

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

SAMUEL K. LIPARI,	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	No. 07-0849-CV-W-FJG
	)	
GENERAL ELECTRIC COMPANY, <i>et al.</i> ,	)	
<i>Defendants.</i>	)	

**SUGGESTION IN OPPOSITION TO EXTENSION  
FOR US ATTORNEY GENERAL MICHAEL B. MUKASEY  
TO ANSWER FOR BRADLEY J. SCHLOZMAN A PRIVATE CITIZEN**

Comes now the plaintiff Samuel K. Lipari appearing *pro se* and makes the following suggestion in opposition to US Attorney John Wood’s proposed extension to answer the plaintiff’s petition on behalf of Bradley J. Schlozman a private citizen expressly sued in his individual capacity for fraud in nondiscretionary conduct occurring after Schlozman stepped down as US Attorney and for conspiracy taking place after Schlozman’s departure from employment by the US Department of Justice. Additionally, the plaintiff respectfully renews his request that the court issue a show cause order requiring the US Department of Justice to show US Attorney General Michael B. Mukasey has jurisdiction to defend Schlozman from the plaintiff’s charges.

**STATEMENT OF FACTS**

The plaintiff has repeatedly brought to the court’s attention the delays and lack of diligence that Mr. John Wood, US Attorney for the Western District of Missouri has demonstrated. See exb 1 Plaintiff’s first suggestion in opposition to dismissal.

Through USA John Wood , US Attorney General Michael B. Mukasey has interfered in the present litigation evading valid service of the defendant Bradley J. Schlozman and failing to notify the court while the parties resolved consolidating the complex motions for dismissals into a single response by the plaintiff. See exb 1, pg. 2

USA John Wood later entered an appearance falsely stating that Bradley J. Schlozman was entitled to sixty days as a federal government official and over the plaintiff’s objection, for the purpose of defrauding the court and the court has granted an extension in which to answer.

Now USA John Wood has sought another extension citing the family crisis of AUSA Jeffrey P. Ray

which the plaintiff opposed, (See exb 1, Plaintiff's email correspondence with Mr. Ray ).

AUSA Jeffrey P. Ray apparently neglected the diligence required of him in his role of counsel for Bradley J. Schlozman because with notice that qualified immunity was inapplicable to perjury on behalf of the criminal enterprise alleged in the petition and sufficiently pled under the controlling case law for stating an actionable claim in this jurisdiction, Mr. Ray would have consumed the better part of the sixty days to write a less than frivolous motion to dismiss. See exb. 2 Motion for show Cause

Mr Ray would also have known from the diligence required of him that his delays were leading to the deaths of thousands of healthcare consumers, that the plaintiff had scientifically determined that the artificial inflation of hospital supply costs by the defendants in the Novation LLC scheme was leading to the loss of living wage jobs and insurance coverage for American citizens and resulting in approximately 40,000 deaths a year from keeping the plaintiff out of the market. The General Electric corporation has stated that over 50,000 people die in America from technology companies like the plaintiff's being kept out of the market. The plaintiff's litigation obstructed by Schlozman stated the harm to the market explicitly. See exb 3 MSCI v Novation complaint pages 11-18.

Mr. Ray would also know how obscene it is for the US Attorney for the Western District of Missouri to ask for an extension based on a family crisis when Mr. John Wood continues the office's practice of supervising state, local and federal law enforcement tasks forces operating in both Missouri and Kansas that by official policy target the social networks of targets and witnesses to obstruct justice and that this practice has been employed against the plaintiff and his witnesses, destroying their families.

The plaintiff has lost his beloved stepmother and his father to medical problems they would not have died from had the defendants' artificial inflation of hospital supply costs not been permitted to make healthcare access limited or unaffordable for Americans not blessed with government jobs.

AUSA Jeffrey P. Ray did respond on April 30, 2008 to the plaintiff 's challenge of US Attorney General Michael B. Mukasey's jurisdiction to provide a defense for Bradley J.. Schlozman, a private citizen and falsely asserted a government interest justifying the US Department of Justice's entry into this private civil litigation. See exb. 4 Schlozman opposition to show cause.

