

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

SAMUEL K. LIPARI)	
(Statutory Trustee of Dissolved)	
Medical Supply Chain, Inc.))	
)	
Plaintiff <i>pro se</i>,)	
)	
v.)	Case No. 07-cv-00849-FJG
)	
GENERAL ELECTRIC COMPANY, et al.,)	
)	
Defendants.)	

**GE DEFENDANTS’ MOTION FOR AN ORDER ESTABLISHING A SCHEDULE
FOR PLAINTIFF TO FILE HIS AMENDED COMPLAINT, AND EXTENDING
THE TIME FOR THE GE DEFENDANTS’ RESPONSE TO ANY SUCH
AMENDED COMPLAINT**

Defendants General Electric Company, General Electric Capital Business Asset Funding Corporation and GE Transportation Systems Global Signaling, LLC (“GE Defendants”) move the Court to establish a pleading schedule setting a date for Plaintiff Samuel K. Lipari to file his Amended Complaint, and to extend the time that the GE Defendants are allowed to respond to any such Amended Complaint. In support of their motion, the GE Defendants state as follows:

1. On November 9, 2007, the GE Defendants filed a Notice of Removal (Doc. 1) of the above-captioned case to this Court from the Circuit Court of Jackson County, Missouri.
2. This case was removed on federal question grounds. (See Doc. 1) Specifically, the GE Defendants became aware that Plaintiff was attempting to assert a federal RICO claim under 18 U.S.C. §1962, *et seq.* when the Plaintiff filed his Motion for

Leave to Amend (which attached a copy of his proposed Amended Petition) on October 10, 2007.

3. Plaintiff obtained leave to assert his federal claims on October 31, 2007, when the Circuit Court granted Plaintiff's Motion to Amend. However, Plaintiff's First Amended Petition had not yet been filed at the time the Notice of Removal was filed herein on November 9, 2007.

4. Since the removal of this case, Plaintiff has yet to file his Amended Complaint. At present, the only pleading on file in either the Circuit Court of Jackson County, Missouri or this Court, to which the GE Defendants were required to respond, is Plaintiff's Petition filed in the Circuit Court of Jackson County, Missouri on March 22, 2006. For the Court's reference, attached hereto as Exhibit A is a true and accurate copy of all docket entries from the Circuit Court.

5. The GE Defendants filed an Answer to Plaintiff's Petition on July 17, 2006. Attached hereto as Exhibit B is a true and accurate copy of the GE Defendants' Answer. Thus, this is not "a removed action in which the defendant has not answered," as contemplated in Fed. Civ. Pro. R. 81(c).

6. In view of the foregoing, and so that this action will proceed in an orderly fashion, the GE Defendants request that the Court establish a pleading schedule, setting the date by which Plaintiff is to file his Amended Complaint asserting a federal claim.

7. In addition, once the Plaintiff has filed his Amended Complaint, the GE Defendants request the Court to extend the time by which the GE Defendants must respond to the amended pleading. Given the nature and length of the allegations at issue, and the fact that Plaintiff will in any event need time to obtain service upon the additional

defendants, the GE Defendants request that the Court allow 30 days after the filing of Plaintiff's Amended Complaint to file their responsive pleading.

WHEREFORE, the GE Defendants move this Court to enter an Order establishing a pleading schedule setting the date for Plaintiff to file his Amended Complaint raising federal claims under 18 U.S.C. §1962, *et seq.* Additionally, the GE Defendants request that this Court allow them 30 days after the Plaintiff files his Amended Complaint to file their responsive pleadings thereto.

HUSCH & EPPENBERGER, LLC

By: /s/ Michael S. Hargens

John K. Power #35312
Leonard L. Wagner #39783
Michael S. Hargens #51077
1200 Main Street, Suite 2300
Kansas City, MO 64105
Telephone: (816) 421-4800
Facsimile: (816) 421-0596
john.power@husch.com
leonard.wagner@husch.com
Michael.hargens@husch.com

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 was forwarded this 19th day of November, 2007, by first class mail, postage prepaid to:

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

/s/ Michael S. Hargens