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April 23, 2008

VIA ELECTRONIC MAIL

Mr. Samuel Lipari
297 NE Bayview
Lee's Summit, MO 64064

Re: Lipari vs. U.S. Bancorp, et al

Dear Sam:

I received your responses to Defendants' First Interrogatories yesterday and have several questions and concerns which I will detail below:

Interrogatory No.1: This interrogatory asks you to specify the precise amount of damages you are claiming; the calculation method for such damages; and to identify all persons who have knowledge of such damages. In response to this interrogatory, you set forth several claims alleging total damages of \$18,900,000,000. But you supply no factual support or basis for your calculations of \$450,000,000 in lost profits to date, or for your claim for \$450,000,000 in damages relating to the General Electric lease. You also provide no basis or information as to how you arrive at the \$1.5 billion in federal anti-trust damages you claim to have suffered - especially since there is no federal anti-trust claim in this suit. Where an interrogatory seeks specific damage calculations, non-specific answers referencing general categories of damages with no specific basis are improper. See *Continental Illinois Nat. Bank & Trust Co. of Chicago v. Caton*, 136 FRD 682, 687 (D. Kan., 1991) (holding that plaintiff may not respond to an interrogatory seeking claimed damages by merely categorizing the damages sought and referencing various financial documents). We ask that you please provide more specific information as to the basis of your damage calculations.

Interrogatory No.2: This interrogatory sought contact information for each witness identified in your Rule 26(a) disclosures. You responded that you are still working on this information and would provide it when you supplement your Rule 26 disclosures. This response is insufficient. You had previously informed the defendants and the Court that you would supplement your Rule 26(a) disclosures by April 15, 2008. This has not occurred which forced the defendants to file a Motion to Compel. I request you please provide the contact information requested by this interrogatory.

Interrogatory No.3: This interrogatory requested you to state the material facts upon which you base your claim that the escrow agreement is valid and enforceable as well as to identify all persons who have knowledge of such facts. In response, you stated that the escrow agreement is valid and enforceable and identified yourself, your former attorney, "the defendants Dorsey and Whitney attorney" and bank officials named in the complaint as people with knowledge of these facts. This response is insufficient. A party may not answer an interrogatory by generally referring

to pleadings or other documents. *See Williams vs. Sprint/United Management Co.*, 235 FRD 494, 501 (D. Kan., 2006). I am also unaware as to the "Dorsey & Whitney" attorney to which you refer. Finally, your response did not set forth any facts on which you base your claim that the escrow agreement is valid and enforceable. Please provide a full and complete response to this interrogatory.

Interrogatory No.4: This interrogatory asked if you have a fully-executed original or copy of the escrow agreement and if so to provide a copy of it in response to Defendant's First Request for Production of Documents. You responded that "every recipient of the original or forwarded email from Brian Kabbes has a fully-executed copy of the escrow agreement." You then stated that you would be happy to produce your copy of the fully-executed escrow agreement. But you did not produce a copy of the document. Please provide the fully executed original or copy of the escrow agreement you contend exists.

Interrogatory No.5: This interrogatory sought what efforts, if any, you have made to mitigate your damages and the identity of all persons with knowledge of such efforts. You responded by describing your lease transaction with GE Transportation. You stated that further efforts to mitigate your damages as well as all persons with knowledge of these efforts were found on your website and in documents, complaints, and other pleadings contained therein. This response is insufficient. As noted above, general references to prior pleadings and other documents are insufficient responses to interrogatories. *See Williams*, 235 FRD, at 501. Please provide a full and complete response to this interrogatory.

Interrogatory No.6: This interrogatory sought all material facts which you base your claim that defendants breached any agreement with you and requested the identity of all witnesses with knowledge of such facts. In response, you referred to the statements and witnesses list in your complaint. However, this response is insufficient. Please provide a full and complete response to this interrogatory.

