

Facsimile: (314) 966-0076

Phone: () _____

3. List documents that help support your information that the judge or court commissioner has engaged in misconduct or has a disability, noting which ones you have attached:

See attachments:

4. Identify, if you can, any other witnesses to the conduct of the judge or court commissioner:

Name(s): _____

Addresses: _____

Phone: (____) _____ (____) _____

5. Specify below the details of what the judge or court commissioner did that you think constitutes misconduct or indicates disability. [PLEASE TYPE OR PRINT LEGIBLY; ATTACH ADDITIONAL PAPER IF NECESSARY].

0916-CV-22818 - CHAPEL RIDGE MULTIFAMILY LLC v SAMUEL LIPARI

14. The plaintiff's petition and amended petition in the present action detail how extrinsic fraud on the 16th Circuit Court by the defendants SWANSON MIDGLEY LLC, and Missouri licensed attorneys CHRISTOPHER BARHORST, and HOLLY L. FISHER on behalf of CHAPEL RIDGE MULTIFAMILY LLC resulted in 16th Circuit Court Judge Hon. Charles L. Stitt being deceived by a false affidavit and document created by the Missouri licensed attorneys CHRISTOPHER BARHORST. See Amended Petition pgs. 20-23.

15. The plaintiff's petition also details how 16th Circuit Court removed the plaintiff's notice of the fraud filed into the proceeding and how even when the notice was again file stamped and placed in the record, 16th Circuit Court Judge Hon. Charles L. Stitt willingly participated in CHRISTOPHER BARHORST, and HOLLY L. FISHER's crime on behalf of CHAPEL RIDGE MULTIFAMILY LLC (the 16th Circuit's own sample unlawful detainer form cautions a false affidavit to mislead a public official to obtain an eviction is a Class A Misdemeanor, see <http://www.16thcircuit.org/Forms/CVL/Landlord.pdf>) and subsequently granted a garnishment obtained through the fraud. See Amended Petition pgs. 21-22.

16. The plaintiff has no knowledge that any disciplinary proceedings have been initiated against 16th Circuit Court Judge Hon. Charles L. Stitt and Hon. Judge Charles L. Stitt still appears to be a sitting judge on the 16th Circuit Court

17. The current favored way by members of the Kansas City Metropolitan Bar Association ("KC MBA") for concealing public corruption in state courts is to remove evidentiary documents from the court record extra-judicially with the belief that the lack of a motion, pleading or oral request on the record can purge the legal file of incriminating evidence that would expose judicial misconduct in furtherance of the corruption in appellate review.

PURSUANT TO SUPREME COURT 12, THE IDENTITY OF INFORMANTS IS KEPT CONFIDENTIAL.
YOU MAY CHOOSE TO WAIVE THIS CONFIDENTIALITY.

_____ I choose to waive the confidentiality of Supreme Court Rule 12 and request that a copy of my complaint be sent to the judge or court commissioner.

 X I do not waive the confidentiality provided by Supreme Court Rule 12 and request that the Commission not disclose my identity to the judge or court commissioner.

Signature: S/Samuel K. Lipari Date: June 18, 2010



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16th Judicial Circuit (Jackson County)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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0916-CV22818 - CHAPEL RIDGE MULTIFAMILY LLC V SAMUEL LIPARI

This information is provided as a service and is not considered an official court record.

Displaying 1 thru 17 of 17 records for all dockets returned for case **0916-CV22818**.

- 07/24/2009** **Docket Entry:** Pet Filed in Associate Ct
Docket Entry: Judge Assigned
Docket Entry: Motion to Post Summons
Docket Entry: Motion Special Process Server
- 07/27/2009** **Docket Entry:** Order
 Text: MOTION FOR ORDER TO POST SIGNED
Docket Entry: Order - Special Process Server
Docket Entry: Hearing Scheduled
Associated Docket Entries: 07/27/2009 - Hearing/Trial Cancelled
Associated Events: 09/18/2009 , 13:30:00 - Hearing
 Docket Entry: Summons Issued-Landlord/Tenant
 Text: Document ID: 09-SMLT-6459, for LIPARI, SAMUEL;
Docket Entry: Certificate of Mailing
 Text: Document ID: 09-CMDN-7142, for LIPARI, SAMUEL;
Docket Entry: Hearing/Trial Cancelled
Associated Docket Entries: 07/27/2009 - Hearing Scheduled
Associated Events: 09/18/2009 , 13:30:00 - Hearing
 Docket Entry: Hearing Scheduled
Associated Docket Entries: 08/19/2009 - Tried by Court-Civil
Associated Events: 08/19/2009 , 13:30:00 - Hearing
- 08/17/2009** **Docket Entry:** Posted - Residence
 Text: Document ID - 09-SMLT-6459; Served To - LIPARI, SAMUEL; Server - ; Served Date - 01-AUG-09; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Posted
- 08/19/2009** **Docket Entry:** Tried by Court-Civil
Associated Docket Entries: 07/27/2009 - Hearing Scheduled
Associated Events: 08/19/2009 , 13:30:00 - Hearing
Docket Entry: Judgment Entered

Text: possession + rent \$1375.99 + late fees and other charges \$255.00 + attorneys fees \$300.00 and statutory post judgment interest + costs

10/06/2009 **Docket Entry:** Execution/Garnishment Issued

Text: This is garnishment 09-GARN-18218 for SAMUEL LIPARI; returnable date: 05-NOV-2009; Garnishee: BANK OF THE WEST - 4610 S NOLAND RD INDEP MO 64064

10/19/2009 **Docket Entry:** Garnishment Returned Served

Text: Document ID - 09-GARN-18218; Served To - BANK OF THE WEST - 4610 S NOLAND RD INDEP MO 64064; Server - KRISTINE M. HART; Served Date - 15-OCT-09; Served Time - 14:44:00; Service Type - Civil Process Server; Reason Description - Served; Service Text - LEFT WITH SARA SINGLETON/ C.S.R.

11/07/2009 **Docket Entry:** Ansrs to Interrogatories Filed

Text: lp no account

Displaying 1 thru 17 of 17 records for all dockets returned for case **0916-CV22818**.

SAMUEL K. LIPARI
803 S. Lake Drive
Independence, MO 64064
816-365-1306
saml@medicalsupplychain.com
Plaintiff, *Pro Se*

IN THE STATE OF MISSOURI
JACKSON COUNTY SIXTEENTH CIRCUIT COURT

SAMUEL K. LIPARI)	
<i>Plaintiff</i>)	
)	
vs.)	
)	
CHAPEL RIDGE MULTIFAMILY LLC ,)	
SWANSON MIDGLEY LLC,)	
CHRISTOPHER BARHORST,	)	Case No. 0916-CV38273
HOLLY L. FISHER,)	
REGUS PLC,)	
REGUS MANGEMENT GROUP LLC,	)	RICO Mail and Wire Fraud
LIANNE ZELLMER,	)	RICO Conspiracy
WELLS FARGO,	)	Under 18 U. S. C. § 1961, <i>et seq.</i>
WACHOVIA DEALER SERVICES INC.,)	
TROPPITO & MILLER LLC.,	)	State Law Contract and Interference With
CHRIS M. TROPPITO,	)	Business Expectancies
NICHOLAS L. ACKERMAN,)	
TONY R. MILLER)	
GENERAL ELECTRIC COMPANY,)	
GENERAL ELECTRIC CAPITAL)	
BUSINESS ASSET FUNDING CORPORATION,	)	<u>Jury Trial Requested</u>
GE TRANSPORTATION SYSTEMS)	
GLOBAL SIGNALING, L.L.C.)	
JEFFREY R. IMMELT)	
<i>Defendants</i>)	

AMENDED PETITION UNDER RULE 55.33

Pursuant to 16th Circuit Court of Jackson County Missouri local rule 3.2, the plaintiff lists the names, addresses, and contact information if known for the parties and registered agents for service of process by the Jackson County Sheriff:

Parties

Plaintiff :

1. SAMUEL K. LIPARI, 803 S. Lake Drive, Independence, Missouri 64053

Defendants:

2. CHAPEL RIDGE MULTIFAMILY LLC; 3460 NE Akin Boulevard
Lees Summit, MO 64064
3. SWANSON MIDGLEY LLC; Plaza West Building, 4600 Madison Avenue, Suite 1100
Kansas City, Missouri 64112
4. BARHORST , CHRISTOPHER; 4600 Madison Ste 1100, Kansas City, MO 64112; (816) 842-6100
5. FISHER, HOLLY L.; 4600 Madison Ste 1100, Kansas City, MO 64112; (816) 842-6100

6. REGUS PLC; 26 Boulevard Royal L-2449 Luxembourg; +44 (0) 1932 895059 c/o REGUS PLC registered office 22 Grenville Street; St. Helier; Jersey, JE4 8PX
7. REGUS MANGEMENT GROUP LLC; 15305 Dallas Parkway Ste 1400 Addison, TX 75001 c/o Registered Agent CSC Lawyers Incorporating Service, Inc.; 150 S Perry St. Montgomery, AL 36104
8. LIANNE ZELLMER; 2300 Main St. Ste 900, Kansas City, MO 64108;(816) 448-3100
9. WELLS FARGO; 420 Montgomery Street, San Francisco, California 94163; (866) 249-3302
10. WACHOVIA DEALER SERVICES INC.; 8575 W 110th St, Ste 100 Overland Park, KS 66210
11. TROPBITO & MILLER LLC; 508 Walnut Street, Kansas City, MO 64106
12. ACKERMAN, NICHOLAS L; 508 Walnut Street, Kansas City, MO 64106
13. GENERAL ELECTRIC COMPANY, (herein "GE"), Missouri registered agent: C T Corporation System, 314 North Broadway, St. Louis, Mo 63102.
14. GENERAL ELECTRIC CAPITAL BUSINESS ASSET FUNDING CORPORATION, (herein "GE CAPITAL") Missouri registered agent: The Company Corporation 120 South Central Avenue Clayton, Mo 63105.
15. GE TRANSPORTATION SYSTEMS GLOBAL SIGNALING, L.L.C. (herein "GE TRANSPORTATION") Missouri registered agent C T Corporation System, 120 South Central Avenue, Clayton Mo 63105.
16. JEFFREY R. IMMELT, CEO of General Electric, formerly President of GE Medical, an independent company, in addition to founding GHX, Inc., an independent company and is a defendant actor with an independent personal stake. Jeffrey R. Immelt has communicated to the petitioner that he will accept service through his counsel Jonathan I. Gleklen of Arnold & Porter, 555 12th Street, N.W. Washington, D.C. 20004.

COMPLAINT

Comes now the petitioner, Samuel K. Lipari appearing *pro se*. Samuel K. Lipari is a sole proprietor competing in the market for hospital supplies within the State of Missouri, the nation, and in the national market for home healthcare supplies. In the businesses injured by the conduct described in the racketeering portion of this complaint, the petitioner was at all times unincorporated and never held himself out to be incorporated. The petitioner is also the assignee of the contract rights and business relationship expectancies of his dissolved Missouri corporation for the state law portion of this complaint.

I. INTRODUCTION

1 1. The defendants in this complaint are latecomers to a racketeering conspiracy with a criminal enterprise
2 excluding the petitioner from competing in hospital supply markets to preserve the conspirators' overarching
3 plan to defraud Medicare and Medicaid with artificially inflated hospital supply costs resulting from the
4 racketeering conspiracy's restraint of trade.

5 2. The complaint has also been amended to include related state law claims against non-RICO defendant
6 original Novation LLC cartel conspirators GE, GE CAPITAL, GE TRANSPORTATION, and JEFFREY R.
7 IMMELT on state law claims surviving dismissal in *Samuel Lipari v. General Electric Company, et al.*, 16th Cir
8 Mo. Case no. 0616-CV07421 and under concurrent federal jurisdiction in *Samuel Lipari v. General Electric*
9 *Company, et al.*, W.D. of Missouri Case No. 07-0849-CV-W-FJG on appeal as No. 08-03115 (8th Cir.).

10 3. This petition arises from the legally separate defendants' decisions through their Missouri chartered law
11 firm agents to deprive the plaintiff of his virtual office phone and mail service, his apartment home office and his
12 business automobile on the same day through bad faith legal proceedings in violation of the plaintiff's contracts,
13 Missouri landlord tenant law and consumer protection act notice requirements via fraudulent filings in the 16th
14 Circuit State of Missouri Court.

15 4. The latecomer defendants expressly stated in pleadings signed by Missouri licensed attorneys that the
16 respective notice requirements had been complied with when in fact incontrovertible evidence in the records of
17 the various actions shows that the pleadings were based on documents that had been falsified through mail
18 and wire communications by the racketeering conspiracy through the defendants, the plaintiff and the 16th
19 Circuit State of Missouri Court.

20 5. The latecomer defendants' communications, letters and pleadings claimed notices had been faxed
21 when they had not.

22 6. Filings were backdated to fraudulently show notice periods were provided and delinquencies were
23 misrepresented.

24 7. Even an offer to return the plaintiff's automobile without credit reporting injury was fraudulently made.

25 8. All the latecomer defendants' frauds were committed with misrepresentations in mail and wire
26 communications and mail and wire communications were also made without false statements in furtherance of
27 the defendants' fraudulent scheme that equally violated 18 U. S. C. § 1961 section 1341 and section 1343
28 under *Schmuck v. United States*, 489 U.S. 705, 109 S.Ct. 1443, 103 L.Ed.2d 734 (1989).
29
30

1 9. The latecomer defendants' fraudulent filings and communications with the 16th Circuit State of Missouri
2 Court and the plaintiff were intended to deceive the court and the plaintiff into relinquishing property and
3 business resources he had rights to retain and were precisely the mail and wire fraud acts the US Supreme
4 Court in *Bridge et al v. Phoenix Bond & Indemnity Co. et al*, 128 S.Ct. 2131 (2008) unanimously determined
5 state a civil cause of action for violation of 18 U. S. C. § 1962.

6 10. The legally separate defendants continued the predicate acts and participation in the racketeering
7 conspiracy to achieve the aims of the RICO enterprise through their Missouri chartered law firm agents even
8 when the plaintiff brought their attention to the frauds and the temporal relationship of the concerted mail and
9 wire fraud acts of other latecomer conspirators on the same day to initiate fraudulent bad faith actions to
10 deprive the plaintiff of his virtual office phone and mail service, his apartment home office and his business
11 automobile in violation of 18 U. S. C. § 1962 (c) and (d).

12 11. The criminal racketeering enterprise and its RICO co-conspirators voluntarily joined by the latecomer
13 defendants have employed extrinsic fraud to obstruct justice in federal and state litigation and to deprive the
14 petitioner of any resources to conduct his business including depriving the petitioner of property used in his
15 business and in enforcing his business expectations.

16 12. The pattern and practice of *ex parte* defamation to obstruct justice and predetermine outcomes in the
17 plaintiff's litigation *Samuel Lipari v. General Electric Company, et al.*, 16th Cir Mo. Case no. 0616-CV07421;
18 *Samuel Lipari v. US Bancorp, NA, et al*, 16th Cir Mo. Case no. 0616-CV32307; and *Ex Rel Samuel Lipari, v.*
19 *Hon. Michael Manners* WD of Missouri Court of Appeals Case no. 68703 resulted in the Supreme Court Chief
20 Justice William Ray Price Jr.'s address to the Missouri Judicial Branch and Board of Bar Governors specifically
21 condemning this extrinsic fraud depriving Missouri citizens of fair hearings based on fact and law. See Chief
22 Justice William Ray Price Jr.'s address. (**Exhibit 1 Justice Price**)

23 13. The central *modus operandi* employed by the RICO Enterprise and the RICO Conspiracy is to obtain
24 judgments expressly contrary to controlling law through filing motions to dismiss and for sanctions that
25 materially misrepresent the plaintiff's pleadings and the applicable case law in violation of Missouri Rules of
26 Professional Conduct Rule § 4.1 "Truthfulness in statements to others" and § Rule 3.3 "Candor toward the
27 Tribunal".

