

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

SAMUEL K. LIPARI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 0916-CV38273
	)	Division 15
CHAPEL RIDGE MULTIFAMILY LLC,	)	
etal.,	)	
	)	
Defendants.	)	


**MOTION OF DEFENDANT TROPPITO & MILLER, LLC**  
**TO DISMISS PLAINTIFF'S AMENDED PETITION**  
**FOR FAILURE TO STATE A CLAIM**

COMES NOW, Defendant Troppito & Miller, LLC, pursuant to Rule 5S.27(g)(2) of the Missouri Rules of Civil Procedure, and moves the Court to dismiss Plaintiffs Amended Petition against this Defendant for failure to state a claim against this Defendant upon which relief can be granted. In an effort to avoid redundant arguments, the Court is respectfully directed to the Memorandum in Support of the Motion to Dismiss Plaintiffs Petition filed on behalf of Defendant Swanson Midgley LLC which is incorporated by reference as though fully set forth herein. It appears that these law firms' encounters with the Plaintiff, while unrelated, are in large part similar.

WHEREFORE, for the foregoing reasons, Defendant Troppito & Miller, LLC request that this Court issue its Order dismissing Plaintiffs Amended Petition against Defendant Troppito & Miller, LLC, and for such other relief as the Court deems just and proper.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of February, 2010, a copy of the foregoing was sent to Plaintiff Samuel K. Lipari by email and also served by U.S. Mail, postage prepaid, and properly addressed to the following:

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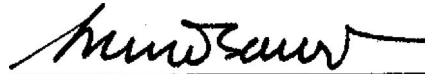
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