Interrogatory No.7: This interrogatory asked you to state all material facts on which you base your claim that defendants owed you a fiduciary duty and to identify all witnesses with knowledge of such facts. Again, you generally referred to the facts and witnesses identified in your petition. As repeatedly noted above, this is improper and I request you provide a full response to this interrogatory.

Interrogatory No.8: This interrogatory asks for all material facts on which you base your claim that defendants breached a fiduciary duty as well as the identity of all witnesses with knowledge of such facts. You again generally referred to the facts and witnesses identified in your complaint. This is improper and I request you please provide a full response to this interrogatory.

Interrogatory No.9: This interrogatory asks for all material facts on which you claim you are the assignee of all assets to Medical Supply Chain, Inc. as well as the identity of all persons with knowledge of such facts. You responded that you dissolved Medical Supply Chain and assigned all interests and property of the corporation to yourself. You then stated "the completed form is available on-line, it was also filed in *MSC! v. Novation, LLC* and was an evidentiary exhibit served

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upon counsel for Shughart Thomson & Kilroy, P.C." Please provide me with a copy of this document as well as any other documents you claim supports your assignment of rights to bring this claim from Medical Supply.

Interrogatory No. 10: This interrogatory asks for all material facts upon which you base your claim that defendants violated the Missouri Trade Secrets Act and asks you to identify all persons with knowledge of such facts. You again generally referred to the facts and people identified in your petition. However, as noted above, this is improper and I request you please provide a full response to this interrogatory.

Interrogatory No. 11: This interrogatory requested you to state the material facts related to your allegation of fraud. In response, you stated that the misrepresentation for your fraud claim is that U.S. Bank allegedly claimed that the U.S. Patriot Act was its basis for denying your escrow accounts. You claim that was a fraudulent statement. However, you failed to provide the date the statement was made; the person who made the statement; the day you first became aware of the falsity of this statement and how you specifically relied on this statement or omission to your detriment. You again refer generally to your settlement brief as well as your complaint for the identity of further facts and people to support this contention. As noted above, this is improper and your response is incomplete. Please provide a full and complete response to this interrogatory.

Interrogatory No. 12: This interrogatory sought all material facts on which you state your claim of prima facie tort as well as the identity of all persons with knowledge of such facts. You again generally refer to the facts and people identified in your complaint. This is improper and I request you please provide a full response to this interrogatory.

Interrogatory No. 13: This interrogatory sought the identity of all persons to which you have provided copies of Medical Supply Chain's business claim to at any time. You responded with names of several individuals but did not provide any contact information for these individuals. Please provide full contact information for these individuals including but not limited to the last known address, phone number, and email address.

Interrogatory No. 14: This interrogatory asks you to identify all of the candidates who contacted Medical Supply Chain to enroll in its programs as referenced in your complaint as well as the 15 candidates mentioned in paragraph 80 and the 10 candidates mentioned in paragraph 81 of your complaint. You listed approximately six pages of individuals in response to this interrogatory. However, you failed to provide any contact information for any of these individuals. Please provide full contact information for these individuals including but not limited to the last known address, phone number, and email address.

Interrogatory No. 15: This interrogatory requested you to specifically state the name of the U.S. Treasury fund or Treasury fund's vehicle mentioned in your complaint, the identity of all documents which you rely on to make this allegation and the factual basis for your allegations that the referenced funds were owned by U.S. Bancorp. In response to this interrogatory, you provided a long quotation from a website that does not seem to provide any information related to your lawsuit.

Rather, the response describes allegations of misconduct against U.S. Bank that occurred in 2004. This website and the unsubstantiated allegations have absolutely no bearing on the U.S. Treasury Fund you allege is at issue in this lawsuit. Please provide a full response to this interrogatory.

Interrogatory No. 16: This interrogatory sought all material facts which support your claim that the defendants misappropriated your trade secrets. The interrogatory also requested you to identify all persons with knowledge of such facts and documents referring or relating to such facts. You generally refer to the persons and facts identified in your complaint. However, as noted above, this is improper and I request you provide a full response to this interrogatory.

