

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
KANSAS CITY, MISSOURI

SAMUEL K. LIPARI
(Assignee of Dissolved
Medical Supply Chain, Inc.)
Plaintiff

vs.

US BANCORP, NA
USBANK,NA
Defendants

)
) Case No. 06-1012-CV-W-FJG
) State Court No. 0616-CV32307
)
) (Properly Case No. 05-0210-
) CV-W-ODS)
)
)
)

MONON TO RECONSIDER COURT'S CASE MANAGEMENT ORDER

Comes now the plaintiff Samuel K. Lipari, the assignee of the dissolved Missouri corporation Medical Supply Chain, Inc., appearing *pro se* and while reserving his right to remand for lack of jurisdiction, makes the following motion to reconsider the court's case management order Document 9 Filed 01/03/2007.

Statement of Facts

1. An earlier federal action in Kansas District Court has exclusive federal jurisdiction over these claims which are arising from the same case and controversy.

2. The plaintiff s filed a motion for remand of this action to the state court that properly has concurrent jurisdiction with the Kansas District Court.

3. The removal was improper in that it failed to inform the Clerk of the Western District of Missouri that the defendants were refiling WD MO Case No. 05-0210- CV-W-ODS through removal to obtain a new case style and judge assignment.

4. The defendants misrepresented to the Judges of the Western District of Missouri that federal diversity jurisdiction exists when the record of this same court in WD MO Case No. 05-0210- CV-W-ODS shows that a named Missouri domiciled defendant Shughart Thomson & Kilroy, P.e. deprives the defendants of diversity in the federal jurisdiction over these claims.

Memorandum of Law

The trial court's case management order is premised upon a mistake of law. The court clearly has no jurisdiction over the parties and this matter and must remand.

Any planning by the parties in the absence of jurisdiction is wasteful and potentially prejudicial to the parties.

Conclusion

The plaintiff respectfully requests that the court vacate its case management order and that this action be remanded to Missouri state court from whence it was removed.

Respectfully submitted,



Samuel K. Lipari
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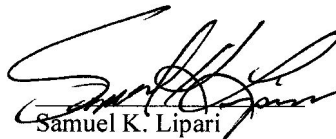
Prose

Certificate of Service

I certify that on January 4th, 2007 I have served the opposing counsel with a copy of the foregoing notice using the CMIECF system via the office of the clerk which will send a notice of electronic filing to the following:

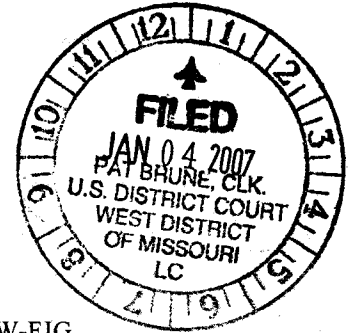
Mark A. Olthoff
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ATTORNEY FOR DEFENDANTS
U.S. BAN CORP AND U.S. BANK
NATIONAL ASSOCIATION



Samuel K. Lipari

UNITED STATES DISTRICT COURT
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KANSAS CITY, MISSOURI



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MOTION TO RECONSIDER COURT'S CASE MANAGEMENT ORDER

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Memorandum of Law

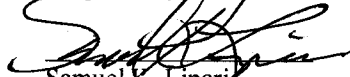
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Pro se

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