

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

SAMUEL K. LIPARI,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-CV-00849-FJG
)	
GENERAL ELECTRIC COMPANY, et al.,)	
)	
Defendants.)	

**DEFENDANTS’ MOTION TO STAY BRIEFING AND RULING ON
PLAINTIFF’S “FIRST MOTION FOR LEAVE TO AMEND PETITION UNDER
F.R. CIV. P. RULE 15(a)(2)” (DOC. #49)**

Defendants General Electric Company, General Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global Signaling, LLC, Jeffrey Immelt, Heartland Financial Group, Inc., Christopher McDaniel and Stuart Foster (“Defendants”) move this Court to stay the briefing and ruling on Plaintiff’s “First Motion for Leave to Amend Petition Under F.R. Civ. P. Rule 15(a)(2)”. In support of this motion, Defendants state as follows:

1. Plaintiff filed his Complaint in this Court on December 7, 2007.
2. On January 18, 2008, Defendants General Electric Company, General Electric Capital Business Asset Funding Corporation, and GE Transportation Systems Global Signaling, LLC filed a Motion to Dismiss Plaintiff’s Amended Complaint. (Doc. 11)
3. On February 11, 2008, Defendant Seyfarth Shaw LLP filed a Motion to Dismiss Plaintiff’s Amended Complaint. (Doc. 16)
4. On February 12, 2008, Defendant Jeffrey Immelt filed a Motion to Dismiss Plaintiff’s Amended Complaint. (Doc. 19)

5. On February 27, 2008, Defendants Heartland Financial Group, Inc., Christopher McDaniel and Stuart Foster filed a Motion to Dismiss Plaintiff's Amended Complaint. (Doc. 32)

6. On April 14, 2008, Plaintiff filed an omnibus brief opposing all pending motions to dismiss. (Doc. 42)

7. The briefing on all pending motions to dismiss (i.e., Docs. 11, 16, 19 and 32) was completed on April 29, 2008.

8. On May 1, 2008, prior to any ruling from the Court on the pending motions to dismiss, Plaintiff filed a motion requesting leave to amend his Complaint to add three new defendants and several new claims related to these new defendants. (Doc. 49)

9. As set forth in great detail in the four pending motions to dismiss, Plaintiff's Complaint fails to state a claim against any of the current defendants upon which relief can be granted. Notably, Plaintiff's proposed Amended Complaint does not cure, nor does it purport to cure, any of the pleading deficiencies described in the motions to dismiss.

10. As a matter of practicality and judicial economy, the Court should stay any further briefing and/or ruling on Plaintiff's motion for leave to amend until all of the pending motions to dismiss are ruled upon. If the Court grants the pending motions, either in part or in their entirety, then there may be no claims left for the Plaintiff to amend. Thus, Plaintiff's present motion would ultimately be rendered moot.

11. Additionally, if the Plaintiff's motion for leave to amend is granted prior to the Court ruling upon the pending motions to dismiss, the Defendants would be forced

to go back to square one and file the same (or similar) motions to dismiss the Plaintiff's Amended Complaint. A re-filing of numerous lengthy briefs would lead to an unnecessary clogging of the Court's docket, and would certainly not promote judicial economy.

WHEREFORE Defendants General Electric Company, General Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global Signaling, LLC, Jeffrey Immelt, Heartland Financial Group, Inc., Christopher McDaniel and Stuart Foster hereby move this Court to stay all briefing and ruling on Plaintiff's "First Motion for Leave to Amend Petition Under F.R. Civ. P. Rule 15(a)(2)" until such time that the Court has ruled on all pending motions to dismiss.

HUSCH BLACKWELL SANDERS LLP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was forwarded this 16th day of May, 2008, by first class mail, postage prepaid to:

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

And an electronic copy was filed via the CM/ECF system which will send a notice of electronic filing to the following:

Nick Badgerow

and

Jeffrey P. Ray

/s/ Michael S. Hargens