28 14. The RICO Conspiracy relied on the federal district court judges Hon. Judge Carlos Murguia; Hon.
29 Judge Fernando J. Gaitan, Jr.; Hon. Judge Otrie Smith; and the Kansas District Court magistrates Hon. David
30

1 J. Waxse, and Hon. James P. O'Hara (see **Exhibit 2** Pacer Index) to adopt the RICO conspirators arguments
2 facially misrepresenting the plaintiff's written complaints, the text of enactments of Congress including the USA
3 PATRIOT Act and the controlling rulings of the US Supreme Court on the facts alleged by the plaintiff.

4 15. The RICO Conspiracy relied on Hon. Michael M. Manners and the 16th Circuit State of Missouri Court
5 to adopt the RICO conspirators arguments facially misrepresenting the plaintiff's written complaints, the text of
6 enactments of the Missouri State Legislature and the controlling rulings of the Missouri Supreme Court on the
7 facts alleged by the plaintiff.

8 16. The plaintiff's experiences with the misrepresentations to the court on discovery and mediation by the
9 RICO co-conspirator Husch Blackwell Sanders LLP resulted in Hon. Michael M. Manners permitting
10 amendment of the plaintiff's real estate contract claims against General Electric to include 18 U. S. C. § 1962
11 (c) and (d) claims based on the conspirators' conduct turning the 16th Circuit State of Missouri Court into a
12 RICO enterprise under *U.S. v. Murphy*, 768 F.2d 1518 (7th Cir. 1985) See Case documents at
13 <http://www.medicalsupplychain.com/Lipari%20v%20GE%200616-07421.htm>

14 17. The latecomer RICO co-conspirator defendants similarly relied on 16th Circuit State of Missouri Court
15 Clerk's office employees, the Hon. Judge Charles L. Stitt and the Hon. Robert L. Trout. See **Exhibit 2.1** Case
16 Net Index.

17 18. The latecomer RICO co-conspirator defendants are now participants in a RICO Conspiracy that
18 includes the federal district court judges Hon. Judge Carlos Murguia, Hon. Judge Fernando J. Gaitan, Jr. and,
19 16th Circuit Hon. Michael M. Manners to deprive the plaintiff of his business property. See third proposed
20 amended complaint, exhibit I of the Motion to Amend at pgs. 123-125
21 <http://www.medicalsupplychain.com/pdf/Lipari%20Third%20Motion%20For%20Leave%20to%20Amend%2004217.pdf> and plaintiff's
22 response to show cause <http://www.medicalsupplychain.com/pdf/Answer%20to%20show%20cause.pdf>
23 and its supporting affidavit <http://www.medicalsupplychain.com/pdf/Lipari%20Affidavit.pdf>

24 19. As co-conspirators, the latecomers charged in this petition had knowledge of acts of the ongoing
25 criminal RICO conspiracy and intentionally participated in furthering the objectives of the racketeering
26 enterprise and the RICO conspiracy to restrain trade in hospital supplies and overcharge Medicare by the
27 latecomer conspirators violating Missouri statutes, and committing frauds on the 16th Circuit State of Missouri
28 Court in an agreement to join the ongoing conspiracy through predicate acts of mail and wire fraud designed to
29 injure the plaintiff's business and take his property in the manner the US Supreme Court has determined in
30

1 *Sedima SPRL v. Imrex Co. Inc.*, 473 U. S. 479 at page 496 gives the plaintiff standing under 18 U. S. C. § 1962.
2 See **Exhibit 2.2** Web Site Index.

3 4 **II. AVERMENTS**

5 20. The Plaintiff makes the following allegations of fact and law relative to his claims:

6 **A. JURISDICTION**

7 21. The 16th Circuit State of Missouri Court has jurisdiction over this action for the following reasons:

8 **Subject Matter Jurisdiction**

9 22. Under *Tafflin v. Levitt*, 493 U.S. 455 (1990) (holding that RICO is not exclusively federal) this court has
10 subject matter jurisdiction over claims based on 18 U. S. C. § 1961, *et seq.*

11 **Subject Matter Jurisdiction Standing of Plaintiff**

12 23. The plaintiff's petition alleges RICO predicate acts of mail fraud, wire fraud and Hobbs Act extortion
13 committed by the defendants and by both a RICO enterprise and a RICO conspiracy joined by the defendants
14 and that these RICO predicate acts "ha[d] injured the [plaintiffs'] business and/or property interests"
15 requirement of *Lujan v. Defenders of Wildlife*, 504 U. S. 555, 561 (1992).

16 24. The plaintiff's petition alleges RICO predicate acts of mail fraud and wire fraud were committed by the
17 defendants directly or through conspiracy in specific identified communications made through the US Mail and
18 electronically that injured the plaintiff in his business under the standing requirement of the unanimous court in
19 *Bridge et al v. Phoenix Bond & Indemnity Co. et al*, 128 S.Ct. 2131 (2008).

20 25. The plaintiff's petition alleges injury to his business' tangible property through RICO predicate acts
21 providing the plaintiff standing under *Regions Bank v. J.R. Oil Co., LLC*, 387 F.3d 721 at 729 (8th Cir., 2004).

22 **Subject Matter Jurisdiction Over Defendants**

23 26. The plaintiff's petition alleges RICO predicate acts of mail fraud, wire fraud and Hobbs Act extortion
24 committed by both a RICO enterprise and a RICO conspiracy joined by the defendants making the defendants
25 liable to the plaintiff even if they are found to have committed no RICO predicate act of their own and found to
26 have lacked knowledge of the RICO enterprise and the RICO conspiracy's predicate acts against the plaintiff
27 under *United States v. Yannotti*, 06-5571-cr, 2008 WL 4071691 (2d Cir. September 4, 2008).

28 27. The plaintiff's petition alleges the named defendants voluntarily joined a RICO enterprise and a RICO
29 conspiracy to commit 18 U. S. C. § 1961 predicate acts through the actions of the defendants' Missouri
30 licensed attorney agents in violation of Missouri Rules of Professional Conduct §§ 4-3.3(a)(1) and (3); 4-3.4(b);

1 4-5.1(c) (1) and (2); 4-8.4(b), (c), (d) and (f).

2 28. The plaintiff's petition's allegations of the RICO conspiracy that the defendants willingly joined as
3 latecomer co-conspirators subject the latecomer defendants to liability for all acts during conspiracy's
4 existence. *Dextone Co. v. Building Trades Council of Westchester County*, 60 F.2d 47 (2d Cir. 1932).

5 29. The plaintiff's petition's allegations against the defendants arising through the actions of the defendants'
6 Missouri licensed attorney agents controlling and directing the RICO predicate acts in a managing role and in
7 violation of Missouri Rules of Professional Conduct and make the defendants co-conspirators under 18 U. S. C.
8 § 1961(d) under *Reves v. Ernst & Young*, 494 U.S. 56 (1990), *Reves II*, 507 U.S. at 185, 113 S. Ct. at 1173;
9 *Handeen v. Lemaire*, 112 F.3d 1339 at 1350-1351 (C.A.8 (Minn.), 1997); and *Reynolds v. Condon*, 908F.Supp.
10 1494 at 1510 (N.D. Iowa, 1995).

11 30. The plaintiff's petition alleges the named defendants participated in 18 U. S. C. § 1961 enumerated
12 predicate acts through Missouri licensed attorneys filing *fabricated documents* as material evidence supporting
13 their abuse of process to injure the plaintiff necessitating the finding of a conspiracy under *Hazel-Atlas Glass v.*
14 *Hartford Empire Co.* 322 U.S. 238 64 S.Ct. 997, 1000, 88 L. Ed 1250.

15 31. The plaintiff's petition alleges the named defendants participated in frauds through mail and wire
16 communications in the pre-litigation phase of lawsuits against the plaintiff that are not immune from RICO
17 liability on the basis of a First Amendment right to petition *Cardtoons, L.C. v. Major League Baseball Players*
18 *Ass'n*, 208 F.3d 885 (10th Cir. 2000) ("*Cardtoons V*").

19 32. The plaintiff's petition alleges the named defendants participated with state and federal judges who
20 have immunity that does not transfer to the named defendants under *Robinson v. Bergstrom*, 579 F.2d 401,
21 404 (7th Cir. 1978) and *Adickes v. S. H. Kress & Co.*, 398 U.S. at 152, 90 S.Ct. 1598.

22 33. The plaintiff's petition alleges the latecomer defendants joined a RICO enterprise and RICO conspiracy
23 created by General Electric and called the Novation LLC cartel which has the over arching goal of artificially
24 inflating hospital supply costs to skim Medicaid, Medicare and private insurance funds from hospitals and is
25 described fully in the litigation documents at [http://www.medicalsupplychain.com/Lipari%20v%20GE%2007-](http://www.medicalsupplychain.com/Lipari%20v%20GE%2007-0849.htm)
26 0849.htm

27 **Personal Jurisdiction**

28 34. The plaintiff SAMUEL K. LIPARI resides in the State of Missouri.

1 35. The defendant entities CHAPEL RIDGE MULTIFAMILY LLC; SWANSON MIDGLEY LLC; TROPPITO
2 & MILLER LLC are Missouri corporations.

3 36. The defendant entities REGUS PLC; REGUS MANGEMENT GROUP LLC; WELLS FARGO, and
4 WACHOVIA DEALER SERVICES INC regularly do business in the State of Missouri.

5 37. The defendant entities REGUS PLC; REGUS MANGEMENT GROUP LLC; and WELLS FARGO
6 maintain offices in the State of Missouri.

7 38. The defendant persons CHRISTOPHER BARHORST, HOLLY L. FISHER, LIANNE ZELLMER, CHRIS
8 M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER reside or work in the State of Missouri.

9 **Venue**

10 39. The plaintiff's injuries from the latecomer defendants' predicate acts of racketeering described in this
11 complaint occurred in Jackson County of the State of Missouri.

12 40. The defendants' conduct against the plaintiff occurred in Jackson County of the State of Missouri.

13 41. The defendants' real estate holdings subject to *lis pendens* and satisfaction of the RICO conspiracy's
14 joint and several liability is located in Jackson County of the State of Missouri. See **Exhibit 3-3.1** Chapel Ridge
15 Articles.

16 42. The General Electric defendants control a leasehold in the entirety of an office building at 1600 N.E.
17 Coronado Drive in Blue Springs, Jackson County Missouri which has been continuously subject to the plaintiff's
18 *lis pendens* filing while the defendants have arranged sham transfers and have failed to provide the plaintiff
19 occupancy.

20 43. The plaintiff hereby amends his *lis pendens* over 1600 N.E. Coronado Drive in Blue Springs, Jackson
21 County Missouri to include the present action.

22 44. The Jackson County legal description of the defendant conspirator CHAPEL RIDGE MULTIFAMILY
23 LLC's commercial real estate is:

24 Lot 22 and Tract L, Chapel Ridge Business Park Lots 19 thru 22 and Tracts L&M, a subdivision in Lee's
25 Summit, Jackson County, Missouri.

26 **Exhibit 4** *lis pendens*, plaintiff's *lis pendens* against the CHAPEL RIDGE MULTIFAMILY LLC apartment
27 complex known as The Fairways at Lakewood.

Timeliness

45. A four year limitations period from the last enumerated predicate act applies to all civil RICO claims under *Agency Holding Corp. v Malley-Duff & Associates, Inc.*, 483 U.S. 143 (1987).

46. The conduct of the latecomer defendants described in this complaint resulted in “new and independent injuries” to the plaintiff’s business property separate from those alleged against the RICO conspiracy in earlier litigation under *Glessner v. Kenny*, 952 F.2d 702 (3d Cir. 1991).

47. The last predicate act on information and belief was procuring the scheduling of the plaintiff’s Western District of Missouri Court of Appeals hearing to take place on December 15, 2009 in order to provide an overwhelming show of the defendant RICO conspiracy’s power over the State of Missouri legal system. See **Exhibit 5** Appeal Case Docket WD70832.

48. Following a nationally distributed news article, the Western District of Missouri Court of Appeals rescheduled the hearing to take place in January 2010. See **Exhibit 6** OpEd.

49. The last predicate acts of the defendant co-conspirators WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPITO & MILLER LLC, CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER addressed in the present complaint occurred on December 15, 2009 when the firm completed its fraud scheme’s misrepresentations by failing to withdraw them on the demand of the plaintiff.

Governing Law

50. The plaintiff is suing the defendants under a private right of action provided in 18 U. S. C. § 1962 (c) for acts of the RICO enterprise committed by the defendants that are enumerated in 18 U. S. C. § 1961.

51. The plaintiff is suing the defendants under a private right of action provided in 18 U. S. C. § 1962 (d) RICO Conspiracy for acts of the RICO enterprise committed by the defendants that are enumerated in 18 U. S. C. § 1961.

52. The plaintiff’s charges of violations of 18 U. S. C. § 1962 (d) by the defendants SWANSON MIDGLEY LLC; CHRISTOPHER BARHORST; HOLLY L. FISHER; TROPITO & MILLER LLC, CHRIS M. TROPITO; NICHOLAS L. ACKERMAN; and TONY R. MILLER as knowingly joining the RICO conspiracy by intentionally committing 18 U. S. C. § 1961 section 1341 Mail frauds on the 16th Circuit of Missouri Court and by additional acts specifically prohibited by the Missouri Rules of Professional Conduct (“MRPC”) §§ 4-3.3(a)(1) and (3); 4-3.4(b); 4-5.1(c) (1) and (2); 4-8.4(b), (c), (d) and (f) and by disobeying their mandatory duty to report MRPC violations of co-conspirators.

1 53. The plaintiff's charges of violations of 18 U. S. C. § 1962 (d) by the defendants CHAPEL RIDGE
2 MULTIFAMILY LLC; SWANSON MIDGLEY LLC; CHRISTOPHER BARHORST; HOLLY L. FISHER as
3 knowingly joining the RICO conspiracy by intentionally committing frauds and conduct specifically
4 prohibited by Missouri Revised Statutes, Chapter 535, Landlord-Tenant Actions.

5 54. The plaintiff's charges of violations of 18 U. S. C. §§ 1962 (c) and (d) by the defendants' predicate acts
6 of 18 U. S. C. § 1961 section 1341 Mail Fraud.

7 55. The plaintiff's charges of violations of 18 U. S. C. §§ 1962 (c) and (d) by the defendants' predicate acts
8 of 18 U. S. C. § 1961 section 1341 Mail Fraud Deprivation of the Honest Services of Public Officials.

9 56. The plaintiff's charges of violations of 18 U. S. C. §§ 1962 (c) and (d) by the defendants' predicate acts
10 of the Hobbs Act (against Extortion) 18 U.S.C. §1951 that resulted in the loss of property by the plaintiff.
11

12 **B. STATEMENT OF FACTS**

13 57. The Plaintiff makes the following allegations of fact relative to his claims:

14 **Parties**

15 58. The Plaintiff has listed the parties to this litigation and their places of business on the cover page of the
16 petition and the second page pursuant to 16th Circuit Court of Jackson County Missouri local rule 3.2 requiring
17 the plaintiff to list the names address and contact information if known for the parties and registered agents for
18 service of process by the Jackson County Sheriff on the cover of the complaint.

19 59. On February 9 2008 the plaintiff, Samuel K. Lipari served the defendants and the Honorable Judge David
20 J. Waxse and Carlos Murguia with a, "Settlement Brief Notice" and three volumes of evidentiary exhibits
21 indexed by volume, exhibit number and the description of the document.

22 60. The settlement brief "*Lipari v US Bank* Settlement Brief", "Settlement Brief Evidence Exhibits Vol. I",
23 "Settlement Brief Evidence Exhibits Vol. II", and "Settlement Brief Evidence Exhibits Vol. III" were created by
24 the plaintiff in an effort to accelerate settlement and to stop the damage against citizens of the United States
25 and residence of the State of Missouri.

