th Circuit of the State of Missouri at Independence regarding the obstruction of justice in the criminal prosecution of Cox Health Care Services Of The Ozarks, Inc. and its current CEO Robert H. Bezanson for Medicare fraud.
6. Attorney General Michael B. Mukasey and the Western District Office of US Attorney John Wood have continued the unlawful conduct of Bradley J. Schlozman interfering with the criminal prosecution of Cox Health Care Services Of The Ozarks, Inc. and its current CEO Robert H. Bezanson's criminal prosecution for Medicare fraud to further the RICO defendants conspiracy to overcharge the government for hospital supplies.
7. The Western District Office of US Attorney John Wood and Cox Health Care Services Of The Ozarks, Inc. have issued press releases claiming a sixty million dollar "settlement" and stopping the criminal prosecution of Cox Health Care Services Of The Ozarks, Inc. and its current CEO Robert H. Bezanson for Medicare fraud

**SUGGESTION IN SUPPORT OF THE DISQUALIFICATION
ATTORNEY GENERAL MICHAEL B. MUKASEY AND THE USDOJ**

This court can take notice of public records related to remarkable prescience of the plaintiff's petition before this court including the newspaper articles attached to the plaintiff's opposition to Schlozman's motion for extension of time. See Plaintiff's Suggestion in Opposition to Bradley J. Schlozman's Motion for Extension filed 7/8/08.

The articles show a grand jury has been convened targeting Schlozman and at the time US Attorney John Wood entered his tardy appearance to defend Schlozman, the US Department of Justice had established probable cause existed to prosecute Schlozman for the conduct the plaintiff's complaint avers and was already preparing an indictment for the specific perjury averred by the plaintiff. The complaint

avers that Schlozman was called to testify because the plaintiff press released that US Attorney Todd Graves was the Ninth US Attorney wrongfully terminated and that Graves was removed because he prosecuted Medicare fraud. Later discovery has revealed that Bradley J. Schlozman and then John Wood had to be installed in the office of US Attorney for the Western District of Missouri to obstruct justice in the criminal case against Cox-Health of Springfield, MO and its executives to prevent the fines described in the plaintiff's press release that Carol Lam had obtained against the San Diego Tenet hospital. Again the plaintiff refers the court to the Plaintiff's Suggestion in Opposition to Bradley J. Schlozman's Motion for Extension filed 7/8/08 repeating the plaintiff's request for a show cause order on how USA John Wood can now represent Schlozman.

US Attorney John Wood and his staff are defendant Bradley J. Schlozman's former partners in a government law office. A partner in a law firm is vicariously bound by the duties of loyalty and confidentiality that his partners owe to their clients. See Restatement § 123(1) (conflicts of one lawyer are imputed to other lawyers who "are associated with that lawyer in rendering legal services to others through a law partnership, professional corporation, sole proprietorship, or similar association"). Due to the vicarious obligations of partners, "a showing that two attorneys are partners or represent themselves to the world at large as partners, and whose interests overlap in the acceptance of clients and in the sharing of fees is sufficient to ground a conflict of interest claim, assuming that there is proof that the clients' interests may have been in conflict." *United States v. Jiang*, 140 F.3d 124, 127 (2d Cir.1998) (internal quotation marks and citation omitted). *United States v. Blount*, 291 F.3d 201, 211 (2d Cir.2002) ("A conflict-of-interest claim may ... be grounded in the fact that two lawyers from the same firm represent two codefendants, even in unrelated proceedings.").

Attorney General Michael B. Mukasey and the Western District Office of US Attorney John Wood have an unwaivable conflict of interest in the representation of Bradley J. Schlozman

Allegations that counsel has engaged in criminal activity related to the charges for which the client is on trial create an unwaivable conflict of interest. See *United States v. Williams*, 372 F.3d 96, 105 (2d Cir.2004) (finding unwaivable conflict of interest where counsel unlawfully exchanged firearms with defendant indicted for using firearms in furtherance of his criminal activities); *Fulton*, 5 F.3d at 609-10 (habeas petitioner convicted on heroin charges was denied effective assistance of counsel where a government witness alleged that counsel received part of the heroin linked to defendant, and

was involved in heroin trafficking). If the allegations are true, an attorney cannot freely advise the client whether to cooperate, or whether to take the stand at trial, for fear that the client could reveal information implicating the attorney. *Fulton* at 610. If the allegations are false, the attorney cannot examine the government witness regarding the allegations against the attorney without in effect becoming an unsworn witness. *Id.*

Whether a conflict arising from allegations that defense counsel is generally involved in crime is waivable depends on the connection between the attorney's alleged criminal activity and the charges on which defendant is tried. See *Fulton* at 611. An unwaivable conflict does not arise "any time a court learns that an attorney may have committed a crime; the attorney's alleged criminal activity must be sufficiently related to the charged crimes to create a real possibility that the attorney's vigorous defense of his client will be compromised." *Id. United States v. Cancilla*, 725 F.2d 867, 870 (2d Cir.1984) (defendant could not waive a conflict where, unbeknownst to him, his counsel allegedly engaged in criminal activities similar to the charges against defendant with a possible co-conspirator of defendant). It is unclear whether a defendant's knowledge of the attorney's criminal conduct permits waiver of a "related-crime" conflict. *Williams*, 372 F.3d at 105.

At the very least, Attorney General Michael B. Mukasey and the Western District Office of US Attorney John Wood's defense of Bradley J. Schlozman is a False Claim against the government. In light of the averments of this complaint, that defense and the fraudulent delays are crimes to conceal the ongoing racketeering scheme.

CONCLUSION

Whereas for the above stated reasons the plaintiff respectfully requests that the court disqualify Attorney General Michael B. Mukasey, the US Department of Justice and the Western District Office of US Attorney John Wood from representing the defendant Bradley J.. Schlozman.

Respectfully Submitted,

S/ Samuel K. Lipari
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Pro se

CERTIFICATE OF SERVICE

I certify I have sent a copy via email to the undersigned and opposing counsel via email on 9/02/08.

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:

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S/ Samuel K. Lipari

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