

**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.

**MOTION FOR ORDER TO SHOW CAUSE**

Defendants, by and through counsel Shughart Thomson & Kilroy, P.C., move this Court for an Order requiring the plaintiff to show cause why this action should not be dismissed (or other sanctions levied) under Rule 37(b)(2)(A) for his failure to comply with the Court’s July 8, 2008 discovery Order. In support of this Motion, defendants state as follows:

1. On July 8, 2008, the Court ordered plaintiff, within 14 days of the Order, to serve supplemental responses to defendants’ First Interrogatories Nos. 1, 3, 5-14, 16, 17 and 21; and to produce all documents responsive to defendants’ First Request for Production. The Court also ordered the plaintiff, within 21 days of the Order, to show cause why he should not be required to pay the reasonable fees and expenses the defendants incurred for their Motion to Compel. *See*, Memorandum and Order, Doc. # 96.

2. On July 10, 2008, plaintiff filed an Objection to Magistrate’s Order, asking for District Court review of the July 8, 2008 Order. *See*, Doc. # 97. But the plaintiff did not seek to stay the Order under D. Kan. Rule 72.1.4(d).

3. Simply filing an Objection to Magistrate’s Order does not relieve a party’s obligation to comply with the order, absent an Order to Stay under D. Kan. Rule 72. *See, Kelly*



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U.S. BANCORP and U.S. BANK NATIONAL  
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 20th day of August, 2008, to:

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

/s/ Jay E. Heidrick  
Attorney for Defendants