26 61. What the plaintiff instead encountered was the same criminal misconduct, fraud, extortion and retaliation
27 the plaintiff had already suffered for the past decade. See Lipari Affidavit **Exhibit 7**

28 62. On information and belief, the defendants in this action formed an agreement on July 24th, 2009 to
29 participate in a criminal conspiracy with agents of the following RICO Conspiracy members General Electric
30

1 Company, General Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global
2 Signaling, LLC, Jeffrey R. Immelt, Seyfarth Shaw LLP, Stuart Foster, Heartland Financial Group, Inc.,
3 Christopher M. McDaniel, Husch Blackwell Sanders LLP, Bradley J. Schlozman, Novation LLC, US Bancorp
4 and The Piper Jaffray Companies whose conduct against the plaintiff is described fully on the plaintiff's web site
5 www.medicalsupplychain.com/news

6 63. On information and belief, the purpose of this agreement between the latecomers and the existing RICO
7 Conspirators is to commit RICO predicate acts of fraud and extortion against the plaintiff's business to further
8 an ongoing criminal RICO conspiracy which has the over arching goal of skimming hospital funds in artificially
9 inflated claims against Medicaid, Medicare and private health insurance funds.

10 64. On information and belief the existing conspirators had enlisted the aid of the Western District of Missouri
11 US Department of Justice, the Western District of Missouri Federal Bureau of Investigation field office at
12 Kansas City, Missouri and the police departments of Lee's Summit, Missouri; Blue Springs, Missouri; and
13 Independence, Missouri to assist the RICO conspiracy in obstructing justice in the plaintiff's private civil
14 litigation in state and federal courts to protect the RICO conspiracy's overarching criminal interest in controlling
15 the market for hospital supplies in an ongoing hospital skimming scheme.

16 65. On information and belief the police department of Lee's Summit was participating in a joint federal and
17 state task force that resulted in elite members of the Lee's Summit Police Department residing across from and
18 next to the plaintiff in the CHAPEL RIDGE MULTIFAMILY LLC apartment complex, The Fairways at Lakewood
19 to supplement the warrantless wiretapping.

20 66. The plaintiff supports the following statements with a sworn affidavit and evidentiary exhibits that
21 describe and document the public official corruption the plaintiff found running rampant in our Federal and State
22 agencies, courts and public offices which was used by the defendants CHAPEL RIDGE MULTIFAMILY LLC,
23 SWANSON MIDGLEY LLC, CHRISTOPHER BARHORST, HOLLY L. FISHER, REGUS PLC, REGUS
24 MANGEMENT GROUP LLC, LIANNE ZELLMER, WELLS FARGO, WACHOVIA DEALER SERVICES INC.,
25 TROPPILO & MILLER LLC, CHRIS M. TROPPILO, NICHOLAS L. ACKERMAN, and TONY R. MILLER and
26 their co-conspirators to injure the plaintiff and to carry out the over arching goals of the RICO conspiracy as set
27 by the RICO enterprise controlling hospital supplies in Missouri and the nation.

28 67. On February 26 2008 the plaintiff emailed U.S. Senator Claire McCaskill's office and Corey Dukes with
29 information discussing the continued retaliation and interference with the plaintiff's Federal and State cases,
30

1 civil rights, property rights and business interests. See Lipari Affidavit **Exhibit 8**.

2 68. On February 28, 2008 the plaintiff sent an email to the plaintiff's Missouri State Representative for
3 Jackson County House Minority Party Leader Paul Lavota explaining the gravity of the plaintiff's situation and
4 asking why Missouri Governor Jay Nixon's office is not doing something about the public official corruption
5 obstructing justice in private civil litigation problem.

6 69. The plaintiff's letter gave notice that the problems seem to have escalated during the period Governor
7 Jay Nixon was the Attorney General for Missouri.

8 70. The plaintiff explained that Corey Dukes at Senator Claire McCaskill's office also knew all about the
9 problems the plaintiff had encountered. See **Lipari Affidavit Exhibit 9**.

10 71. On March 25 2008 the plaintiff called the US Attorneys office in Kansas City to complain of the
11 interference the plaintiff was experiencing when trying to transfer data via the internet (FTP and by email) for
12 his business when the plaintiff was informed by US Attorney for the Western District of Missouri, Assistant US
13 Attorney Jeffrey P. Ray that Ray would be representing former US Attorney Bradley Schlozman for his conduct
14 in his personal capacity before and after his service as a prosecutor in the Western District of Missouri Federal
15 Court case #07-0849 *Lipari v. GE*. See Lipari Affidavit **Exhibit 9.1**.

16 72. On March 28 2008, the plaintiff responded to the Administrative Office for US Courts regarding their
17 effort to restore confidence in our judiciary decimated by corruption under the Bush administration with showing
18 the "Straw Man Fraud" the plaintiff had documented was used by the defendants' RICO conspiracy to
19 fraudulently procure court rulings through out the plaintiff's eight-year legal battle and that resulted in decisions
20 never being based on fact or law. See Lipari Affidavit **Exhibit 10**.

21 73. On April 2, 2008 the plaintiff emailed Senator Claire McCaskill's office Corey Dukes and the U.S. House
22 Judicial Chairman John Conyers with the attached ethics complaint the plaintiff filed against the Honorable
23 Judge Carlos Murguia on February 1, 2008 for his continued misconduct in several of the plaintiff's cases See
24 Lipari Affidavit **Exhibit 11-11.1**.

25 74. On April 2, 2008 the plaintiff emailed Senator Claire McCaskill's office Corey Dukes with a letter to The
26 Honorable Judge John W. Lungstrum written in 2003, concerned about the lack of fact-based law decisions in
27 the plaintiff's litigation in Kansas District Court.

28 75. Additionally, the plaintiff sent an article from The Washington Post on how combined federal and state
29 intelligence or threat fusion centers are run by states including the State of Missouri and have access to
30

1 sensitive personal information. See Lipari Affidavit **Exhibit 12-14**.

2 76. On April 3, 2008 the plaintiff emailed a reporter named Tom Flocco and explained the plaintiff's
3 difficulties with the Honorable Judge Carlos Murguia, US Senator Claire McCaskill, US Representative
4 Emanuel Cleaver II, US Attorney Bradley Schlozman and US Attorney John Wood regarding the judicial
5 misconduct, cover up, extortion, obstruction of justice and fraud being committed against the plaintiff, his family
6 and associates. See Lipari Affidavit **Exhibit 15**.

7 77. On April 14, 2008 the plaintiff emailed Corey Dukes with Senator Claire McCaskill's office and Geoffrey
8 Jolly with Representative Emanuel Cleaver's office, a confidential petition and a second ethics complaint
9 against the Honorable Judge Carlos Murguia. See Lipari Affidavit **Exhibit 16-17.1**.

10 78. On April 14, 2008 the plaintiff emailed a copy of the demand letter to AT&T for their role in obstructing
11 justice, warrantless wiretapping and illegal surveillance programs to interfere with the plaintiff's litigation,
12 businesses, personal property and civil rights. See Lipari Affidavit **Exhibit 18-18.1**.

13 79. On April 15, 2008 the plaintiff emailed Norm Siegel with Stueve Siegel Hanson LLP seeking help with the
14 plaintiff's up coming mediation and settlement negotiations with links to the three complaints the plaintiff
15 needed help with. See Lipari Affidavit **Exhibit 19**.

16 80. On April 15,th 2008 the plaintiff emailed Rick Holtsclaw with Holtsclaw & Kendall LC for help with the
17 plaintiff's cases mediation and settlement negotiations with links to the three complaints the plaintiff needed
18 help with. See Lipari Affidavit **Exhibit 20**.

19 81. On May 5, 2008 the plaintiff emailed Phil Cardarella for help with the plaintiff's cases mediation and
20 settlement negotiations with links to the three complaints the plaintiff needed help with. See Lipari Affidavit
21 **Exhibit 21**.

22 82. On May 8, 2008 Federal Task Force informant Suzanne Gauch provided introduction by email to Mike
23 Lavota as a potential attorney to represent the plaintiff in his cases. See Lipari Affidavit **Exhibit 22**.

24 83. On June 8, 2008 the plaintiff gave an interview to INN World Report outlining the obstruction of justice in
25 the plaintiff's six-year litigation and the continued fleecing of Medicare and Medicaid funds. See Lipari Affidavit
26 **Exhibit 23**.

27 84. On July 10, 2008 the plaintiff sent an email to Sidney J. Perceful, a Commissioner, of the Federal
28 Mediation & Conciliation Service of the United States Government following a meeting she had with the
29 Honorable Judge Dean Whipple concerning the plaintiff's attorney Bret D. Landrith and his fraudulent
30

1 disbarment which was reciprocally imposed on Landrith without a hearing in the US District Court for the
2 Western District of Missouri.

3 85. According to Sidney J. Perceful, Judge Dean Whipple said he knew nothing about the Bret D. Landrith
4 disbarment which he observed was highly unlikely since it was to be introduced at a monthly meeting of judges
5 for a vote and he would have remembered it since the disbarments were so unusual but that the documentation
6 of the order bears his name.

7 86. The plaintiff's email shows the Honorable Judge Dean Whipple had notice of the fraudulent disbarment
8 See Lipari Affidavit **Exhibit 24**.

9 87. On November 20, 2008 the plaintiff emailed the latecomer defendants CHAPEL RIDGE MULTIFAMILY
10 LLC, SWANSON MIDGLEY LLC, CHRISTOPHER BARHORST, HOLLY L. FISHER, REGUS PLC, REGUS
11 MANGEMENT GROUP LLC, LIANNE ZELLMER, WELLS FARGO, WACHOVIA DEALER SERVICES INC.,
12 TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER 's co-
13 conspirator Joel B. Voran with notice of criminal misconduct from Voran's firm Lathrop & Gage LLP and Lathrop
14 & Gage LLP's attorney showing that Lathrop & Gage LLP was engaged in a scheme with former Missouri
15 Governor Matt Blunt to artificially inflate the cost of hospital supplies and to extort Medicare and Medicaid funds
16 through the "Insure Missouri" hospital skimming scheme which included Neil L. Patterson and Cerner
17 Corporation, a Kansas City-based medical software corporation that makes health care management systems
18 to conceal the fraudulent claims against Medicaid and Medicare funds and that Governor Matt Blunt and the
19 Novation LLC cartel planned to use to administer Medicaid funds without oversight in the Insure Missouri
20 scheme. See Lipari Affidavit **Exhibit 25-25.1**.

21 88. On December 1, 2008 the plaintiff spoke with US Senator Claire McCaskill's caseworker Lisa M. Foehner
22 regarding the plaintiff's FOIA request for the plaintiff's case file, Lisa M. Foehner informed the plaintiff that
23 Senator Claire McCaskill had closed the plaintiff's case.

24 89. The plaintiff then emailed Senator McCaskill's Corey Dukes and U.S Representative Emanuel Cleaver
25 II's Geoffrey Jolley and explained the plaintiff's call with Lisa M. Foehner.

26 90. Corey Dukes and Geoffrey Jolley said that US Senator Claire McCaskill and U.S Representative
27 Emanuel Cleaver II were sending the plaintiff's request to the proper authorities in Washington regarding the
28 Western District of Missouri US Department of Justice Office of former US Attorney Bradley Schlozman and US
29 Attorney John Wood See Lipari Affidavit **Exhibit 26**.

1 91. On January 4, 2009 the plaintiff emailed notice to the members of the Missouri Board of Bar Governors
2 as prospective injunctive relief defendants in the first of three amended petitions outlining the continued
3 misconduct of the conspirators' licensed Missouri attorneys in misrepresenting the controlling case law and the
4 facts on the face of the plaintiff's pleadings to the 16th Circuit State of Missouri Court to procure through
5 extrinsic fraud sham dismissals of the plaintiff's claims for the purpose of protecting the RICO hospital supply
6 enterprise and the RICO conspiracy through a lack of legal review or law based decisions in Missouri case #
7 0816-04217 before the Honorable Judge Michael M. Manners. See Lipari Affidavit **Exhibit 27-27.1**.

8 92. On January 20, 2009 the plaintiff emailed notice to the Missouri Board of Governors concerning the
9 plaintiff's appeal #70534 in case # 0816-04217 before the Honorable Judge Michael M. Manners. See Lipari
10 Affidavit **Exhibit 28**.

11 93. On January 22, 2009 the plaintiff emailed Melissa Streeter (an acquaintance of Federal Task Force
12 Informant Susanne Gauch) on the ongoing and difficulties sending standard business documents and
13 communications by email. See Lipari Affidavit **Exhibit 29**.

14 94. On January 26, 2009 the plaintiff sent an email notice to David @storesecured.com which is the plaintiff's
15 consumer/home healthcare storefront's distributor and for which the plaintiff resold products under the brand
16 Medical Supply Line from the plaintiff's apartment provided by CHAPEL RIDGE MULTIFAMILY LLC and
17 through a virtual office mail and phone service provided by REGUS PLC, REGUS MANGEMENT GROUP LLC,
18 and LIANNE ZELLMER.

19 95. The email notice the plaintiff sent to David @storesecured.com stated that the business plaintiff operated
20 was forced to shut down due to continued antitrust, racketeering, conspiracy and fraud conduct by the RICO
21 enterprise and RICO conspiracy which sought to shut down even the separate consumer/ home healthcare
22 business and deprive the plaintiff of resources he could use to enter the hospital supply market. See Lipari
23 Affidavit **Exhibit 30**.

24 96. The RICO enterprise and RICO conspiracy are formed around the Novation LLC hospital supply cartel
25 scheme created by General Electric and Jeffry Immelt to skim hospitals by overcharging Medicare, Medicaid
26 and private insurers for hospital supplies.

27 97. The plaintiff also found that the RICO enterprise and RICO conspiracy are formed around the Novation
28 LLC hospital supply cartel scheme created by General Electric and Jeffry Immelt included the latecomer RICO
29 conspirators CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER BARHORST,
30

1 HOLLY L. FISHER, REGUS PLC, REGUS MANGEMENT GROUP LLC, LIANNE ZELLMER, WELLS FARGO,
2 WACHOVIA DEALER SERVICES INC., TROPBITO & MILLER LLC, CHRIS M. TROPBITO, NICHOLAS L.
3 ACKERMAN, and TONY R. MILLER who formed an agreement to help shut down the plaintiff's home
4 healthcare/ consumer business in furtherance of the overarching goals of the RICO hospital supply enterprise
5 and the RICO conspiracy to keep me out of the institutional and with the intent to shut down the plaintiff's
6 financial resources. See Lipari Affidavit **Exhibit 30**.

7 98. On January 26, 2009 the plaintiff sent an email responding to the plaintiff's sister's son who was being
8 harassed by teachers in the Blue Springs school district.

9 99. The plaintiff's reply documented the continued interference from federal and State of Missouri agency
10 employees including those of the City of Blue Springs Police Department in conduct of public official corruption
11 to shut down the plaintiff's business and financial resources to further the overarching goals of RICO hospital
12 supply enterprise and the RICO conspiracy. See Lipari Affidavit **Exhibit 30.1**.

13 100. On January 26, 2009 the plaintiff took the plaintiff's mother to the "Bank of The West" and added her to
14 the plaintiff's account so that the plaintiff would have access to the funds invested by his brother and sister.

15 101. When the plaintiff and his mother sat down with the plaintiff's personal banker they learned "Bank of The
16 West" already had the plaintiff's mothers' name, address and social security number on file.

17 102. The plaintiff's mother has never conducted business with any bank in over 20 years (having only been a
18 credit union customer) and had never been a customer of the "Bank of The West".

19 103. Bank of The West was instructed by federal and State of Missouri agency employees to participate in
20 public official corruption and Bank of The West complied with the instruction from federal and state agencies to
21 monitor and report all activity regarding the plaintiff account(s) and activity.

22 104. On February 14, 2009 the plaintiff contacted Attorney General Mr. Eric Holder by mail and email pleading
23 for help (See Lipari Affidavit **Exhibit 31**) following US Senator Claire McCaskill's office's Regional Director
24 Michelle Sherod making a similar request to the Office of Inspector General. See Lipari Affidavit **Exhibit 31.1**.

25
26 **FBI AGENT KEVIN PERKINS HOBBS ACT EXTORTION IN**
27 **PARTICIPATION WITH THE RICO CONSPIRACY'S PUBLIC OFFICIAL CORRUPTION**

28 105. Deputy Inspector General Paul K. Martin forwarded the plaintiff's complaint to Kevin Perkins with the
29 Inspector Division of the Federal Bureau of Investigation ("FBI"). See Lipari Affidavit **Exhibit 31.2**.

