

**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.)	

MOTION TO COMPEL COMPLIANCE WITH RULE 26(a)(1)

The defendants, by and through their attorneys of record Shughart Thomson & Kilroy, P.C., file this Motion to Compel Plaintiff's Compliance with Rule 26(a)(1). In support of this Motion, defendants state as follows:

1. On April 20, 2007, plaintiff served his initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1). *See*, Doc. No. 26.
2. The disclosures are essentially duplicates of his disclosures made in a corresponding lawsuit Jackson County, Missouri captioned *Lipari, et al. v. General Electric, et al.* Circuit Court of Jackson County, Missouri, Case No. 0616-CV07421. Neither defendant is a party to that action, and plaintiff's disclosures are therefore irrelevant to this suit.
3. Additionally, plaintiff's disclosures fail to comply with the intent and letter of Rule 26(a)(1). His disclosures list over 70 witnesses but do not list contact information or subjects of knowledge. Thirty nine pages of his disclosures contain broad and generic descriptions of documents – none of which appear relevant to this suit. Finally, plaintiff provides a compact disc which contains over 11,000 pages of documents that again lack relevance to this suit.

4. Defendants have made repeated good faith efforts to resolve this dispute with the plaintiff. *See*, Correspondence attached as **Exhibit 1**; Response to Motion for Extension to Supplement, Doc. No. 56. Plaintiff indicated to defendants and the Court that he would supplement his disclosures by April 15, 2008. *See*, Doc. No. 55. But he has failed to do so.

5. Defendants are filing a supporting legal memorandum herewith and incorporate by reference all arguments made therein.

WHEREFORE, the above stated reasons, defendants request the Court order Mr. Lipari to revise his initial disclosures and provide only information which is relevant to this action. Defendants also request the Court caution Mr. Lipari that further discovery abuses may result in severe sanctions, including the possible dismissal of his claims. Defendants further request all other relief to which they are justly entitled.

Respectfully submitted,

/s/ Jay E. Heidrick

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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 22nd day of April, 2008, to:

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

/s/ Jay E. Heidrick
Attorney for Defendants