The USDOJ and Federal Bureau of Investigation then on May 6, 2008, four working days later, raided the Office of Special Counsel seizing the records of seventeen AUSA's working in the office and

those in the office and home of Special Counsel Scott Bloch who newspaper accounts state was in the process of attempting to destroy electronic files and obstruct justice exactly as the plaintiff's petition describes at ¶¶ 149-159 on pages 25-27 of the plaintiff's petition. See exb 5 Washington Post on raid.

Besides being alleged to be a co-conspirator in the plaintiff's complaint and a participant in the defendants' RICO enterprise where his averred role is to obstruct justice in the government investigations of fellow enterprise participants Karl Rove and the defendant Bradley J. Schlozman, Special Counsel Scott Bloch's official responsibility includes making the decision to provide a USDOJ defense for Bradley J. Schlozman, a corrupt misuse of the Office of Special Counsel that the US Attorney for the Western District of Missouri, John Wood willingly participated in, albeit through the less than diligent efforts of AUSA Jeffrey P. Ray.

The New York Times now reports that Bradley J. Schlozman was targeted in a federal grand jury investigation over the conduct alleged in the plaintiff's complaint and will likely be indicted. See exb. 6 NY Times article on grand jury.

AUSA Jeffrey P. Ray employed straw man fraud by falsely asserting the plaintiff's motion for a show cause order to be issued was in actuality a motion to decertify the USDOJ as counsel for Bradley J. Schlozman, a motion that the plaintiff will not file until enough discovery is obtained to meet this jurisdiction's evidentiary burden. See exb 4 Schlozman's opposition to show cause.

AUSA Jeffrey P. Ray is now required to explain his assertions to this court that were in contradiction with the government interest in prosecuting Bradley J. Schlozman known by the USDOJ to exist at the time AUSA Jeffrey P. Ray falsely asserted Schlozman's defense was a government interest and that US Attorney General Michael B. Mukasey could be both prosecutor and counsel for Mr. Schlozman. See exb 7 Washington Post on investigation.

### **SUGGESTION IN OPPOSITION**

This court's extra measure of deference to the government has at least insured that Bradley J. Schlozman cannot further delay justice in opposing discovery jurisdiction in the present civil matter where he has no Fifth Amendment privilege and should prevent Bradley J. Schlozman appealing an award of joint and several damages against himself based on the spurious assertion that he was entitled to sixty days

to respond after service.

USA Wood and AUSA Ray are defendant Schlozman's former partners in a government law office. AUSA Ray has already demonstrated his inability to meet and confer with his client and perform the diligence required of a counsel representing a man being indicted in a related criminal prosecution. A partner in a law firm is vicariously bound by the duties of loyalty and confidentiality that his partners owe to their clients. See Restatement § 123(1) (conflicts of one lawyer are imputed to other lawyers who "are associated with that lawyer in rendering legal services to others through a law partnership, professional corporation, sole proprietorship, or similar association"). Due to the vicarious obligations of partners, "a showing that two attorneys are partners or represent themselves to the world at large as partners, and whose interests overlap in the acceptance of clients and in the sharing of fees is sufficient to ground a conflict of interest claim, assuming that there is proof that the clients' interests may have been in conflict." *United States v. Jiang*, 140 F.3d 124, 127 (2d Cir.1998) (internal quotation marks and citation omitted). *United States v. Blount*, 291 F.3d 201, 211 (2d Cir.2002) ("A conflict-of-interest claim may ... be grounded in the fact that two lawyers from the same firm represent two codefendants, even in unrelated proceedings.").

Hopefully the raid on the Office of Special Counsel, the co-conspirator Bloch who was responsible for making the decision for the USDOJ to defend Schlozman is not perceived as just another day in the office for US Attorney John Wood and he does not yet see himself as a mere "lawyer for the Mob", the organized criminal enterprise described in the complaint that has infiltrated parts of the USDOJ.

