

**IN THE STATE OF MISSOURI
JACKSON COUNTY MISSOURI ASSOCIATE CIRCUIT COURT**

WACHOVIA DEALERS SERVICES, INC.
8575 West 110th Street, Suite 100
Overland Park, KS 66210

Plaintiff

vs.

SAMUEL K. LIPARI
803 S. Lake Drive
Independence, MO 64053

Defendant

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) Case No. 0916-CV29828
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**DEFENDANT'S MOTION FOR HEARING
ON MOTION FOR ORDER FOR PLAINTIFF TO RETURN PROPERTY
OF DEFENDANT FOR FAILURE TO PROSECUTE UNDER RSMo § 533.110**

COMES NOW defendant Samuel K. Lipari appearing *pro se* and makes the following motion to set a hearing on the defendant's motion to docket plaintiff's motion for change of venue.

1. The Western District Court of Appeals has determined that there is not yet a final judgment in the above captioned case. See Exhibit 1.
2. The defendant filed a motion for return of his property, the automobile held in bailment by the plaintiff's counsel as soon as the plaintiff's motion for voluntary dismissal made the motion ripe under RSMo § 533.110 and *before* the order of dismissal was entered. See Exhibit 2 & 3.

Whereas for the above reasons, the plaintiff will schedule a hearing.

Respectfully submitted,

S/ Samuel K. Lipari
SAMUEL K. LIPARI
PLAINTIFF *PRO SE*.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 25th day of October 2010 by hand delivery, by first class mail postage prepaid, or by

email to:

Nicholas L. Ackerman
Troppito & Miller, LLC
105 East 5th Street
Kansas City, MO 64106
(T) 816.221.6006
(F) 816.221.6446
nla@troppitomiller.com
Attorney for Wachovia Dealers Services, Inc.
nka Wells Fargo Dealer Services, Inc.

Respectfully submitted,

S/SAMUEL K. LIPARI
SAMUEL K. LIPARI
803 S. Lake Drive
Independence, MO 64053
saml@medicalsupplychain.com
Defendant, *Pro Se*

IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

WACHOVIA DEALERS SERVICES, INC.,)

Respondent,)

vs.)

SAMUEL K. LIPARI,)

Appellant.)

WD72961

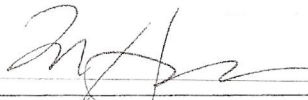
Cir. Ct. 0916-cv29828

ORDER

NOW ON THIS DAY the Court determines it lacks jurisdiction in this case because the trial court had not entered a final, appealable judgment. **Rule 74.01(a)**

IT IS THEREFORE ORDERED that the appeal herein be, and the same is hereby dismissed. Appellant's pending motions for extension of time and to require the trial court to sign a judgment are denied as moot.

Dated this 21st day of October.



LISA WHITE HARDWICK
CHIEF JUDGE

cc: Samuel K. Lipari
Nicholas Lea Ackerman 816-221-6446
Department of Civil Records

IN THE STATE OF MISSOURI
JACKSON COUNTY MISSOURI ASSOCIATE CIRCUIT COURT

WACHOVIA DEALERS SERVICES, INC.
8575 West 110th Street, Suite 100
Overland Park, KS 66210

Plaintiff

vs.

SAMUEL K. LIPARI
803 S. Lake Drive
Independence, MO 64053

Defendant

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) Case No. 0916-CV29828
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**MOTION FOR ORDER FOR PLAINTIFF TO RETURN PROPERTY
OF DEFENDANT FOR FAILURE TO PROSECUTE UNDER RSMo § 533.110**

Comes now the plaintiff Samuel K. Lipari appearing *pro se* and makes the following demand for the return of his 2004 Audi A8L in the form of a Motion For Order For Plaintiff to Return Property of Defendant For Failure to Prosecute Under RSMo § 533.110:

STATEMENT OF FACTS

1. The plaintiff did not obtain a judgment entitling it to lawful possession or ownership of the defendant's business vehicle a 2004 Audi A8 L sedan with the VIN # WAUM144E84N023747.
2. The defendant did not obtain title to the defendant's 2004 Audi A8 L sedan or effect an arm's length sale to protect the defendant's interest.
3. The defendant's 2004 Audi A8 L sedan is at Advanced Auto Sales 4801 Lamar Ave in Mission, Kansas under the control of WACHOVIA DEALERS SERVICES, INC. now known as Wells Fargo Dealers Services, Inc. See **Exb. 1** KC Auto Advertisement.
4. The defendant is the registered owner of the 2004 Audi A8 L sedan with the VIN # WAUM144E84N023747. See **Exb. 2** Missouri State Automobile Title.
5. The plaintiff on August 31, 2010 filed a voluntary dismissal, ending prosecution of the defendant.

RAM

FILED-CIRCUIT COURT
JACKSON CO MO-1
10-SEP-7 AM 8:00

I certify that the foregoing document is a full, true and complete copy of the original on file in my office and of which I am legal custodian.
Teresa L. York
Court Administrator
Circuit Court of Jackson County, Missouri
10/1/10 By Deputy

b8

IN THE CIRCUIT COURT OF THE JACKSON COUNTY, MISSOURI
ASSOCIATE CIRCUIT
AT INDEPENDENCE

WACHOVIA DEALER SERVICES, INC.)
N/K/A WELLS FARGO DEALER)
SERVICES, INC.)

Plaintiff,)

vs.)

SAMUEL K. LIPARI)

Defendant.)

Case No. 0916- CV29828



PLAINTIFF'S NOTICE OF DISMISSAL
WITHOUT PREJUDICE

COMES NOW, Plaintiff Wachovia Dealer Services, Inc. n/k/a Wells Fargo Dealer Services and hereby dismisses the above-captioned proceeding without prejudice as to Defendant Samuel K. Lipari and each party to pay their own costs and attorney fees.

Respectfully submitted,

Troppito + Miller, LLC

By: 
Nicholas L. Ackerman #54761
105 East Fifth Street, Suite 500
Kansas City, MO 64106
(T) 816.221.6006; (F) 816.221.6446
nla@troppitomiller.com
ATTORNEYS FOR PLAINTIFF

CERTIFIED COPY

I certify that the foregoing document is a full, true and complete copy of the original on file in my office and of which I am legal custodian.

Teresa L. York
Court Administrator

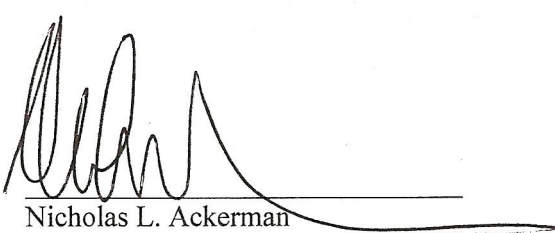
Circuit Court of Jackson County, Missouri

By:  Deputy

Certificate of Service

The undersigned hereby certifies that the foregoing Plaintiff's Notice of Dismissal was sent via U.S. first-class mail, postage prepaid, this 30th day of August, 2010 to the following parties:

Samuel K. Lipari
803 S. Lake Dr.
Independence, MO 64064
DEFENDANT


Nicholas L. Ackerman

FILED-CIRCUIT COURT
JACKSON CO., MO
2010 SEP -7 PM 12:01