30 106. The inspector Division declined to take action for lack of evidence (See Lipari Affidavit **Exhibit 31.3**) in

1 what turned out to be a form letter sent by the agency to obstruct justice in the cases the FBI had knowledge
2 the agency had used illegal letters of inquiry and warrantless wiretaps.

3 107. The plaintiff posted his request to Attorney General Mr. Eric Holder on Democratic Underground. See
4 Lipari Affidavit **Exhibit 31.4**.

5 108. On February 28, 2009 following the plaintiff's latest complaint to the Senate Judiciary Committee, the
6 Missouri Board of Bar Governors, the US Department of Justice ("USDOJ"), the FBI; the US Attorney for the
7 Western District of Missouri, John Wood resigned and Assistant US Attorney ("AUSA") Matt J. Whitworth took
8 over as interim US Attorney.

9 109. On July 1, 2009 the plaintiff mailed a notice to all the plaintiff's creditors and later duplicated copies to his
10 creditors by fax and email. See Lipari Affidavit **Exhibit 31.5**

11 110. On July 1, 2009 the plaintiff provided email notice to the Missouri Board of Governors with attached
12 exhibits (See Lipari Affidavit **Exhibit 32**) illustrating the Missouri Western District Appeals Court Clerk Terrance
13 Lord refused to accept the plaintiff's appeal brief (See Lipari Affidavit **Exhibit 32.1**) for word count even though
14 it conformed with the published online rules of the Missouri Supreme Court. See Lipari Affidavit **Exhibit 32.2**.

15 111. The plaintiff had previously attached a copy of the second request of June 27, 2009 pleading for help
16 from US Attorney General Mr. Eric Holder and hand delivered it to the City Attorney for the City of Lee's
17 Summit, City of Blue Springs, City of Independence and City of Kansas City on June 29 2009. See Lipari
18 Affidavit **Exhibit 32.3**.

19 112. On July 16 2009 the plaintiff received an email from LIANNE ZELLMER concerning my August invoice
20 for the REGUS PLC, REGUS MANGEMENT GROUP LLC office suites. See Lipari Affidavit **Exhibit 33**.

21 113. The plaintiff replied by email and letter of July 1, 2009 explaining that as a third party contract beneficiary
22 of the business contracts and expectancies the plaintiff had lost due to the negligence of FBI Director Mr.
23 Robert Mueller in training FBI agents to investigate Public Official Corruption the FBI had knowledge of and
24 failed to stop allowing the RICO conspirators to continue procuring fraudulent outcomes in court, so the United
25 States Government would provide REGUS PLC, and REGUS MANGEMENT GROUP LLC the full amount due
26 along with any interest or penalty under the Federal Tort Claims Act as interpreted in *Limone v. U.S.*, 497
27 F.Supp.2d 143 at pgs. 231-243 (D. Mass., 2007). See Lipari Affidavit **Exhibit 33.1**.

28 114. The plaintiff attached a Federal Torts Claim Act Form 95 and the appropriate mailing address for LIANNE
29 ZELLMER to submit on behalf of REGUS PLC, and REGUS MANGEMENT GROUP LLC to receive full
30

1 compensation for the plaintiff's obligations for the mail and phone service they had provided the plaintiff. See
2 Lipari Affidavit **Exhibit 33.1**.

3 115. On July 21, 2009 the plaintiff requested Attorney General Eric Holder start a criminal referral right here in
4 Kansas City. See Lipari Affidavit **Exhibit 34**.

5 116. On July 22, 2009 at 9:00 am the plaintiff sent a request for a criminal referral by email to the Professional
6 Responsibility Advisory Office regarding all of his letters, complaints and notices the plaintiff provided during the
7 plaintiff's eight year litigation and the plaintiff posted many of those letters, complaints and notice links on the
8 blog of Democratic Underground. See Lipari Affidavit **Exhibits 34.1**.

9 117. The plaintiff began posting documents on Democratic Underground because Internet communications
10 and emails were no longer reliable means of communicating with legislators, senators and representatives to
11 exposing the ongoing public corruption in our courts and US Department of Justice.

12 118. On July 22, 2009 at 1:30 pm the plaintiff went to Kansas Federal Court in Kansas City, Kansas at 500
13 State Avenue Kansas City, KS 66101-2400 to ask for information about a Freedom of Information Act ("FOIA")
14 request regarding information and communications between the courts, clerks and judges relating to the
15 ongoing interference with the plaintiff's 8-year litigation. See Lipari Affidavit **Exhibit 35**.

16 119. The plaintiff met with the clerk on the second floor and was asked to wait while he checked into the
17 plaintiff request.

18 120. Upon the clerk's return 5 minutes later he asked that the plaintiff leave the plaintiff name and number
19 because everyone was still out to lunch but that someone would get back to the plaintiff.

20 121. The plaintiff left his name and number and then proceeded to the Missouri Federal Court at 400 E. 9th
21 Street Kansas City, MO 64106 where the plaintiff made the same request and where he also left his name and
22 number and again someone would get back to the plaintiff.

23 122. In addition to making the plaintiff's request to the Missouri Federal Court the plaintiff went to the 5th floor
24 US Attorney's office and made a similar request but was given the name of Ms. Stafford to call at a later date.

25
26 **FBI SENIOR FIELD AGENT'S HOBBS ACT EXTORTION IN**
27 **PARTICIPATION WITH THE RICO CONSPIRACY'S PUBLIC OFFICIAL CORRUPTION**

28 123. The plaintiff then at about 2:15 pm proceeded to the FBI field office in Kansas City, Missouri at 1300
29 Summit Kansas City, Missouri 64105 and made a similar request to ask about the format of a FOIA and who
30 the records custodian the request should be addressed to.

1 124. A senior FBI field officer was sent out to meet with the plaintiff and he asked further questions about the
2 plaintiff's request.

3 125. The Western District of Missouri Senior FBI field officer then alarmed the plaintiff by looking at the
4 plaintiff and telling the plaintiff in a serious voice "Make sure the hill you are fighting for is worth dying for."

5 126. On July 22, 2009 at 5:17 pm the plaintiff was so alarmed and in fear that the plaintiff requested Federal
6 protection from Attorney General Mr. Eric Holder, which the plaintiff posted on Democratic Underground.

7 127. The plaintiff's post was later removed to cover up the criminal enterprise centered at the Kansas City FBI
8 field office and the office of Interim US Attorney Matt J. Wittworth. See Lipari Affidavit **Exhibit 35.1**.

9 128. On July 22, 2009 at 8:47 pm, the plaintiff emailed a notice to the Missouri Board of Governors regarding
10 the FBI field officer that threatened the plaintiff for making a FOIA request concerning the *ex parte*
11 communications between courts and the agency that appeared to have interfered with and obstructed justice in
12 the plaintiff's private civil litigation in Missouri state courts.

13 129. The plaintiff provided the Democratic Underground link showing the plaintiff's request for Federal
14 protection, which provided in the body of the plaintiff's email. See Lipari Affidavit **Exhibit 36**.

15
16 **THE LATECOMER DEFENDANTS' ENTER**
17 **INTO AGREEMENT TO JOIN RICO CONSPIRACY JULY 24, 2009**

18 130. On **July 24, 2009** the plaintiff checked his Appeal status for case #WD70832 on Missouri Case Net and
19 found the plaintiff was targeted with an eviction from the plaintiff's CHAPEL RIDGE MULTIFAMILY LLC
20 apartment filed in court (case #09-CV22818) that was the plaintiff's residence and business office and that the
21 case was filed at 4:58 pm Friday July 24, 2009. See Lipari Affidavit **Exhibit 37**.

22
23 **THE LATECOMER DEFENDANTS'**
24 **APARTMENT/OFFICE EVICTION MAIL FRAUD of**
25 **REGUS PLC, REGUS MANGEMENT GROUP LLC, and LIANNE ZELLMER**

26 131. On July 27, 2009 the plaintiff received a registered letter Dated **July 24, 2009** From LIANNE ZELLMER
27 immediately terminating my business services at the REGUS PLC, REGUS MANGEMENT GROUP LLC Office
28 Suites. See Lipari Affidavit **Exhibit 37.1**.
29
30

**THE LATECOMER DEFENDANTS'
APARTMENT/OFFICE EVICTION MAIL FRAUD
Of SWANSON MIDGLEY LLC And CHRISTOPHER BARHORST**

132. On July 28, 2009 the plaintiff received a letter dated July 22 2009 from CHRISTOPHER BARHORST at SWANSON MIDGLEY LLC (See Lipari Affidavit **Exhibit 37.2**) that was post marked July 27 2009 as notice for rent not yet 30 days past due. See Lipari Affidavit **Exhibit 37.3**.

133. CHRISTOPHER BARHORST at SWANSON MIDGLEY LLC backdated, then filed and then mailed the fraudulent notice for legal action when the action had already been filed 3 days before notice was given.

134. CHRISTOPHER BARHORST at SWANSON MIDGLEY LLC filed suit on Friday **July 24, 2009** before a notice or demand was ever mailed.

135. CHRISTOPHER BARHORST at SWANSON MIDGLEY LLC and CHAPEL RIDGE MULTIFAMILY LLC misrepresented facts to the court in case CV 0916-22818 by backdating documents, manufacturing false representations and ignoring due process as a fundamental right under the US Constitution and Missouri State Law.

**THE LATECOMER DEFENDANTS'
AUTOMOBILE REPOSSESSION MAIL FRAUD
WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPITO & MILLER LLC,
CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, And TONY R. MILLER**

136. The plaintiff later received a notice document from NICHOLAS L. ACKERMAN with TROPITO & MILLER LLC representing WELLS FARGO and its subsidiary WACHOVIA DEALER SERVICES INC. dated **July 24 2009** showing the concentrated effort to retaliate against the plaintiff for exposing the threat from the FBI field officer participating in the public official corruption utilized by the RICO conspiracy on July 22, 2009. See Lipari Affidavit **Exhibit 37.4**.

137. On July 28, 2009 the plaintiff emailed notice to CHRISTOPHER BARHORST at SWANSON MIDGLEY LLC thru his legal assistant and notary BRITTANY BUMMER (bbummer@swansonmidgley.com) (See Lipari Affidavit **Exhibit 38** with the notice the plaintiff provided CHAPEL RIDGE MULTIFAMILY LLC and The Fairways at Lakewood on July 2, 2009. See Lipari Affidavit **Exhibit 38.1**.

138. On July 29, 2009 at 10:17 am and again to follow up at 3:44 pm the plaintiff posted notice to Attorney General Mr. Eric Holder through the Democratic Underground Justice Forum and asked that someone forward the plaintiff's pleading for help to Mr. Eric Holder. See Lipari Affidavit **Exhibit 39-39.1**.

1 139. On July 30, 2009 the plaintiff emailed CHRISTOPHER BARHORST at SWANSON MIDGLEY LLC again
2 with the same notice the plaintiff later forwarded to the Missouri Board of Governors regarding the fraud
3 committed on the court. See Lipari Affidavit **Exhibit 40-41**.

4 140. Notice and evidentiary exhibits were provided to SWANSON MIDGLEY LLC and CHAPEL RIDGE
5 MULTIFAMILY LLC of the fraud being committed by CHRISTOPHER BARHORST and DEEDEE DIAZ.

6 141. Notice was also provided to 39 members of the Missouri Board of Governors on July 30th 2009 See Lipari
7 Affidavit **Exhibit 41**.

8 **THE LATECOMER DEFENDANT**
9 **CHAPEL RIDGE MULTIFAMILY LLC's FAILED**
ATTEMPT TO WITHDRAW FROM THE RICO CONSPIRACY

10 142. On July 31, 2009 at 10:30 am the plaintiff's residence at the CHAPEL RIDGE MULTIFAMILY LLC
11 apartment complex known as The Fairways at Lakewood had an unusual amount of activity in the parking lot
12 with the apartment manager DeeDee Diaz and members of the Lee's Summit Police Joint Task Force meeting
13 in the parking lot and then suddenly leaving together.

14 143. That weekend according to several neighbors DeeDee Diaz, the CHAPEL RIDGE MULTIFAMILY LLC
15 Apartment Manager was fired and she moved out in the middle of the night.

16 144. On August 3, 2009 the plaintiff updated CHRISTOPHER BARHORST with SWANSON MIDGLEY LLC as
17 an agent of CHAPEL RIDGE MULTIFAMILY LLC with formal notice of their fraud against the court and the
18 plaintiff with attached exhibits.

19 145. The plaintiff mailed notice of the fraud to the cc: recipients Attorney General Mr. Eric Holder, FBI Director
20 Mr. Robert Muller and the FBI field office in Kansas City.

21 146. The plaintiff hand delivered notice to The Honorable Judge Charles L. Stitt, the Lee's Summit City
22 Attorney Teresa Williams, the City Manager of Lee's Summit Stephen Arbo, and the owner and registered
23 agent of CHAPEL RIDGE MULTIFAMILY LLC, Scott Sperry and Grant A. Ramsey outlining the criminal
24 misconduct, the plaintiff's family being targeted and documented proof of fraud being committed on the court.
25 See Lipari Affidavit **Exhibit 42**.

26 147. The court clerk and the Honorable Judge Charles L Stitt omitted the plaintiff 's notice of fraud and
27 proceeded to participate in a fraudulent procured judgment. See Lipari Affidavit **Exhibit 42.1**.

28 148. The document reflects fraud by the court with a check mark that the "Defendant appears in person" and a
29 check mark that Although duly summoned and called Defendant appears not, and is in default.
30

1 149. In an attempt to cover up the frauds committed on the court, and by the court, CHRISTOPHER
2 BARHORST with SWANSON MIDGLEY LLC as an agent of CHAPEL RIDGE MULTIFAMILY LLC allowed
3 HOLLY FISHER with SWANSON MIDGLEY LLC to complete the fraud and obtain a fraudulent judgment.
4 150. While waiting for a copy of the judgment plaintiff ask to have a moment with Ms. HOLLY FISHER with
5 SWANSON MIDGLEY LLC because plaintiff could not believe that a court with notice of the fraud would enter a
6 fraudulent judgment in favor of the fraud.
7 151. Plaintiff told Ms. HOLLY FISHER with SWANSON MIDGLEY LLC that it was illegal to obtain judgment
8 through fraud and that the judgment was invalid.
9 152. Ms. HOLLY FISHER with SWANSON MIDGLEY LLC told plaintiff that if plaintiff didn't like it to file an
10 appeal.
11 153. The Honorable Judge Charles L Stitt and the clerk of the court knowingly omitted the plaintiff's notice of
12 fraud from the file.
13 154. Because the plaintiff had a copy of the notice with the plaintiff during the hearing, the plaintiff asked the
14 court to file stamp the plaintiff's notice and enter it into the file.
15 155. Also provided with a copy and notice of the frauds were the Missouri Board of Governors, LEE'S
16 SUMMIT CITY ATTORNEY, TERESA WILLIAMS; LEE'S SUMMIT CITY MANAGER, STEPHEN ARBO;
17 CHAPPEL RIDGE MULTIFAMILLY INC. SCOTT SPERRY; CHAPPEL RIDGE MULTIFAMILLY INC. GRANT A.
18 RAMSEY.