"Allegations that counsel has engaged in criminal activity related to the charges for which the client is on trial create an unwaivable conflict of interest. See *United States v. Williams*, 372 F.3d 96, 105 (2d Cir.2004) (finding unwaivable conflict of interest where counsel unlawfully exchanged firearms with defendant indicted for using firearms in furtherance of his criminal activities); *Fulton*, 5 F.3d at 609-10 (habeas petitioner convicted on heroin charges was denied effective assistance of counsel where a government witness alleged that counsel received part of the heroin linked to defendant, and was involved in heroin trafficking). If the allegations are true, an attorney cannot freely advise the client whether to cooperate, or whether to take the stand at trial, for fear that the client could reveal information implicating the attorney. *Fulton* at 610. If the allegations are false, the attorney cannot examine the government witness regarding the allegations against the attorney without in effect becoming an unsworn witness. *Id.*"

Whether a conflict arising from allegations that defense counsel is generally involved in crime is waivable depends on the connection between the attorney's alleged criminal activity and the charges on which defendant is tried. See *Fulton* at 611. An unwaivable conflict does not arise "any time a court learns

that an attorney may have committed a crime; the attorney's alleged criminal activity must be sufficiently related to the charged crimes to create a real possibility that the attorney's vigorous defense of his client will be compromised." *Id. United States v. Cancilla*, 725 F.2d 867, 870 (2d Cir.1984) (defendant could not waive a conflict where, unbeknownst to him, his counsel allegedly engaged in criminal activities similar to the charges against defendant with a possible co-conspirator of defendant). It is unclear whether a defendant's knowledge of the attorney's criminal conduct permits waiver of a "related-crime" conflict. *Williams*, 372 F.3d at 105.

At the very least, US Attorney John Wood's defense of Schlozman is a False Claim against the government. In light of the averments of this complaint, that defense and the fraudulent delays are crimes to conceal the ongoing racketeering scheme.

#### **CONCLUSION**

Whereas for the above stated reasons the plaintiff respectfully requests that the court deny the defendant Bradley J. Schlozman's extended date to answer and instead issue a show cause order to require Jeffrey P. Ray, John F Wood, or US Attorney General Michael B. Mukasey to declare what basis for jurisdiction any are asserting for the US Department of Justice to intervene and represent Bradley J.Schlozman

Respectfully submitted,

S/ Samuel K. Lipari  
Samuel K. Lipari

#### **CERTIFICATE OF SERVICE**

I certify I have sent a copy via email to the undersigned and opposing counsel via email on 7/8/08.

And served the following counsel for Jeffrey R. Immelt, General Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global Signaling, LLC, and General Electric Company via email at the following addresses:

John K. Power  
Leonard L. Wagner  
Michael S. Hargens  
Husch Blackwell Sanders, LLP  
1200 Main Street  
Suite 2300  
Kansas City, MO 64105  
(816)283-4651  
Fax: (816)421-0596  
john.power@husch.com  
lwagner@kcsouthern.com  
michael.hargens@husch.com  
via email

Attorneys for the GE Defendants

J. Nick Badgerow  
Spencer Fane Britt & Browne, LLP  
9401 Indian Creek Parkway  
Suite 700  
Overland Park, KS 66210  
(913)327-5134  
Fax: (913)345-0736  
Email: nbadgerow@spencerfane.com

Attorney for Seyfarth Shaw LLP

Jeffrey P. Ray  
Office of the United States Attorney  
400 E. 9th St.  
Room 5510  
Kansas City, MO 64106  
(816) 426-3130  
Fax: (816) 426-3165  
Jeffrey.Ray@usdoj.gov

Attorney for Bradley J. Schlozman

Winton M. Hinkle  
Senior Counsel  
Hinkle Elkouri LLC  
2000 Epic Center  
301 North Main Street  
Wichita, KS 67202  
(316) 660-6163  
whinkle@hinklaw.com

Defendant Bradley J. Schlozman's  
Kansas Attorney Registration Address

S/ Samuel K. Lipari

---

Samuel K. Lipari  
297 NE Bayview  
Lee's Summit, MO 64064  
816-365-1306  
saml@medicalsupplychain.com  
*Pro se*