

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

SAMUEL K. LIPARI)
 (Statutory Trustee of Dissolved)
 Medical Supply Chain, Inc.))
)
 Plaintiff,)
)
 v.)
)
 GENERAL ELECTRIC COMPANY,)
 GENERAL ELECTRIC CAPITAL BUSINESS)
 ASSET FUNDIGN CORPORATION,)
 GE TRANSPORTATION SYSTEMS GLOBAL)
 SIGNALING, L.L.C.)
 CARPET n, MORE, and)
 STEWART FOSTER)
)
 Defendants.)

Case No. 06-0573-CV-W-FJG

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI:

Pursuant to 28 U.S.C. § 1441 et seq., Defendants General Electric Company, General Electric Capital Business Asset Funding Corporation and GE Transportation Systems Global Signaling, LLC (the Defendants) hereby submit this Notice of Removal to the United States District Court for the Western District of Missouri, from the Circuit Court of Jackson County, Missouri. As grounds for removal, GE Defendants state as follows:

1. GE Defendants desire to exercise their right under the provision of 28 U.S.C. § 1441-1452, to remove this case from the Circuit Court of Jackson County, Missouri, in which court said cause was pending under the name and style of Samuel K. Lipari v. General Electric Company, et al, Case No. 0616-cv07421.

2. 28 U.S.C. § 1441(a) provides:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

3. This is a civil action that was instituted on March 22, 2006 by Plaintiff Samuel K. Lipari in the Circuit Court of Jackson County, Missouri against General Electric Company, General Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global Signaling, L.L.C., Carpet n, More, Stewart Foster and Heartland Financial.

4. According to Plaintiff's Petition, plaintiff Samuel Lipari is the statutory trustee of the Missouri Corporation Medical Supply Chain, Inc. under Section 351.526 RSMo..

5. Defendant General Electric Company is incorporated under the laws of the State of Delaware and its principal place of business is located in Connecticut. For purposes of diversity, General Electric Company is therefore a not citizen of Missouri.

6. Defendant General Electric Capital Business Asset Funding Corporation is incorporated under the laws of the State of Delaware and its principal place of business is located in Connecticut. For purposes of diversity, General Electric Capital Business Asset Funding Corporation is therefore not a citizen of Missouri.

7. Defendant GE Transportation Systems Global Signaling, LLC is incorporated under the laws of the State of Delaware and its principal place of business is located in Connecticut. For purposes of diversity, GE Transportation Systems Global Signaling, LLC is therefore not a citizen of Missouri.

8. Although Heartland Financial ("Heartland") was initially a party to this action, on May 4, 2006 the Court dismissed Plaintiff's Petition against Heartland for failure to state a claim upon which relief could be granted.

9. Although Plaintiff has named Carpet n' More and Stewart Foster as Defendants to this action, Plaintiff has never served those Defendants. *See* Exhibits A and B, attached hereto and made a part hereof.

10. The facts of the parties' citizenship contained in paragraphs 4 through 9 above demonstrate complete diversity.

11. This Court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. § 1332(a) because the matter in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and there is complete diversity of citizenship among the parties.

12. This Notice of Removal is timely filed in accordance with the requirements of 28 U.S.C. § 1446(b), in that it is filed within thirty days after receipt by GE Defendants of the "initial pleading" or "other paper from which it [can] be ascertained that the case is one which is or has become removable."

13. Pursuant to 28 U.S.C. § 1446(a), a copy of Plaintiff's Petition bearing Case No. 0616-cv07421 filed in the Circuit Court of Jackson County, Missouri is attached as Exhibit C.

WHEREFORE, GE Defendants serve notice that this case is removed from the Circuit Court of Jackson County, Missouri, where it is was pending, to this Court, for the exercise of jurisdiction over this action as though this case had been originally instituted in this Court.

HUSCH & EPPENBERGER, LLC

By: /s/ John K. Power

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Kansas City, MO 64105
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ATTORNEYS FOR GENERAL ELECTRIC
COMPANY, GENERAL ELECTRIC CAPITAL
BUSINESS ASSET FUNDING CORPORATION
AND GE TRANSPORTATION SYSTEMS
GLOBAL SIGNALING, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 17th day of July, 2006, by first class mail, postage prepaid to:

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

/s/ John K. Power