19
20 **COMPLETION OF FRAUD ON**
21 **THE 16TH CIRCUIT COURT By CHAPEL RIDGE MULTIFAMILY LLC,**
SWANSON MIDGLEY LLC, CHRISTOPHER BARHORST, And HOLLY L. FISHER

22 156. The clerk was extremely nervous but stamped the plaintiff's notice and entered it into the file after the
23 fraudulently procured judgment was already entered. See Lipari Affidavit **Exhibit 42.2**.
24 157. On August 3, 2009 the plaintiff provided notice to the Missouri Board of Governors and the plaintiff's
25 defendants with formal notice of the fraud being committed on the court by SWANSON MIDGLEY LLC,
26 CHRISTOPHER BARHORST, and HOLLY L. FISHER while the defendants' co-conspirators were already in
27 Federal and State court for the same fraudulent misconduct. See Lipari Affidavit **Exhibit 43**.
28 158. On August 12, 2009 the plaintiff sent notice to The Board of Governors showing the plaintiff's request for
29 Mr. Holder to start enforcing our laws and support the President Obama healthcare initiative. See Lipari
30

1 Affidavit **Exhibit 44.**

2
3 **MISSOURI ATTORNEY GENERAL CHRIS KOSTER'S**
4 **PARTICIPATION IN THE RICO CONSPIRACY'S PUBLIC OFFICIAL CORRUPTION**

5 159. On August 14, 2009 the plaintiff sent notice to the Board of Bar Governors showing what the plaintiff
6 posted on Democratic Underground to Attorney General Mr. Chris Koster regarding a notice signed by Jodi
7 Lehman from the Missouri Attorney General Chris Koster's office targeting the plaintiff with a sham consumer
8 complaint to artificially create a negative inquiry on the plaintiff's business record. See Lipari Affidavit **Exhibit**
9 **45**

10 160. Missouri Attorney General Chris Koster is responsible for knowing, the company he targeted is a Kansas
11 corporation that is inactive and has never made a consumer sale in addition to being out of Attorney General
12 Chris Koster's jurisdiction.

13 161. Missouri Attorney General Chris Koster's complaint was in bad faith and in furtherance of the RICO
14 conspiracy's over arching goal to loot Medicaid and Medicare through control of hospital supplies because of
15 the fact the plaintiff was the consumer making a purchase from a company in Texas. See Lipari Affidavit
16 **Exhibit 45.1.**

17 162. On August 17, 2009 the plaintiff emailed notice to the Board of Bar Governors (See Lipari Affidavit
18 **Exhibit 46**) regarding the plaintiff's next business injuries to be litigated for treble damages. See Lipari Affidavit
19 **Exhibit 46.1.**

20 163. On August 17, 2009, the plaintiff emailed a news link that three U.S. Senate Committees have now
21 requested the same information the plaintiff has requested as discovery only to be confronted by sham un-
22 researched misrepresentations of controlling law by Missouri licensed attorneys who obstructed justice with
23 their misrepresentations of law and fact to state and federal tribunals for the past 8 years. See Lipari Affidavit
24 **Exhibit 47.**

25 164. On August 19, 2009, the plaintiff emailed notice to the Board of Bar Governors and the defendants
26 regarding the completed fraud under the controlling case law of this jurisdiction for fraud on the court committed
27 in Missouri See Lipari Affidavit **Exhibit 48.**

28 165. On August 21, 2009 at 8:07 am the plaintiff emailed notice to the Board of Bar Governors that Missouri
29 Attorney General Chris Koster failing to do anything doing about the harm to Missourians caused by the refusal
30 to enforce Missouri Laws against the plaintiff's defendants and the public officials protecting the RICO

1 enterprise and RICO conspiracy. See Lipari Affidavit **Exhibit 49-49.1.**

2 166. By 12:54 pm certain public officials had instructed administrators for the blog Democratic Underground to
3 begin censoring the plaintiff's speech and remove him from posting any more information about the ongoing
4 criminal RICO enterprise being protected by the Western District of Missouri Office of the USDOJ. See Lipari
5 Affidavit **Exhibit 49.2.**

6 167. The same public officials who had the plaintiff removed from Democratic Underground knew the plaintiff's
7 email service and web site postings were no longer reliable forms of communication due to the ongoing
8 interference from my Internet Service Provider and email client provider GoDaddy.com.

9 168. On August 31, 2009 the plaintiff emailed notice to the Board of Bar Governors, the St Louis FBI office of
10 John Gilles and the Inspector General of the US Department of Justice regarding the continued public
11 corruption, retaliation, obstruction of justice and targeting of the plaintiff, his family and business associates to
12 interfere with the plaintiff's Federal and State litigation. See Lipari Affidavit **Exhibit 50-50.4.**

13 169. On September 1, 2009 the plaintiff emailed additional evidence to the Missouri Board of Bar Governors
14 about the plaintiff's family being targeted and harassed by the US Attorney's Office, which was physically
15 carried out by Federal and State law enforcement including the Federal/ State Joint Task Force members the
16 City of Lee's Summit, Blue Springs and Independence police departments. See Lipari Affidavit **Exhibit 51.**

17 170. On September 9, 2009 the plaintiff emailed notice to the Missouri Board of Governors regarding the loss
18 of life and damages to US Citizens and Missouri residents as a result of Federal and State agencies refusing to
19 enforce our Federal and State Laws against criminal misconduct and public official corruption to maintain the
20 RICO conspiracy's monopoly in healthcare. See Lipari Affidavit **Exhibit 52.**

21 171. On September 16, 2009 the plaintiff emailed notice to the Missouri Board of Governors regarding the
22 continued retaliation and harassment toward the plaintiff, members of the plaintiff's family and business
23 associates. See Lipari Affidavit **Exhibit 53-53.1.**

24 172. On September 17, 2009 the plaintiff responded to LIANNE ZELLMER with REGUS PLC, REGUS
25 MANGEMENT GROUP LLC office suites regarding a collection agency email from HQ and a balance of
26 \$3533.70, which is dramatically more (4x) than was requested at the time the plaintiff services were
27 immediately terminated in coordination with the eviction from the plaintiff's residence that also began on **July**
28 **24 2009.** See Lipari Affidavit **Exhibit 54.**

29 173. In addition to the plaintiff's account being immediately terminated and turned over for collection with no
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1 offer made to restore service, the plaintiff sent notice to LIANNE ZELLMER and Susan Conley regarding
2 REGUS PLC, and REGUS MANGEMENT GROUP LLC's participation in the ongoing RICO enterprise after the
3 plaintiff provided an offer on July 16 2009 for a complete and total resolution including any penalty and interest

4 See Lipari Affidavit **Exhibit 54.1**.

5 174. The plaintiff responded again on September 18 2009 as a follow up to the plaintiff's previous response
6 asking for the name of REGUS PLC, and REGUS MANGEMENT GROUP LLC's legal counsel so that the
7 plaintiff could serve them a new or amended RICO complaint. See Lipari Affidavit **Exhibit 54.2**.

8 175. On September 24, 2009 Missouri's Chief Supreme Court Justice William Ray Price Jr. addressed the
9 Missouri Board of Governors and officers of the courts about systemic misconduct in our Missouri state courts
10 that the plaintiff had repeatedly experienced including predetermined outcomes that procured court judgments
11 through extrinsic fraud, depriving Missouri citizens of a trial in front of a jury. See Lipari Affidavit **Exhibit 55**.

12 176. On September 29, 2009 the plaintiff emailed notice again to US Senator Claire McCaskill following her
13 September 16, 2009 response in addition to the Board of Bar Governors and the Senate Judiciary Committee
14 (see Lipari Affidavit **Exhibit 55.1**) regarding the RICO enterprise in hospital supplies including its continued
15 misconduct and retaliation through public official corruption. See Lipari Affidavit **Exhibit 55.2**.

16 177. On September 30, 2009 the plaintiff emailed notice to the Board of Bar Governors (see Lipari Affidavit
17 **Exhibit 56**) and hand delivered notice to the Honorable Judge Robert L. Trout and the Honorable Senior Judge
18 W. Stephen Nixon file stamped by the clerk of the associate court in Independence, Missouri Division 32 and
19 Division 5 outlining the latest RICO co-conspirators CHRIS M. TROPITO, TONY R. MILLER and NICK L.
20 ACKERMAN of TROPITO & MILLER LLC participating in the ongoing enterprise's conspiracy to control
21 hospital supplies.

22 178. The plaintiff replied to the RICO enterprise with a letter outlining the plaintiff's position on the continued
23 harassment and targeting of the plaintiff, his family and his business interests. See Lipari Affidavit **Exhibit 56.1**.

24 179. On October 7, 2009 the plaintiff sent notice to The Missouri Board of Governors showing the Honorable
25 William Ray Price Jr., Supreme Court Justice of Missouri addressing the plaintiff's complaints and misconduct
26 about Missouri State courts participating in support of fraudulent outcomes. See Lipari Affidavit **Exhibit 57**.

27 180. The plaintiff attached the most recent fraud on the court by TROPITO & MILLER LLC. See Lipari
28 Affidavit **Exhibit 57.1**.

29 181. On October 8, 2009 the emailed notice to the Board of Bar Governors with a cc: to US Senator Claire
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1 McCaskill regarding the Honorable Judge Charles L. Stitt's continued participation in the criminal enterprise
2 See Lipari Affidavit **Exhibit 58**.

3
4 **COMPLETION OF SECOND FRAUD ON**
5 **THE 16TH CIRCUIT COURT By CHAPEL RIDGE MULTIFAMILY LLC,**
6 **SWANSON MIDGLEY LLC, CHRISTOPHER BARHORST, And HOLLY L. FISHER**

7 182. The Honorable Judge Charles L. Stitt continued his participation with CHAPEL RIDGE MULTIFAMILY
8 LLC even after Judge Charles L. Stitt had notice of the fraud but instructed the court clerk to omit the notice
9 from the file in further participation of the RICO conspirator's fraud by attempting to conceal his role and the
10 misconduct of the defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC,
11 CHRISTOPHER BARHORST, and HOLLY L. FISHER. See Lipari Affidavit **Exhibit 58.1**.

12 183. The Honorable Judge Charles L. Stitt then proceeded with a garnishment Honorable Judge Charles L.
13 Stitt knew was procured through fraud committed on the court by SWANSON MIDGLEY LLC, CHRISTOPHER
14 BARHORST, and HOLLY L. FISHER. See Lipari Affidavit **Exhibit 58.2**.

15 184. On October 29, 2009 the plaintiff emailed another notice to the Missouri Board of Bar Governors outlining
16 the continued negligence in policing against the open public official corruption and the continued fraudulent
17 outcomes procured through extrinsic fraud on the court and the cases affected by the fraud. See Lipari Affidavit
18 **Exhibit 59**.

19 **THE RICO CONSPIRACY'S CONTINUED**
20 **DEPRIVATION OF LEGAL REPRESENTATION FOR THE PLAINTIFF**

21 185. On November 11, 2009 the plaintiff sent another notice to The Missouri Board of Governors outlining
22 again the continued negligence in policing against the open public official corruption and the continued
23 fraudulent outcomes procured through extrinsic fraud on the court (see Lipari Affidavit **Exhibit 60**) with the first
24 page of a new RICO action against defendants that included Missouri licensed attorneys CHRISTOPHER
25 BARHORST, HOLLY L. FISHER CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER
26 and the Missouri chartered law firms SWANSON MIDGLEY LLC and TROPPITO & MILLER LLC that the
27 plaintiff would be forced to file for subsequent RICO conduct over the past two years even while the same
28 misconduct was still being litigated in Federal and State courts. See Lipari Affidavit **Exhibit 60.1**.

29 186. During this same period covered in this complaint, the plaintiff has been repeatedly injured by US Bank
30 and US Bancorp in conspiracy with the RICO enterprise and RICO co-conspirators to deprive the plaintiff of

1 legal counsel by tortuously interfering with my business expectancies for legal representation by Hawver Law
2 Office and Steven Siegel Hanson, LLP.

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4 **CAUSES OF ACTION**

5 169. The plaintiff makes the following allegations incorporating by reference the contents of this petition and
6 its exhibits.

7 **COUNT I**
8 **Civil RICO violations of 18 U.S.C. § 1962(c)**

9 170. The defendants have injured the plaintiff in his business or property by reason of violations of 18 U.S.C.
10 § 1962.

11 171. The defendants have injured the plaintiff's home healthcare/consumer supplies business and the
12 plaintiff's hospital supply business impact on interstate commerce

13 **(1) conduct**

14 172. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
15 BARHORST, HOLLY L. FISHER, REGUS PLC, REGUS MANGEMENT GROUP LLC, LIANNE ZELLMER,
16 WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPBITO & MILLER LLC, CHRIS M. TROPBITO,
17 NICHOLAS L. ACKERMAN, and TONY R. MILLER have engaged in conduct individually, jointly as part of a
18 RICO enterprise in the 16th Circuit State of Missouri Court and as part of a RICO Conspiracy with the Novation
19 LLC Cartel RICO enterprise to injure the plaintiff's business and property to prevent him from competing in the
20 market for hospital supplies.

21 **(2) of an enterprise**

22 173. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
23 BARHORST, HOLLY L. FISHER, REGUS PLC, REGUS MANGEMENT GROUP LLC, LIANNE ZELLMER,
24 WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPBITO & MILLER LLC, CHRIS M. TROPBITO,
25 NICHOLAS L. ACKERMAN, and TONY R. MILLER have participated jointly as part of a RICO enterprise in the
26 16th Circuit State of Missouri Court and as part of a RICO Conspiracy with the Novation LLC Cartel RICO
27 enterprise to injure the plaintiff's business and property to prevent him from competing in the market for hospital
28 supplies.

29 174. The defendants are an "association-in-fact" enterprises under 18 U.S.C., section 1961(4).
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(3) Pattern

175. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER BARHORST, HOLLY L. FISHER, REGUS PLC, REGUS MANGEMENT GROUP LLC, LIANNE ZELLMER, WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER have participated jointly as part of a RICO enterprise in the 16th Circuit State of Missouri Court:

176. As part of a RICO Conspiracy with the Novation LLC Cartel RICO enterprise to injure the plaintiff's business and property to prevent him from competing in the market for hospital supplies as part of a regular way of doing business in the 16th Circuit State of Missouri Court,

177. And as a way to continue the RICO pattern of RICO predicate acts against the plaintiff's business in court began by the defendants fellow RICO co-conspirators General Electric Company, General Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global Signaling, LLC, Jeffrey R. Immelt, Seyfarth Shaw LLP, Stuart Foster, Heartland Financial Group, Inc., Christopher M. McDaniel, Bradley J. Schlozman, Novation LLC, US Bancorp and The Piper Jaffray Companies.

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(4) Racketeering Activity

178. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER BARHORST, HOLLY L. FISHER, REGUS PLC, REGUS MANGEMENT GROUP LLC, LIANNE ZELLMER, WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER have engaged in conduct individually, jointly as part of a RICO enterprise in the 16th Circuit State of Missouri Court and as part of a RICO Conspiracy with the Novation LLC Cartel RICO enterprise to commit the following RICO predicate acts enumerated under 18 U.S.C. § 1961:

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18 U. S. C. § 1961 section 1341 Mail fraud

179. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER BARHORST, HOLLY L. FISHER engaged in a scheme to defraud the 16th Circuit Court of Missouri and the plaintiff through the above stated misrepresentations and the attachments to the plaintiff's affidavit to perpetrate a fraud on the court..

180. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER BARHORST, HOLLY L. FISHER used the US Mail to send letters on the dates described above and in the attachments to the plaintiff's affidavit to further the defendants' fraudulent scheme to injure the plaintiff.

1 181. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
2 BARHORST, HOLLY L. FISHER deceived the 16th Circuit Court of Missouri to evict the plaintiff from his
3 apartment/business office on the date and time stated above and in the plaintiff's affidavit attachments.

4 182. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
5 BARHORST, HOLLY L. FISHER deceived the 16th Circuit Court of Missouri to obtain a garnishment against the
6 plaintiff and his Bank of the West accounts.

7 183. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
8 BARHORST, HOLLY L. FISHER deceived the plaintiff into relinquishing his leasehold in his
9 apartment/business office on the date and time stated above and in the plaintiff's affidavit attachments because
10 of the fostered illusion of the RICO conspiracy to keep the plaintiff from being able to sale hospital supplies had
11 the courts of the State of Missouri were rigged..

12 **First § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act**

13 184. CHRISTOPHER BARHORST and SWANSON MIDGLEY LLC created a letter (See Lipari Affidavit
14 **Exhibit 37.2**) that was post marked on July 27 2009 giving the plaintiff notice that SAMUEL LIPARI would:

15 185. 1) have an opportunity to dispute his arrearage within 30 days, See Lipari Affidavit **Exhibit 37.2**

16 186. 2) that if such dispute was received CHRISTOPHER BARHORST and SWANSON MIDGLEY LLC
17 would obtain a verification from their client CHAPEL RIDGE MULTIFAMILY LLC on the actual amount of
18 arrearage .See Lipari Affidavit **Exhibit 37.2**

19 187. CHRISTOPHER BARHORST and SWANSON MIDGLEY LLC deliberately stated the above as
20 misrepresentations to deceive the plaintiff and the 16th Circuit Court.

