

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS**

SAMUEL K. LIPARI,)	
)	
)	Plaintiff,
)	
vs.)	Case No. 07-CV-02146-CM-DJW
)	
U.S. BANCORP, and)	
)	
U.S. BANK NATIONAL ASSOCIATION,)	
)	
Defendants.)	

**DEFENDANT’S MOTION FOR PROTECTIVE ORDER
FOR DEPOSITION DUCES TECUM**

Defendants by and through their attorneys, Shughart Thomson & Kilroy file this Motion for Protective Order for Plaintiff’s Corporate Designee Notice of Deposition *Duces Tecum*. Defendant’s Motion for Protective Order must be granted for the following reasons:

1. On April 30, 2001, plaintiff filed his Notice of Deposition *duces tecum* for a Corporate Designee and notification was sent via the ECF system on May 1, 2008. *See*, Doc. No. 73.
2. The notice sought a corporate designee to appear at defendants’ headquarters in Minneapolis, Minnesota, to testify to (1) “the conduct of US Bancorp’s current or former employees, the employees of its subsidiaries, and the conduct of its agents described with detail in ¶¶ 1-263 of the plaintiff’s complaint,” and (2) “all documents in [defendants] possession or control or the possession of its agents related to the conduct of its agents described in detail in ¶¶ 1-263 of plaintiff’s complaint.” *Id.* It also sought production of “all documents in its possession or control or the possession of its agents related to the conduct of its agents described in detail in ¶¶ 1-263 of the plaintiff’s complaint.” *Id.*
3. Plaintiff’s corporate designee notice is not proper in that it fails to describe the matters of inquiry with reasonable particularity as required by Rule 30(b)(6) and his *duces tecum* request is facially overly broad and burdensome.

4. Additionally, the plaintiff's unilateral choice of location in Minneapolis, Minnesota is unduly burdensome in that no discovery response has shown any witness with knowledge of facts in this matter resides in Minnesota.

5. Defendants certify that they attempted to resolve this dispute with the plaintiff by letter on May 8, 2008 and by phone conference on May 15, 2008.

6. Defendants are filing a Supporting Memorandum herewith and incorporate by reference all arguments made therein.

WHEREFORE, the above stated reasons, the defendants request the Court issue a protective order vacating plaintiff's Notice of Deposition Duces Tecum (Doc. No.73) and for all other relief defendants are justly entitled.

Respectfully submitted,

/s/ Jay E. Heidrick

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ATTORNEYS FOR DEFENDANTS
U.S. BANCORP and
U.S. BANK NATIONAL ASSOCIATION

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing document was filed electronically with the above-captioned court, with notice of case activity to be generated and sent electronically by the Clerk of said court (with a copy to be mailed to any individuals who do not receive electronic notice from the Clerk) this 19th day of May, 2008, to:

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

/s/ Jay Heidrick
Attorney for Defendants