

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

SAMUEL K. LIPARI,)	
)	
)	Plaintiff,
)	
v.)	Case No. 07-CV-02146-CM-DJW
)	
U.S. BANCORP, and)	
)	
U.S. BANK NATIONAL ASSOCIATION,)	
)	
Defendants.)	

**DEFENDANTS' RESPONSE TO THE COURT'S SHOW CAUSE ORDER TO
PLAINTIFF REGARDING PLAINTIFF'S RULE 26 DISCLOSURES**

Defendants, by and through counsel, file this Response to the Court's Show Cause Order to Plaintiff Regarding his insufficient Rule 26(a)(1)(A) disclosures. On July 22, 2008, the Court granted defendants' Motion to Compel Plaintiff's Compliance with Rule 26 and ordered the plaintiff to supplement his Rule 26(a)(1)(A) disclosures by July 30, 2008. *See*, Doc. No. 103. The Court also ordered the plaintiff to file a pleading on or before August 13, 2008 to show cause as to why he should not be required to pay for a portion of the defendants' reasonable fees and expenses incurred with filing the motion to compel. *Id.* The Order stated that defendants would then have until August 24, 2008 to file a response.

The plaintiff has not supplemented his Rule 26 disclosures in accordance with the Court's Order and failed to file any response to the Court's show cause order. Any decision to award costs and fees related to this motion lies within the sound discretion of the Court. Despite the plaintiff's refusal to comply with the Court's mandate, the defendants take no position on the issue and leave the matter to the Court's discretion.

Respectfully submitted,

/s/ Jay E. Heidrick

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ASSOCIATION

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing document was filed electronically with the above-captioned court, with notice of case activity to be generated and sent electronically by the Clerk of said court (with a copy to be e-mailed to any individuals who do not receive electronic notice from the Clerk) this 18th day of August, 2008, to:

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

/s/ Jay E. Heidrick

Attorney for Defendants