

**Jay Heidrick**

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**From:** Jay Heidrick  
**Sent:** Thursday, August 21, 2008 12:32 PM  
**To:** 'KSD\_Waxse\_Chambers@ksd.uscourts.gov'  
**Cc:** Mark Olthoff; Jay Heidrick; Samuel Lipari  
**Subject:** Lipari v. US. Bank Case No. 07-2146-CM-DJW  
**Attachments:** Lipari Draft Pretrial Order.wpd; 8-3-08 email.pdf; 7-22-08.pdf; 7-16-08 email.pdf

Judge Waxse-

Attached is the draft Pre-Trial Order for the above captioned matter. Unfortunately, it only represents the defendants contentions. The defendants have repeatedly submitted the draft Order to Mr. Lipari and sought his input in the hopes of submitting a joint order as required by local rules. Despite our efforts, we have have not received any comments or input from Mr. Lipari as to the Order. Thus, I have designated the plaintiff's sections as "not submitted." I have also attached copies of emails to Mr. Lipari showing our attempts to receive his input.

We look forward to our hearing next week. Please let me know if you have any questions or if we can be of further assistance.

Thank you.

Jay Heidrick  
Attorney for Defendants.

<b>Exhibit D</b>
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