

**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.)	

**DEFENDANTS’ RESPONSE TO PLAINTIFF’S MOTION FOR EXTENSION OF TIME
TO SUPPLEMENT INITIAL RULE 26(A) DISCLOSURES**

Defendants, by and through their attorneys Shughart, Thomson & Kilroy, file this Response to Plaintiff’s Motion for Extension of Time to Supplement his Initial Rule 26(a)(1) disclosures. The plaintiff’s motion is unnecessary. The Scheduling Order entered by this Court requires that supplemental disclosures pursuant to FRCP 26(e) be made no later than 40 days before the July 1, 2008 discovery cut-off. *See*, Doc. No. 50, pg. 5. Therefore, leave of Court is unnecessary because the deadline to supplement has not run and Rule 26(e) establishes a party’s ability – and duty – to supplement disclosures made pursuant to Rule 26(a)(1).

Defendant’s counsel informed plaintiff of this fact before plaintiff filed his Motion. *See*, email, **Exhibit A**. As indicated by **Exhibit A**, defendants do not object to Mr. Lipari supplementing his initial disclosures. In fact, defendants are happy that Mr. Lipari has voluntarily decided to supplement his initial disclosures to comply with Rule 26.¹ But given the fact defendants have previously written Mr. Lipari (or his former counsel) on three prior

¹ These disclosures listed 70 witnesses with no contact information and no subjects of knowledge. Listed witnesses include Magistrate Judges O’Hara and Waxse as well as several individuals listed as “Defendant” but not joined in this action. Additionally, plaintiff’s disclosures included a CD of over 11,000 pages of .pdf documents, none of which appear relevant to this suit.

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 sent via email and US Mail to any individuals who do not receive electronic notice from the Clerk) this 5th day of March, 2008, to:

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

/s/ Jay E. Heidrick
Attorney for Defendants