

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

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

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION TO ALTER OR AMEND JUDGMENT
AND TO STAY FURTHER PRE-TRIAL PROCEEDINGS**

Defendants U.S. Bancorp and U.S. Bank National Association, through counsel Shughart Thomson & Kilroy, P.C., file this response to plaintiff's Motion to Alter Or Amend Judgment pursuant to Rule 59(e) and to stay further proceedings. Plaintiff's request to stay the proceedings has already been denied by this Court and his Motion is moot. On July 18, 2008, plaintiff filed a Motion to Alter or Amend Judgment and Motion to Stay Further Pre-Trial Proceedings concerning the Court's denial of his motion for time to extend discovery. In that motion, plaintiff also sought to stay all further pre-trial proceedings. *See*, Doc. #100. Defendants responded to this motion on July 28, 2008. *See*, Doc. #106. On July 30, 2008, the Court denied plaintiff's Motion to Stay Further Pre-Trial Proceedings. *See*, Doc. #108. Therefore, plaintiff's request to stay further proceedings is moot.

As to plaintiff's request to Alter or Amend Judgment pursuant to Rule 59(e), defendants incorporate by reference all arguments made in their Memorandum In Opposition to Plaintiff's Motion to Alter or Amendment Judgment and to Stay Further Pre-Trial Proceedings contained in Doc. #106, and request the Court deny plaintiff's Motion.

