

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

SAMUEL K. LIPARI,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-1012-CV-W-FJG
)	
U.S. BANCORP and)	
U.S. BANK NATIONAL ASSOCIATION,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR
LEAVE TO EXCEED PAGE LIMIT**

Defendants U.S. Bancorp and U.S. Bank National Association (U.S. Bank) file this Motion for Leave to exceed the page limitation imposed by Local Rule 7.1(f). In support of their Motion, defendants state as follows:

1. This is the third cause of action filed by Mr. Lipari or his dissolved corporation on the same set of operative facts stemming back to 2002.
2. The original action filed by plaintiff's now dissolved corporation was dismissed by the United States District Court and the dismissal was affirmed by the Tenth Circuit Court of Appeals. The second action filed by the plaintiff's now dissolved corporation was dismissed by the United States District Court for the District of Kansas and is currently pending in the Tenth Circuit Court of Appeals.
3. The defendants' Motion and Suggestions in Support seek this Court to dismiss plaintiff's claims on the grounds that plaintiff lacks standing to maintain this action; plaintiff's claims are barred by *res judicata*; plaintiff's Complaint fails to comply with Rule 8 of the Federal Rules of Civil Procedure; and plaintiff's Complaint fails to state a claim under

Rule 12(b)(6) of the Federal Rules of Civil Procedure. In the alternative, the defendants' Motion seeks this Court to transfer this action to the United States District Court, District of Kansas, due to the procedural history of the prior litigation.

4. Plaintiff's Complaint is 75 pages long and contains 264 numbered paragraphs. Given the length of the Complaint, as well as the extensive procedural history of this matter, the Suggestions in Support could not be reduced down to comply with the 15-page limit required by Local Rule 7.1(f).

5. Defendants submit their Suggestions are as concise as the circumstances will allow. However, defendants request leave from this Court to exceed the 15-page limitation contained in Rule 7.1(f).

For the above-stated reasons, defendants request that this Court grant them leave to file Suggestions in Support in excess of the 15-page limitation contained in Local Rule 7.1(f) and grant defendants what other relief to which they are justly entitled.

Respectfully submitted.

/s/ Mark A. Olthoff

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above and foregoing was filed via electronic case filing this 19th day of January, 2007, with a true and correct copy being delivered via United States mail, postage prepaid, to:

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

PLAINTIFF

/s/ Mark A. Olthoff
Attorney for Defendants