21 188. CHRISTOPHER BARHORST and SWANSON MIDGLEY LLC knew the letter misrepresented the
22 amount of days that SAMUEL LIPARI was late on rent.

23 189. CHRISTOPHER BARHORST and SWANSON MIDGLEY LLC knew the letter misrepresented that
24 SAMUEL LIPARI would have an opportunity to dispute the arrearage. See *infra*.

25 190. CHRISTOPHER BARHORST and SWANSON MIDGLEY LLC knew the letter misrepresented that the
26 letter misrepresented CHRISTOPHER BARHORST and/or SWANSON MIDGLEY LLC would verify the amount
27 SAMUEL LIPARI was delinquent paying their client CHAPEL RIDGE MULTIFAMILY LLC. See *infra*.

1 191. CHRISTOPHER BARHORST and SWANSON MIDGLEY LLC knew the letter misrepresented
2 SAMUEL LIPARI's delinquency on rent because the rent not yet 30 days past due. See Lipari Affidavit **Exhibit**
3 **37.3**.

4 192. CHRISTOPHER BARHORST and SWANSON MIDGLEY LLC knew the letter made the above
5 misrepresentations because it was created after the date that appears on its face in order to provide false and
6 fraudulent documentation delivered by US Mail to procure the eviction of SAMUEL LIPARI from the residential
7 apartment SAMUEL LIPARI was using as an office for his business Medical Supply Line.

8 193. CHRISTOPHER BARHORST and SWANSON MIDGLEY LLC knew the letter was created and mailed
9 with the above misrepresentations three days **after** CHRISTOPHER BARHORST and SWANSON MIDGLEY
10 LLC had filed the eviction action against SAMUEL LIPARI in the name of their client CHAPEL RIDGE
11 MULTIFAMILY LLC.

12 **Second § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act**

13 194. CHRISTOPHER BARHORST, SWANSON MIDGLEY LLC and CHAPEL RIDGE MULTIFAMILY LLC
14 misrepresented facts to the 16th Circuit court and Honorable Judge Charles L. Stitt in case CV 0916-22818 by
15 backdating the letter giving notice to SAMUEL LIPARI bearing the date July 22, 2009 (See Lipari Affidavit
16 **Exhibit 37.2**) that was post marked on July 27 2009.

17 195. CHRISTOPHER BARHORST, SWANSON MIDGLEY LLC and CHAPEL RIDGE MULTIFAMILY LLC
18 misrepresented facts to the 16th Circuit court by signing a false court filing representing the misrepresentations
19 in the manufactured letter as true to the best of knowledge of the Missouri attorney CHRISTOPHER
20 BARHORST when CHRISTOPHER BARHORST, SWANSON MIDGLEY LLC and CHAPEL RIDGE
21 MULTIFAMILY LLC knew the filing was fraudulent and that they had created a false document to deceive the
22 16th Circuit Court Judge Honorable Charles L. Stitt and SAMUEL LIPARI that the proceeding was lawful.

23 196. The filing was mailed by CHRISTOPHER BARHORST, SWANSON MIDGLEY LLC and CHAPEL
24 RIDGE MULTIFAMILY LLC to SAMUEL LIPARI via US Mail.

25 197. The filing was caused by CHRISTOPHER BARHORST, SWANSON MIDGLEY LLC and CHAPEL
26 RIDGE MULTIFAMILY LLC to be communicated electronically to potential lenders, investors and business
27 customers of SAMUEL LIPARI via Missouri Case Net.

Third § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act

198. CHRISTOPHER BARHORST made an accompanying false affidavit with the filing swearing the fraud SWANSON MIDGLEY LLC and CHAPEL RIDGE MULTIFAMILY LLC were perpetrating on the court and SAMUEL LIPARI was authentic. The affidavit was mailed by CHRISTOPHER BARHORST, SWANSON MIDGLEY LLC and CHAPEL RIDGE MULTIFAMILY LLC to SAMUEL LIPARI via US Mail.

199. The affidavit was part of the filing caused by CHRISTOPHER BARHORST, SWANSON MIDGLEY LLC and CHAPEL RIDGE MULTIFAMILY LLC to be communicated electronically to potential lenders, investors and business customers of SAMUEL LIPARI via Missouri Case Net.

200. The plaintiff was injured in his business and property by the loss of his leasehold in his apartment/business office, the remaining days under the Missouri landlord tenant law chapter that the plaintiff could have used to save his business expectancies and to protect his credit from the defendants' injury.

201. WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER have engaged in mail fraud manufacturing evidence as stated in the facts above and the plaintiff's affidavit and attachments.

202. WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER used the US Mails to further their fraudulent scheme.

203. WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER used the US Mails and electronic communications to further the fraudulent scheme to deceive the plaintiff into voluntarily returning his business car to avoid negative information on the plaintiff's credit report when the defendants had no intention to avoid injuring the plaintiff's personal and business credit reputation as part of the over all scheme to deprive the plaintiff of any resource he could use to enter the hospital supply market.

204. On July 1, 2009 plaintiff sent notice to WACHOVIA DEALERS SERVICES INC. that was later faxed on July 27 2009 explaining that as a third party contract beneficiary of the business contracts and expectancies the plaintiff had lost due to the negligence of FBI Director Mr. Robert Mueller in training FBI agents to investigate Public Official Corruption the FBI had knowledge of and failed to stop allowing the RICO conspirators from continuing to procure fraudulent outcomes in court, so the United States Government would provide WACHOVIA DEALERS SERVICES INC. the full amount due along with any interest or penalty under the

1 Federal Tort Claims Act as interpreted in *Limone v. U.S.*, 497 F.Supp.2d 143 at pgs. 231-243 (D. Mass., 2007).

2 See Lipari Affidavit **Exhibit 31.5**.

3 205. On or about the last week of July plaintiff was interviewed for two hours by Lee's Summit Police
4 Department Detective Griggs regarding evidence through legally unrepresented statements of an insurance
5 claim created by Joint Task Force and its informant Suzanne Gauch.

6 206. Plaintiff was targeted in effort to manufacture evidence that would justify the fraud and criminal
7 misconduct from Federal and State public officials and to interfere with plaintiffs Federal and State litigation.

8 207. When Lee's Summit Police Department Detective Griggs was preparing to leave plaintiff insinuated the
9 USDOJ's negligence was also responsible for the death of Mr. George Tiller.

10 208. Plaintiff told Lee's Summit Police Department Detective Griggs that Kansas Attorney General and later
11 Johnson County District Attorney Phil Kline should also be responsible because he also failed to protect Dr.
12 George Tiller.

13 209. Detective Griggs violently defended Kansas Attorney General and later Johnson County District Phil
14 Kline and then proceeded to press plaintiff explaining what a late term partial birth abortions is and that Mr.
15 George Tiller deserved what he got.

16
17 **Third § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act**

18 210. On August 27, 2009 plaintiff received a letter from NICHOLAS ACKERMAN Bar#54761 with
19 TROPITO + MILLER, LLC representing WACHOVIA DEALERS SERVICES INC. See Lipari Affidavit **Exhibit**
20 **49.3**.

21 211. On September 3 2009 plaintiff provided email notice to NICHOLAS ACKERMAN BAR#54761 with
22 TROPITO + MILLER, LLC representing WACHOVIA DEALERS SERVICES INC. outlining the notice plaintiff
23 mailed on July 1 2009 and faxed on July 27 2009 to WACHOVIA DEALERS SERVICES INC. Jorge Torres
24 which explained in detail how WACHOVIA DEALERS SERVICES INC. could obtain a full resolution to plaintiffs
25 contractual obligation and plaintiffs wiliness to work with WACHOVIA DEALERS SERVICES INC. See Lipari
26 Affidavit **Exhibit 51.1**

1 **Fourth § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act**

2 212. On September 28, 2009 a law suite was filed against plaintiff by NICHOLAS ACKERMAN BAR#54761
3 with TROPITO + MILLER, LLC representing WACHOVIA DEALERS SERVICES INC. Jorge Torres without
4 any response to plaintiffs letter of September 3 2009. See Lipari Affidavit **Exhibit 51.2**.

5 213. On September 29th 2009 at or about 10:30 am Plaintiff called WACHOVIA DEALERS SERVICES INC.
6 JORGE TORRES from the intersection of I-35 and Metcalf but the phone did not work properly so plaintiff
7 proceeded to I-35 and 95th Street and called from a convenience store.

8 214. Plaintiff spoke with WACHOVIA DEALERS SERVICES INC. JORGE TORRES when Mr. TORRES
9 knowingly made a fraudulent misrepresentation.

10 215. WACHOVIA DEALERS SERVICES INC.' Jorge Torres offered to the plaintiff that if the plaintiff
11 surrendered the vehicle, WACHOVIA DEALERS SERVICES INC. Jorge Torres would make sure there would
12 be no negative reporting on plaintiffs credit report and no collection effort for any outstanding balance when the
13 vehicle was sold.

14 216. On September 29 2009 plaintiff emailed NICHOLAS L. ACKERMAN Bar #54761 TONI R. MILLER and
15 CHRIS M. TROPITO with TROPITO + MILLER, LLC notice of the conversation plaintiff had with
16 WACHOVIA DEALERS SERVICES INC. JORGE TORRES and ask that service be provided by email. See
17 Lipari Affidavit **Exhibit 55.3**.

18
19 **Fifth § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act**

20 217. On September 29, 2009 plaintiff received notice "Delivery of the following recipients failed". See Lipari
21 Affidavit **Exhibit 55.4**.

22 218. The delivery notification failure was a server generated failure rather than the normal network failure for
23 a non-deliverable email address . See Lipari Affidavit **Exhibit 55.4**.

24 219. Because plaintiffs email was blocked at the TROPITO + MILLER, LLC server, plaintiff sent his 28
25 page September 30 2009 letter with attached exhibits highlighting the continued fraudulent misconduct of
26 NICHOLAS L. ACKERMAN BAR#54761 TONI R. MILLER and CHRIS M. TROPITO with TROPITO +
27 MILLER, LLC to the Missouri Board of Governors. See Lipari Affidavit **Exhibit 56.1**.

220. Plaintiff also hand delivered his September 30 2009 letter and evidentiary exhibits to the clerk of the associate court and The Honorable Judge Robert L. Trout and The Honorable Senior Judge W. Stephen Nixon. See Lipari Affidavit **Exhibit 56.2**.

221. Plaintiff witnessed the clerk file stamp the 28-page document.

222. On October 2 2009 plaintiff faxed the 28 page document dated September 30 2009 with attached exhibits in a continued effort to communicate with NICHOLAS L. ACKERMAN, TONI R. MILLER and CHRIS M. TROPITO with TROPITO + MILLER, LLC and WACHOVIA DEALERS SERVICES INC. Jorge Torres. See Lipari Affidavit **Exhibit 56.3**

Sixth § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act

223. On October 5, 2009 plaintiff finally received a letter from NICHOLAS L. ACKERMAN, TONI R. MILLER and CHRIS M. TROPITO with TROPITO + MILLER, LLC with attached exhibits of the Retail agreement with WACHOVIA DEALERS SERVICES INC. JORGE TORRES and a copy of plaintiff pay history. See Lipari Affidavit **Exhibit 56.4**.

224. On October 6, 2009 plaintiff faxed the 28 page September 30 2009 letter with exhibits of NICHOLAS L. ACKERMAN BAR#54761 TONI R. MILLER and CHRIS M. TROPITO with TROPITO + MILLER, LLC fraudulent misrepresentations to WACHOVIA DEALERS SERVICES INC.'S Jorge Torres. **(See Lipari Affidavit Exhibit 56.5)**

225. On October 7, 2009 plaintiff replied to the October 6 2009 letter of NICHOLAS L. ACKERMAN BAR#54761 TONI R. MILLER and CHRIS M. TROPITO with TROPITO + MILLER, LLC fraudulent misrepresentations and omission of the facts to the court. See Lipari Affidavit **Exhibit 56.6**.

Seventh § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act

226. On October 17 2009 plaintiffs' brother received service for case #0916-CV29828 and recognized several fraudulent statements and misrepresentations. See Lipari Affidavit **Exhibits** Email and Fax

227. When plaintiff received service October 17 2009 court documentation did not reflect factual events or statement. See Lipari Affidavit **Exhibit** Email andFax

228. The entire affidavit misrepresents the facts outline and supported evidentiary exhibits. See Lipari Affidavit **Exhibit** Email andFax

1 229. Plaintiff's one additional document that has never been presented to plaintiff called the first notice of
2 consumer's right to cure. See Lipari Affidavit **Exhibit 37.4**.

3
4 **Eighth § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act**

5 230. Plaintiff on information and belief avers that Exhibit B of the WACHOVIA DEALERS SERVICES INC.'S
6 petition was fraudulently created and filed to give the appearance of a timely notice to cure. (**See Lipari**
7 **Affidavit Exhibit 37.4**)

8 231. Plaintiff on information and belief avers that the plaintiffs' residence, business and personal and
9 business assets were all targeted on **July 24 2009** in retaliation for exposing the death threat from an FBI field
10 officer July 22 2009. See Lipari Affidavit **Exhibits** Email and Fax

11 232. REGUS PLC, REGUS MANGEMENT GROUP LLC, and LIANNE ZELLMER used the mails in a
12 scheme to defraud the plaintiff and to deprive him of the virtual office services of mail and telephone
13 communications.

14 233. On information and belief REGUS PLC, and REGUS MANGEMENT GROUP LLC, entered into this
15 fraudulent scheme as a result of the electronic communications of the RICO conspirators to LIANNE ZELLMER
16 who later used the mails in a scheme to obtain four times the arrearage when the shut off of virtual office
17 services had led to the plaintiff having to curtail his consumer home health care portion of his business.

18 234. On May 15, 2009 plaintiff received his June email invoice totaling \$ 295.85 from LIANNE ZELLMER for
19 the REGUS PLC, REGUS MANGEMENT GROUP LLC office suites. See Lipari Affidavit **Exhibit 33.2**).

20 235. On June 8, 2009 plaintiff received a certified mail from LIANNE ZELLMER for the REGUS PLC,
21 REGUS MANGEMENT GROUP LLC office suites (**See Lipari Affidavit Exhibit 33.3**

22 ***Re: Notice of default and late fee assessment letter per agreement (the "Agreement") dated***
23 ***September 24, 2007 by and between Regus Management Group, LLC and Medical Supply Line***

24 236. On June 15, 2009 plaintiff received his July email invoice totaling 265.29 from LIANNE ZELLMER for
25 the REGUS PLC, REGUS MANGEMENT GROUP LLC office suites. See Lipari Affidavit **Exhibit 33.4**.

26 237. The plaintiff replied by email and letter on July 1, 2009 explaining that as a third party contract
27 beneficiary of the business contracts and expectancies the plaintiff had lost due to the negligence of FBI
28 Director Mr. Robert Mueller in training FBI agents to investigate Public Official Corruption the FBI had
29 knowledge of and failed to stop allowing the RICO conspirators to continue procuring fraudulent outcomes in
30 court, so the United States Government would provide REGUS PLC, and REGUS MANGEMENT GROUP LLC

1 the full amount due along with any interest or penalty under the Federal Tort Claims Act as interpreted in
2 *Limone v. U.S.*, 497 F.Supp.2d 143 at pgs. 231-243 (D. Mass., 2007). See Lipari Affidavit **Exhibit 33**

3 238. The plaintiff attached a Federal Torts Claim Act Form 95 and the appropriate mailing address for
4 LIANNE ZELLMER to submit on behalf of REGUS PLC, and REGUS MANGEMENT GROUP LLC to receive
5 full compensation for my obligations for the mail and phone service they had provided the plaintiff. See Lipari
6 Affidavit **Exhibit 33.1**.

7
8 **Ninth § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act**

9 239. Also on July 1, 2009 plaintiff received a certified mail from LIANNE ZELLMER for the REGUS PLC,
10 REGUS MANGEMENT GROUP LLC office suites. See Lipari Affidavit **Exhibit 33.5**.

