

IN THE STATE OF MISSOURI
JACKSON COUNTY SIXTEENTH CIRCUIT COURT
AT INDEPENDENCE

SAMUEL K. LIPARI,)	
)	
Plaintiff,)	
)	
~)	Case No. 0916-CV38273
)	Division 15
CHAPEL RIDGE MULTIFAMILY LLC,)	
et al.,)	
)	
Defendants.)	

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DEFENDANTS SWANSON MIDGLEY LLC'S
MOTION TO DISMISS UNDER RULE 55.27(g)(2)
FOR FAILURE TO STATE A CLAIM

COME NOW, Defendant Swanson Midgley LLC, ("Defendant"), by and through its counsel of record, pursuant to Rule 55.27(a) of the Missouri Rules of Civil Procedure, and hereby move to dismiss Plaintiff Samuel Lipari's Petition ("Petition") against Defendant on the grounds that Plaintiff's Petition fails to state a claim upon which relief can be granted against this Defendant. As grounds for this Motion, the Court is respectfully directed to the Memorandum in Support of this Motion, which is incorporated by this reference as though fully set forth herein.

WHEREFORE, for the foregoing reasons, Defendant Swanson Midgley LLC, requests that this Court issue its Order dismissing Plaintiff Samuel Lipari's Petition against Defendant Swanson Midgley LLC and for such other and further relief as the Court deems just and proper.

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DEFENDANT

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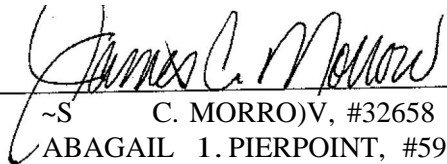
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I hereby certify that a copy of the
above and foregoing was mailed, via U.S.
mail, first class, postage prepaid, this 20th
day of January 2010, to:

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DEFENDANT

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DEFENDANT