



A Professional Corporation

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December 27, 2007

Ira Dennis Hawver, Esq.
6993 Highway 92
Ozawkie, KS 66070

Re: *Lipari vs. US Bancorp, et al.*

Dear Mr. Hawver:

I am writing in regard to plaintiff's initial disclosures pursuant to F.R.C.P. 26(a)(1). I will set forth my questions/concerns regarding the disclosures below:

1. Rule 26(a)(1)(i) requires plaintiff to disclose the name and, if known, address and telephone number of each individual likely to have discoverable information, along with the subject of that information that the disclosing party may use to support its claims or defense. In his disclosures, plaintiff lists 70 witnesses. The vast majority of the witnesses contained in the disclosures did not appear to have any relation to the allegations set forth in plaintiff's Complaint. Additionally, there is nothing regarding the address, telephone number or subject of information to which the witness has knowledge. Please supplement your disclosures with this information.

2. Rule 26(a)(1)(ii) requires a party to provide a copy or description, category and location of all documents which the party has in its possession, custody or control that it may use to support its claims or defenses. In response to this, plaintiff has produced electronic copies in .pdf format of over 11,000 pages of documents. In its Rule 26 Disclosures entitled "Notice of Discovery" plaintiff attempts to set forth an index of this information, which appears to be nothing more than a category of documents provided in Medical Supply's previous litigation with General Electric. The issues of this case involve a very short span of time and very limited paper communication between the parties. From review of the index and a cursory review of the documents provided, it appears that none of the documents relate at all to this claim. Please supplement these disclosures with documents that are relevant to this action.

3. Finally, plaintiff's damage section does not contain any detail on its calculation of damages and does not reference the current defendants. Rather, plaintiff simply states "The total damages sought from GE defendants is Four Hundred and Fifty Million Dollars (\$450,000,000)." This vague and cryptic statement is non-compliant with Rule 26(a)(1)(c) of the Federal Rules of Civil Procedure.

Exhibit 1

Ira Dennis Hawver, Esq.
December 27, 2007
Page 2

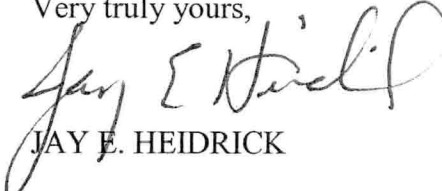
I realize your client made these disclosures before you entered your appearance. But please know that this issue was initially brought to your client's attention via letter dated May 4, 2007. Please accept this letter as another good faith effort to resolve this dispute. Defendants request that plaintiff amend his disclosures and bring them into compliance with the disclosure requirements of Rule 26(a)(1).

We hope you can supplement or amend these disclosures by **January 3, 2008**. If we have not heard from you by that time, we will be forced to take the necessary action with the Court to compel compliance with this rule.

Additionally, we are required to have a Rule 26(f) conference and file our Report no later than January 4, 2008. It is the plaintiff's responsibility to initiate this conference. Please let us know your available dates.

I appreciate your attention to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,



JAY E. HEIDRICK

JEH:amo
cc: Mark Olthoff, Esq.