11 ***Re: Termination of service under agreement (the "Agreement") dated September 24, 2007 by and***
12 ***between Regus Management Group, LLC and Medical Supply Line***

13 240. On July 16, 2009 plaintiff received his August email invoice totaling \$ 278.06 from LIANNE ZELLMER
14 for the REGUS PLC, REGUS MANGEMENT GROUP LLC office suites with a past due amount showing
15 \$ 561.18 for a total of \$ 839.24. See Lipari Affidavit **Affidavit Exhibit 33**.

16
17 **Tenth § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act**

18 241. Again on July 24, 2009 plaintiff received a certified mail from LIANNE ZELLMER for the REGUS PLC,
19 REGUS MANGEMENT GROUP LLC office suites See Lipari Affidavit **Exhibit 33.6**:

20 ***"Re: Services Agreement (the "Agreement") dated September 24, 2007 by and between Regus***
21 ***Management Group, LLC and Medical Supply Line for virtual office services at Crown Center***
22 ***2300 Main Street, Suite 900, Kansas City MO***

23 ***Accordingly, the agreement is terminated as of the date of this letter."***

24
25 **Eleventh § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act**

26 242. On September 17, 2009 plaintiff received a collection letter by email demanding payment of \$ 3533.70
27 payable to NRS, for further credit to HQ dba Regus. See Lipari Affidavit **Exhibit 33.7**:

28 ***"My firm has been retained by HQ dba Regus. They have provided me with your most recent***
29 ***statement and invoices, and have requested immediate action be instituted in Jackson County.***
30 ***No attorney fees have been added to this case yet. We are willing to waive all additional fees***
and stop all pending action in Jackson County, contingent on this case being resolved by
September 17, 2009. Your cashier's check is to be forwarded to the address below via Federal
Express or other overnight courier. Calling me back with the air waybill tracking number from
your overnight receipt will allow me to stop all actions. Alternatively, your remittance may be
made via bank wire transfer to the following:

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1 246. The anniversary date for plaintiff service is **(the “Agreement”) dated September 24, 2007.**

2 247. Plaintiff service was not scheduled for renewal until September 24, 2007, 2008, 2009, 2010 etc.

3 248. Plaintiff services were terminated prior to any renewal date and therefore a renewal date would not
4 apply or renew until September 24, 2009. See Lipari Affidavit **Exhibit 33.6.**

5 249. As of the August invoice, which was sent July 15 2009, and includes up to August 24, 2009 plaintiff
6 owed \$839.24. See Lipari Affidavit **Exhibit 33.11.**

7 250. Because plaintiff services were terminated on **July 24, 2009** plaintiff only owes \$ 561.18 for June and
8 July because services were not provided after **July 24, 2009.**

9 251. When plaintiff began service with LIANNE ZELLMER for the REGUS PLC, REGUS MANGEMENT
10 GROUP LLC office suites in 2007 plaintiff fell behind waiting on capital and was more than three months in
11 arrears without any disconnect or termination of services. See Lipari Affidavit **Exhibit 33.12.**

12 252. The plaintiff was a customer for two years and when the RICO conspirators succeeded in delaying
13 operating funds for two months, the RICO co-conspirators LIANNE ZELLMER for the REGUS PLC, REGUS
14 MANGEMENT GROUP LLC participated in a malicious effort to terminate services fraudulently charge for an
15 entire year for services when LIANNE ZELLMER for the REGUS PLC, REGUS MANGEMENT GROUP LLC
16 had no intention to provide.

17
18 **18 U. S. C. § 1961 section 1343 Wire fraud**

19 253. The plaintiff incorporates by reference the specific wire fraud predicate acts listed above.

20 254. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
21 BARHORST, HOLLY L. FISHER used electronic communications and caused to be communicated
22 electronically via fax and the Missouri Case Net on the dates described above and in the attachments to the
23 plaintiff's affidavit to further the defendants' fraudulent scheme to injure the plaintiff.

24 255. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
25 BARHORST, HOLLY L. FISHER deceived the 16th Circuit Court of Missouri to evict the plaintiff from his
26 apartment/business office on the date and time stated above and in the plaintiff's affidavit attachments.

1 **Thirteenth § 1341 Mail Fraud or § 1343 Wire Fraud Predicate Act**

2 256. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
3 BARHORST, HOLLY L. FISHER deceived the 16th Circuit Court of Missouri to obtain a garnishment against the
4 plaintiff and his Bank of the West accounts. Ms. HOLLY L. FISHER with SWANSON MIDGLEY LLC had notice
5 and evidentiary exhibits were provided to SWANSON MIDGLEY LLC and CHAPEL RIDGE MULTIFAMILY LLC
6 of the fraud being committed by CHRISTOPHER BARHORST and DEEDEE DIAZ.

7 257. On July 28, 2009 the plaintiff emailed notice to CHRISTOPHER BARHORST at SWANSON MIDGLEY
8 LLC thru his legal assistant and notary BRITTANY BUMMER (bbummer@swansonmidgley.com) (See Lipari
9 Affidavit **Exhibit 38** with the notice the plaintiff provided CHAPEL RIDGE MULTIFAMILY LLC and The
10 Fairways at Lakewood on July 2, 2009.

11 258. On July 30, 2009 the plaintiff emailed CHRISTOPHER BARHORST at SWANSON MIDGLEY LLC
12 again with the same notice the plaintiff later forwarded to the Missouri Board of Governors regarding the fraud
13 committed on the court. See Lipari Affidavit **Exhibit 40-41**.

14 259. On August 3, 2009 the plaintiff updated CHRISTOPHER BARHORST with SWANSON MIDGLEY LLC
15 as an agent of CHAPEL RIDGE MULTIFAMILY LLC with formal notice of their fraud against the court and the
16 plaintiff with attached exhibits.

17 260. The Plaintiff told Ms. HOLLY FISHER with SWANSON MIDGLEY LLC that it was illegal to obtain
18 judgment through fraud and that the judgment was invalid.

19 261. The court clerk and the Honorable Judge Charles L Stitt omitted the plaintiff 's notice of fraud and
20 proceeded to participate in a fraudulent procured judgment. See Lipari Affidavit **Exhibit 42.1** and **Exhibit 58.1**.

21 262. The document for the judgment reflects fraud on the court with a check mark that the "Defendant
22 appears in person" and a check mark that Although duly summoned and called Defendant appears not, and is
23 in default.

24 263. Ms. HOLLY L. FISHER knew that sending documents by US Mail and causing a garnishment to be
25 filed on Missouri Case Net's electronic or wire data system would further injure the plaintiff in his business by
26 damaging his credit rating.

27 264. Ms. HOLLY L. FISHER's transmission of the garnishment to Bank of the West by telephone, fax, or
28 email even though she had knowledge she had procured the garnishment through fraud on Honorable Judge
29
30

1 Charles L. Stitt was a wire fraud by CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC,
2 CHRISTOPHER BARHORST, and HOLLY L. FISHER. See Lipari Affidavit **Exhibit 58.2**

3 265. The fraudulently procured garnishment was transmitted by HOLLY L. FISHER ,CHRISTOPHER
4 BARHORST, SWANSON MIDGLEY LLC and CHAPEL RIDGE MULTIFAMILY LLC to SAMUEL LIPARI via
5 wire when SAMUEL LIPARI saw it on Missouri Case Net online.

6 266. The fraudulently procured garnishment was caused by CHRISTOPHER BARHORST, SWANSON
7 MIDGLEY LLC and CHAPEL RIDGE MULTIFAMILY LLC to be communicated electronically to potential
8 lenders, investors and business customers of SAMUEL LIPARI via Missouri Case Net.

9 267. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
10 BARHORST, HOLLY L. FISHER deceived the plaintiff into relinquishing his leasehold in his
11 apartment/business office on the date and time stated above and in the plaintiff's affidavit attachments because
12 of the fostered illusion of the RICO conspiracy to keep the plaintiff from being able to sale hospital supplies had
13 the courts of the State of Missouri were rigged.

14 268. The plaintiff was injured in his business and property by the loss of his leasehold in his
15 apartment/business office, the remaining days under the Missouri landlord tenant law chapter that the plaintiff
16 could have used to save his business expectancies and to protect his credit from the defendants' injury.

17 269. WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPITO & MILLER LLC, CHRIS M.
18 TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER engaged in electronic communications and in
19 the closing of email access to the plaintiff to further the defendants' fraudulent scheme to injure the plaintiff as
20 stated in the facts above and in the attachments to the plaintiff's affidavit.

21 270. REGUS PLC, REGUS MANGEMENT GROUP LLC, and LIANNE ZELLMER engaged in electronic
22 communications and in the closing of the plaintiff's phone service and fax messaging to further the defendants'
23 fraudulent scheme to injure the plaintiff as stated in the facts above and in the attachments to the plaintiff's
24 affidavit and to obtain four times the previous bill for payment from the plaintiff as described above.

25
26 **18 U. S. C. § 1961 section 1346 Wire fraud theft of honest services**

27 271. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
28 BARHORST, HOLLY L. FISHER, WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPITO &
29 MILLER LLC, CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER engaged in
30

1 communications they caused to be transmitted through Case Net to procure judgments through fraud with each
2 of the 16th Circuit Court Judges that participated with the defendants after receiving notice of the fraud as stated
3 in the facts above, the plaintiff's affidavit and its attachments.

4 272. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
5 BARHORST, HOLLY L. FISHER, WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPPITO &
6 MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER caused the email, fax
7 and US Mail communications to:

8 (1) further a scheme or artifice to defraud the 16th Circuit Court;

9 (2) for the purpose of depriving the plaintiff of the intangible right of honest services of Honorable
10 Judge Charles L Stitt;

11 (3) where the misrepresentations as stated above in the facts and in the plaintiff's affidavit and
12 attachments made by the defendants are material in that they have the natural tendency to
13 influence or are capable of influencing the Honorable Judge Charles L Stitt change its behavior;
14 and

15 (4) the defendants used the mails or wires in furtherance of the scheme");

16
17 **Hobbs Act (against Extortion) 18 U.S.C. §1951**

18 273. The plaintiff was the direct target of the 18 U.S.C. § 1951(a) by the defendants through the Western
19 District of Missouri FBI Office Senior Field Agent.

20 274. The Western District of Missouri FBI Office Senior Field Agent as stated above in the facts and in the
21 plaintiff's affidavit and attachments employed the wrongful use of actual or threatened force, violence, or fear to
22 obtain the property of a right to Freedom of Information Act records from the plaintiff.

23 275. The plaintiff did not return or otherwise request the records from the Western District of Missouri FBI
24 Office records custodian,

25 276. The plaintiff was the direct target of the 18 U.S.C. § 1951(a) by the defendants through Kevin Perkins
26 with the Inspector Division of the Federal Bureau of Investigation.

27 277. Kevin Perkins in his official position with the Inspector Division of the Federal Bureau of Investigation
28 caused the plaintiff to be sent a letter stating the agency had no records of the ongoing investigation of the
29
30

1 plaintiff and that the plaintiff did not have evidence proving the investigation, the letters of inquiry or the
2 warrantless wiretaps had occurred.

3 278. Kevin Perkins used the color of law to prevent the plaintiff from obtaining access to the FBI records
4 related to the plaintiff.

5 279. The plaintiff did not resubmit his request to the FBI or otherwise ask US Senator Claire McCaskill to
6 request the records from the FBI,
7
8

9 **COUNT II**
Civil RICO violations of 18 U.S.C. § 1962 (d)

10 280. The plaintiff hereby incorporates the allegations of this petition, his accompanying affidavit and
11 specifically incorporates the above averments related to the defendants' participation in concerted predicate
12 RICO acts stated under Count I to allege the following:

13 281. The defendants have injured the plaintiff in his business or property by reason of the defendants'
14 violations of 18 U.S.C. § 1962(d).

15 282. The defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER
16 BARHORST, HOLLY L. FISHER, REGUS PLC, REGUS MANGEMENT GROUP LLC, LIANNE ZELLMER,
17 WELLS FARGO, WACHOVIA DEALER SERVICES INC., TROPPITO & MILLER LLC, CHRIS M. TROPPITO,
18 NICHOLAS L. ACKERMAN, and TONY R. MILLER in this action formed an agreement to participate in an 18
19 U. S. C. § 1962(d) criminal conspiracy meeting the requirements of *Salinas v. United States*, 522 U.S. 22, 63-
20 64 (1997) with agents of the following existing RICO conspiracy members General Electric Company, General
21 Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global Signaling, LLC,
22 Jeffrey R. Immelt, Seyfarth Shaw LLP, Stuart Foster, Heartland Financial Group, Inc., Christopher M.
23 McDaniel, Bradley J. Schlozman, Novation LLC, US Bancorp and The Piper Jaffray Companies whose
24 overarching purpose is to artificially inflate hospital supply costs in an ongoing hospital skimming scheme to
25 loot Medicaid, Medicare and private insurance funds.

26 283. The conduct against the plaintiff by existing RICO co-conspirators is described fully on the plaintiff's web
27 site www.medicalsupplychain.com/news

28 284. The plaintiff's charges of violations of 18 U. S. C. § 1962 (d) by the defendants SWANSON MIDGLEY
29 LLC; CHRISTOPHER BARHORST; HOLLY L. FISHER; TROPPITO & MILLER LLC, CHRIS M. TROPPITO;
30

1 NICHOLAS L. ACKERMAN; and TONY R. MILLER as knowingly joining the RICO conspiracy by
2 intentionally committing frauds and conduct specifically prohibited by the Missouri Rules of Professional
3 Conduct ("MRPC") §§ 4-3.3(a)(1) and (3); 4-3.4(b); 4-5.1(c) (1) and (2); 4-8.4(b), (c), (d) and (f) and by
4 disobeying their mandatory duty to report MRPC violations of their co-conspirators.

5 285. The plaintiff's charges of violations of 18 U. S. C. § 1962 (d) by the defendants CHAPEL RIDGE
6 MULTIFAMILY LLC; SWANSON MIDGLEY LLC; CHRISTOPHER BARHORST; and HOLLY L. FISHER as
7 knowingly joining the RICO conspiracy by intentionally committing frauds and conduct specifically
8 prohibited by Missouri Revised Statutes, Chapter 535, Landlord-Tenant Actions.

9 286. The plaintiff's charges of violations of 18 U. S. C. § 1962 (d) by the defendants SWANSON MIDGLEY
10 LLC; CHRISTOPHER BARHORST; and HOLLY L. FISHER because they sabotaged CHAPEL RIDGE
11 MULTIFAMILY LLC's attempt through Scott Sperry and Grant A. Ramsey to withdraw from the RICO
12 Conspiracy that included Grant A. Ramsey's firing of property manager DeeDee Diaz to escape the liability for
13 treble damages under 18 U. S. C. § 1964 that will result in a judicial sale of The Fairways at Lakewood
14 apartment complex.

15 287. SWANSON MIDGLEY LLC; CHRISTOPHER BARHORST; and HOLLY L. FISHER sabotaged the
16 affirmative act of to withdraw from the RICO conspiracy by continuing to commit predicate acts of mail and wire
17 fraud as the agent of CHAPEL RIDGE MULTIFAMILY LLC.

18 288. The plaintiff's charges of violations of 18 U. S. C. § 1962 (d) by the defendants SWANSON MIDGLEY
19 LLC; CHRISTOPHER BARHORST; and HOLLY L. FISHER because HOLLY L. FISHER under the supervision
20 and managing partner CHRISTOPHER BARHORST's control completed the fraud on the 16th Circuit Court by
21 obtaining the judgment evicting the plaintiff after receiving notice of the fraud.

22 289. HOLLY L. FISHER under the supervision and managing partner CHRISTOPHER BARHORST also
23 then later furthered the mail and wire fraud by obtaining a garnishment order on the plaintiff and by serving the
24 order on Bank of the West.

25 290. CHAPEL RIDGE MULTIFAMILY LLC refused to accept payment in full and all penalty and late fees by
26 turning in the FTCP form provided by the plaintiff.