Interrogatory No. 17: This interrogatory sought all facts which you rely on for your allegation that U.S. Bancorp, its officers and employees, and U.S. Bancorp Piper Jaffray acquired unconsented knowledge of your trade secrets. The interrogatory also asked the identity of all persons and documents to support such facts. You again generally refer to the facts and people referenced in your complaint. This is improper and I request that you provide a full response to this interrogatory.

Interrogatory No. 18: This interrogatory sought material facts related to your contention that defendants circulated derogatory financial information about MSCI as well as the identity of all persons with knowledge of such facts and all documents referring or relating to such facts. You responded with a list of alleged actions taken by Shughart Thomson & Kilroy and "Clark Fisher." However, nothing in your answer refers to financial information about MSCI. Your answer is insufficient and I request you provide a response to the question posed in the interrogatory.

Interrogatory No. 19: This interrogatory sought all material facts which you rely on to support your allegations that U.S. Bank placed warning notes against MSCI officers on its computer system. The interrogatory also requested that you identify all witnesses with knowledge of such facts as well as documents relating to such facts. In your response, you generally state that you and Mr. Bret Landrith had difficulty cashing and depositing checks in 2003 and 2004. You also describe an instance in 2007 when Mr. Landrith had difficulty cashing a check drawn on HomeQuest Mortgage. You then state that U.S. Bank should be producing "the notices in U.S. Bank's computer system." Please identify what specific notices you are referring to. Please also clarify if these are the only instances and facts you are relying on to support this allegation.

Interrogatory No. 20: This interrogatory requested you to identify all facts which you rely on to support your claim that defendants disparaged you and MSCI's legal claims against U.S. Bank and U.S. Bankcorp. The interrogatory also requested you to identify all persons with knowledge of such facts and all documents to support such facts. In response, you generally allege that Shughart Thomson & Kilroy has engaged in extrinsic fraud or *ex parte* communications with Judicial Branch employees. However, you fail to name any employees of either the Kansas Judicial Branch or Shughart Thomson & Kilroy. You also fail to identify any dates or the specifics which you claim such fraud occurred. Please provide the full response that sets forth the facts you claim support these serious allegations as well as identify the documents and people which support this allegation.

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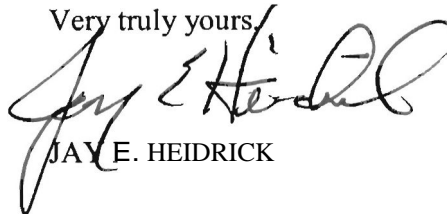
Interroatory No. 21: This interrogatory asks you to state the specific date you allege the defendants breached the escrow agreement with MSCI. In response, you provide no date, but instead repeatedly cite to your interpretation of the law of repudiation. Please answer this interrogatory and provide the date which you claim U.S. Bank breached the alleged escrow agreement.

Interroatory No. 22: This interrogatory asks you to identify all banks or other financial institutions which MSCI sought to obtain escrow services from after defendants allegedly breached the escrow agreement. In response, you state that you sought escrow services from an attorney at Shook Hardy & Bacon but failed to list any bank which you have sought to provide escrow services for MSCI. Please confirm that MSCI has not sought escrow services from any other bank since the date defendants allegedly breached the purported escrow agreement.

Responses to Requests for Production. Along with their first set of interrogatories, defendants served their First Set of Requests for Production. To date you have not provided any responses to these requests which are approximately two weeks past due. Please provide your responses and supporting documentation to those requests. Since the responses are past due and any objections have been waived, we hope to receive complete responses to our requests.

Thank you for your attention to this matter. As always, we would like to resolve this discovery dispute without court intervention. To that end, we request that you address the above issues no later than May 2, 2008. If we do not hear from you by that time, or otherwise resolve this dispute, we will be forced to take action with the Court. Please consider this letter a good-faith attempt to resolve this discovery dispute. If you have any questions or feel that a phone conference would be beneficial, I would be happy to speak with you. In the meantime, if you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



JAY E. HEIDRICK

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Enclosure

cc: Mark A. Olthoff, Esq.