

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

SAMUEL K. LIPARI,)	
)	
Plaintiff,)	
)	
v.)	No. 07-0849-CV-W-FJG
)	
GENERAL ELECTRIC COMPANY, et al.,)	
)	
Defendants.)	

ORDER

Currently pending before the Court is defendants' Motion for an Order Establishing a Schedule for Plaintiff to File His Amended Complaint and Extending Time for the GE Defendants Response to Any Such Amended Complaint (Doc. # 3).

On November 9, 2007, defendants GE Electric Company, General Electric Capital Business Asset Funding Corporation and GE Transportation Systems Global Signaling LLC ("GE Defendants") filed a Notice of Removal in this Court. The GE Defendants were removing the case Samuel K. Lipari v. General Electric Company et al., Case No. 0616-CV-07421 from the Jackson County Circuit Court. Defendants state that the case was not removable when originally filed because it did not assert a federal question and diversity did not exist amongst the parties. On July 17, 2006, the GE defendants filed a notice of removal asserting that it had become clear that plaintiff was not pursuing claims against the one defendant which defeated diversity. However, this Court concluded that plaintiff had not taken any action which indicated his intention to discontinue his action against the nondiverse defendants. Thus, it was determined that the case was not removable and it was remanded to the Circuit Court of Jackson County on November

29, 2006.

On October 10, 2007, plaintiff filed a Motion for Leave to Amend Under RSMO 55.33. Plaintiff sought leave to file an Amended Petition which would add new parties and new claims to his current suit. The Circuit Court granted plaintiff's Motion on October 31, 2007. One of the new claims that plaintiff sought to add was a claim under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1962, *et seq.* Even though the Circuit Court granted plaintiff's Motion to Amend, plaintiff has not yet actually filed his Amended Petition.

Defendants request that in light of the above circumstances that the Court set a date by which the plaintiff is to file his Amended Complaint. Additionally, defendants request a thirty-day extension of time to respond, after plaintiff has filed his Amended Complaint.

Accordingly, the Court hereby **GRANTS IN PART** and **DENIES IN PART** defendants' Motion. The Court hereby **ORDERS** plaintiff to either file his Amended Complaint or file a response to defendant's Notice of Removal on or before **Friday, December 7, 2007**. The Court will **PROVISIONALLY DENY** defendants' Motion for an Extension of Time and instead will defer ruling on defendants' Motion for an Extension of Time to respond until after the plaintiff has responded to the current Order.

Date: 11/26/07
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge