

4. The plaintiff believes that some of the additional defendants will also seek a dismissal rather than answering the plaintiff's complaint.

5. The plaintiff's current complaint cites the most rigorous pleading standard and previous controlling authority *Bell Atlantic Corp. v. Twombly*, ___ U.S. ___, 127 S.Ct. 1955, 1968-69, 167 L.Ed.2d 929 (2007) and lays out the plaintiff's averments of facts to be sufficient under *Bell Atlantic Corp.*, 127 S.Ct. 1955.

5. Since the plaintiff's amendment in state court, a new set of cases describing the pleading standard in the wake of *Erickson v. Pardus*, No. 06-7317 (U.S. 6/4/2007) (2007) may be relevant to the court's resolution of pleading sufficiency issues. The new defendants may seek to address these additional authorities and the plaintiff's recent work in the action against the defendants' co-conspirator US Bancorp in *Lipari v. US Bancorp et al*, Ks. Dist. Court case Case No. 2:07-cv-02146-CM-DJW is available for their counsel's reference at

<http://www.medicalsupplychain.com/pdf/Lipari%20Response%20to%20Second%20Motion%20to%20Dismiss.pdf>

6. The plaintiff seeks to extend the time for answering the present motion to dismiss (doc.# 11) and its supporting memorandum (doc.# 12) from the dispositive motion due date under F. R. Civ. P. Rule 12(a)(1)(C) of twenty days plus the three day mail addition under F. R. Civ. P. Rule 6(e) of February 11, 2008 (February 10th fell on a Sunday) until the other defendants still eligible to file a motion to dismiss have answered or filed motions to dismiss and to then set the due date for the plaintiff's response to all motions for dismissal to be then twenty days plus the three day mail rule.

Respectfully Submitted,

S/ Samuel K. Lipari

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CERTIFICATE OF SERVICE

I certify I have sent a copy via email to the undersigned and opposing counsel via email on 2/10/08.

The plaintiff has provided a chambers' copy via email to

Hon. Judge Gaitan's clerk

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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