27 291. The plaintiff's charges of violations of 18 U. S. C. § 1962 (d) by the defendants TROPITO & MILLER
28 LLC, CHRIS M. TROPITO; NICHOLAS L. ACKERMAN; and TONY R. MILLER which proceeded in the
29 fraudulent scheme to defraud the 16th Circuit State of Missouri Court even though the statute required notices
30

1 to the plaintiff had been falsified and CHRIS M. TROPBITO; NICHOLAS L. ACKERMAN; and TONY R.
2 MILLER received notice of the exposure of TROPBITO & MILLER LLC's mail and wire fraud predicate acts to
3 perpetrate the fraud on the court.

4 292. TROPBITO & MILLER LLC kept their clients WELLS FARGO, and WACHOVIA DEALER SERVICES
5 INC. in the 18 U. S. C. § 1962 (d) RICO conspiracy through repeated predicate acts of mail and wire fraud by
6 CHRIS M. TROPBITO; NICHOLAS L. ACKERMAN; and TONY R. MILLER to ensure payment by their client
7 and to have the protection of a big bank in court.

8 293. On December 16th, 2009 CHRIS M. TROPBITO stated to the plaintiff that his firm TROPBITO &
9 MILLER LLC would not represent the plaintiff in his litigation to enter the market for hospital supplies and
10 medical supplies for consumers as a way to be dropped from the present lawsuit, releasing WELLS FARGO,
11 and WACHOVIA DEALER SERVICES INC. because of a "conflict of interest."

12 294. WELLS FARGO, WACHOVIA DEALER SERVICES INC., CHRIS M. TROPBITO; NICHOLAS L.
13 ACKERMAN; and TONY R. MILLER's interest adverse to the plaintiff's entry into the market for hospital
14 supplies and medical supplies for consumers is a conspiratorial interest and or confidential relationship with the
15 other defendants and their co-conspirators in the illegal Novation LLC Cartel.

16 295. WELLS FARGO, and WACHOVIA DEALER SERVICES INC. refused to accept payment in full and all
17 penalty and late fees by turning in the FTCP form provided by the plaintiff.

18 296. REGUS PLC, REGUS MANGEMENT GROUP LLC, and LIANNE ZELLMER performed an affirmative
19 act to withdraw from the 18 U. S. C. § 1962 (d) RICO conspiracy after terminating the plaintiff's mail and
20 telephone services.

21 297. LIANNE ZELLMER sent a communication offering to turn back on the mail and phone services
22 providing the plaintiff bring the account to current.

23 298. REGUS PLC, REGUS MANGEMENT GROUP LLC, and LIANNE ZELLMER refused to accept
24 payment in full and all penalty and late fees by turning in the FTCP form provided by the plaintiff.

**Allegations and Claims Against
the original Novation LLC Cartel defendants
GE, GE CAPITAL, GE TRANSPORTATION, and JEFFREY R. IMMELT**

299. The petitioner SAMUEL K. LIPARI brings the following state law claims against defendants not subject to RICO based claims in this proceeding:

Introduction to the State Law Claims

300. SAMUEL K. LIPARI's dissolved company Medical Supply Chain, Inc. (Medical Supply) formed a written contract via email with GE and GE TRANSPORTATION to buy a \$10 million dollar building at 1600 N.E. Coronado Drive in Blue Springs, MO for \$5 million and simultaneously to sell GE TRANSPORTATION a release from its ten-year lease for a deeply discounted value.

301. The GE entities knew Medical Supply intended to use the transaction to capitalize its entry into the hospital supply market and that it was the victim of antitrust conspirators using the USA PATRIOT ACT to prevent it from getting capital by conventional means.

302. GE corporate "business leaders" approved the transaction obligating GE Capital's underwriting based on SAMUEL K. LIPARI's business plan and Medical Supply's ability to pay as detailed in Medical Supply's forward looking financials.

303. The e-mail was a written contract meeting the Missouri Statute of Frauds and under Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 *et seq.*

304. Both the GE entities and Medical Supply partially performed the terms of the contract.

305. GE caused the breach of the contracts when GE Medical and the electronic hospital supply marketplace GHX LLC created by GE interfered to prevent Medical Supply from getting capitalization through the contract to enter the hospital supply marketplace.

306. GHX, GE and GE Medical are openly part of an unlawful hospital supply cartel with Novation LLC that had previously prevented Medical Supply from capitalizing its entry into the hospital supply market.

307. Medical Supply was entitled to its contract expectations *Albrecht v. The Herald Co.*, 452 F.2d 124 at 129 (8th Cir. 1971) including its business plan forward looking financials under *Anuhco, Inc. v. Westinghouse Credit Corp.*, 883 S.W.2d 910 (Mo App 1994) and GE Capital has specifically been subjected to business plan expectation damages for breaching finance contracts in Missouri State Court under *Rasse v. GE Capital Small Business Finance Corp.*, 2002 MO 808 (MOCA, 2002).

1 308. The Western District of Missouri U.S. District court decided an electronic contract/electronic signature
2 case under federal and state electronic contract laws and the Missouri statute of frauds as Medical Supply's
3 original pleadings advocated in *International Casings Group, Inc., v. Premium Standard Farms, Inc.*, 358 F.
4 Supp. 2d 863; 2005 U.S. Dist. LEXIS 3145, February 9, 2005.

5 309. JEFFREY R. IMMELT, the former president of GE medical, Inc. knew he had succeeded Jack Welch as
6 CEO of General Electric because GE's hospital supply business units had successfully maintained an
7 anticompetitive market in U.S. hospital supply purchasing permitting GE to pass on higher prices to the hospital
8 consumers.

9 310. Because of this conduct by JEFFREY R. IMMELT, the GENERAL ELECTRIC COMPANY was under a
10 consent order with the U.S. Department of Justice requiring the corporation to sell a medical imaging unit and
11 refrain from future anticompetitive conduct at the time Medical Supply Chain, Inc. brought its original breach of
12 contract and antitrust complaint against the GE defendants including JEFFREY R. IMMELT.

13 311. JEFFREY R. IMMELT made it an essential priority for the General Electric defendants, their agents and
14 their hospital supply cartel co-conspirators to have the petitioner's complaint dismissed at all costs.

15 312. Under JEFFREY R. IMMELT's direction and control, JEFFREY R. IMMELT's personal and corporate
16 agents made repeated misrepresentations to state and federal judicial branch staff and attempted to influence
17 them unlawfully, largely *ex parte* and unreported to the plaintiff in order to have Medical Supply, the petitioner,
18 his cause and his counsel destroyed.

19 313. The petitioner appealed the district court dismissal of his antitrust claims resulting from Rule 12 (b) 6
20 pleadings filed by John K. Power, Jonathan I. Gleklen and Ryan Z. Watts deliberately misstating the law so that
21 the petitioner's complaint would be erroneously thrown out for not making GENERAL ELECTRIC's independent
22 co-conspirator Neoforma, Inc. a defendant.

23 314. The dismissal was accomplished through the hostile climate in the court created *ex parte* by GE's legal
24 representatives and Mark A. Olthoff, Steven D. Ruse, James P. O'Hara of the law firm Shughart Thomson &
25 Kilroy, all representing JEFFREY R. IMMELT's cartel co-conspirators and the cartel feared JEFFREY R.
26 IMMELT's deception would be discovered.

27 315. JEFFREY R. IMMELT directed his legal team to file a counter appeal in an abuse of process to obtain
28 sanctions against the petitioner that the trial court had denied.

29 316. Through this overt action and an accompanying unlawful influence over Patrick J. Fisher, Jr., the Clerk of
30

1 the Tenth Circuit U.S. Court of Appeals and law clerks for the court was accomplished in a deliberate use of
2 social networking between government officials in a pattern modeled after the Mississippi Sovereignty
3 Commission and that misconduct eventually included the U.S. District Attorney for Kansas, Eric F. Melgran and
4 Bradley J. Schlozman working in the U.S. Department of Justice and later installed as the US Attorney for the
5 Western District of Missouri.

6 317. The resulting appeal decision upholding the erroneous dismissal and correctly reversing the trial court on
7 whether sanctions could have been issued went on to vilify the petitioner and his representation for naming
8 JEFFREY R. IMMELT as an antitrust defendant and in doing so the opinion contradicted clearly established
9 Tenth Circuit precedents on identical facts along with the controlling federal case law.

10 318. The following day the US Supreme Court docketed the appeal of similar and equally unusual sanctions in
11 the antitrust action against the cartel co-conspirators by the petitioner's attorney.

12 319. The two unusual opinions and the facts in the petitioner's case *Medical Supply Chain, Inc. v. Neoforma,*
13 *et al.*, Case No. 05-0210-CV-W-ODS in which the petitioner was again subjected to the same misconduct and
14 worse, starting with the GE defendants' misrepresentations to Hon. Judge Ortrie D. Smith of the Western
15 District court through John K. Power and the cartel's common defense controlled by JEFFREY R. IMMELT in
16 order to fraudulently transfer the action to Kansas "in the interest of justice" caused the Tenth Circuit on the
17 petitioner's information and belief to conduct a second internal investigation among law clerks in the Denver
18 court following an earlier investigation directed at Magistrate James P. O'Hara and led the Tenth Circuit to
19 conclude that the counter appeal had been an abuse of process.

20 320. This resulted in the unusual trial court order stating the Tenth Circuit had directed Hon. Judge Carlos
21 Murguia to order JEFFREY R. IMMELT by name to personally file for the sanctions JEFFREY R. IMMELT had
22 succeeded in appealing but had not pursued in the year following remand.

23 321. JEFFREY R. IMMELT declined to appear or resubmit himself to the jurisdiction of the court and directed
24 a letter be sent on his behalf by his personal counsel Jonathan I. Gleklen.

25 322. The petitioner's state law based contract claims against the GE defendants had been dismissed without
26 prejudice and the petitioner exercised his right to file them where the injury occurred in Jackson County
27 Missouri.

28 323. JEFFREY R. IMMELT attempted to conceal the continuing contractual liability to the petitioner in
29 Securities and Exchange Commission mandated filings from his board of directors to prevent GE's role in the
30

1 unlawful hospital supply cartel to be exposed.

2 324. The petitioner had earlier relied on the public filings of Neoforma, Inc., enraging JEFFREY R. IMMELT.

3 325. JEFFREY R. IMMELT had through the aid of U.S. Deputy Attorney General Paul J. McNulty and the
4 McNulty Memo authored in December 2006 prevented the Northern District of Texas US Attorney's office
5 investigating Novation, LLC's theft of member hospital funds and their money laundering through the
6 petitioner's electronic marketplace competitor and from obtaining the corporate papers of Neoforma, Inc.
7 without Main Justice and Karl Rove's approval .

8 326. When the investment banking and merger syndicate of Merrill Lynch & Company, Inc., Fenwick & West
9 LLP., Innisfree Limited, Lazard, McDermott Will & Emery LLP., Wachtell Lipton Rosen & Katz, Skadden Arps
10 Slate Meagher & Flom LLP., Sidley Austin Brown & Wood LLP., and William Blair & Company formed by
11 Novation LLC for the purpose of solving the cartel's exposure to the petitioner through Neoforma, Inc.
12 discovered the petitioner's claims in November 2005 that had not been disclosed in Securities and Exchange
13 Commission required filings and began to fear the liability of taking Neoforma, Inc. private to obstruct justice in
14 the petitioner's antitrust civil litigation and the government False Claims Act Medicare fraud investigation that
15 were both seeking the records of where the Novation LLC member hospitals' laundered funds went; JEFFREY
16 R. IMMELT caused the defendant entity GE Capital to underwrite the loan giving the money to Novation LLC
17 for merging Neoforma, Inc. with GHX, LLC the sole remaining competitor electronic marketplace for hospital
18 supplies.

19 327. JEFFREY R. IMMELT directed his defense to attempt to unlawfully influence the Independence, Missouri
20 court in deliberately fraudulent filings, a fraudulent removal to federal court and by acting *ex parte* to prevent
21 the petitioner from obtaining counsel using the disbarment of the petitioner's previous counsel, the vilifying
22 rulings and sanctions all knowingly obtained by JEFFREY R. IMMELT through unlawful influence over the court
23 and by using the Mississippi Sovereignty Commission style networking employed by JEFFREY R. IMMELT to
24 destroy the petitioner and his associates.

25 328. The fear of GE's influence was so great and visibly no constitutional rights or laws could protect even
26 officers of the court that the petitioner could not obtain counsel even when his contract claims survived
27 dismissal.

28 329. Still JEFFREY R. IMMELT feared the discovery of his role in the Novation LLC hospital supply cartel and
29 when the petitioner attempted to receive an order compelling the GE defendants to mediation and to produce
30

1 discovery, JEFFREY R. IMMELT caused his defense counsel John K. Power Mo. Lic. #35312, and Leonard L.
2 Wagner MO. Lic. #39783 to repeatedly lie to the 16th Circuit Court, falsely stating that they had attempted to
3 schedule mediation and falsely stating that the petitioner's discovery requests were not identified as to their
4 relativity to the petitioner's complaint when each numbered production request was indexed to the particular
5 paragraph of the complaint it was related to.

6 330. While JEFFREY R. IMMELT perpetrated this misrepresentation on the court and GENERAL ELECTRIC
7 was liable for over \$60,000.00 dollars in daily interest on contract based claims he could not escape, JEFFREY
8 R. IMMELT turned to the Illinois law firm of Seyfarth Shaw LLP to take over direction of the Independence,
9 Missouri defense through extortion of the petitioner. Seyfarth Shaw LLP obtained an order from Hon. Judge
10 Mark Filip, of the Federal District Court in Chicago, Illinois (who was later nominated to replace Deputy Attorney
11 General McNulty) to force the petitioner to testify without counsel on his relationship to the financier Michael
12 Lynch, knowingly causing the petitioner to fear for his safety and evidencing no intention to follow through on
13 the mediation the GE defendants had promised the 16th Circuit state court.

14 15 **A. Missouri State Law Based Claims Statement of Facts**

16 331. The plaintiff through his now dissolved corporation made a contract with the defendants to sell GE
17 Transportation's remaining ten year lease at a deep discount benefiting GE in exchange for GE'S funding of the
18 plaintiff's purchase of the building through GE'S business lending subsidiary, GE CAPITAL.

19 20 **1. FORMATION OF A CONTRACT BETWEEN THE PLAINTIFF AND THE DEFENDANTS TO 21 EXCHANGE GE TRANSPORTATION'S REMAINING LEASE AND FUND THE PURCHASE 22 OF 1600 N.E. CORONADO BUILDING**

23 332. On or about June 1st, 2002, SAMUEL K. LIPARI, in his role as CEO of Medical Supply Chain, Inc.
24 contacted the leasing agent Cohen & Esrey Property Management ("Cohen") regarding a building located at
25 1600 N.E. Coronado Drive in Blue Springs, MO.

26 333. Cohen indicated the building was already leased but that the lessee could and would like to sub-lease
27 the building.

28 334. The building was not occupied so SAMUEL K. LIPARI made a verbal offer to sub-lease a portion of the
29 building.

30 335. Cohen declined his offer indicating the existing lessee would not accept anything less than sub-leasing

1 the entire building.

2 336. On or about April 1st, 2003 SAMUEL K. LIPARI contacted the new leasing agent, B.A. Karbank &
3 Company ("Karbank") in the event the new agent had different instructions regarding a sub-lease of the
4 property located at 1600 N.E. Coronado Drive in Blue Springs, MO.

5 337. The new leasing agent Karbank told SAMUEL K. LIPARI that GE was the lessee seeking to sub-lease
6 the building due to their vacating the building after GE Transportation bought out Harmon Industries.

7 338. The building was still not occupied so again SAMUEL K. LIPARI made a verbal offer to lease a portion of
8 the building.

9 339. Karbank declined his offer indicating GE corporate properties would not accept anything less than
10 leasing the entire building.

11 340. On or about April 7th, 2003 SAMUEL K. LIPARI contacted GE and spoke with the GE property manager,
12 Mr. George Frickie regarding Medical Supply's interest in sub-leasing the building.

13 341. George Frickie indicated again that GE would not be interested in sub-leasing a portion of the building
14 but rather would be interested in leasing the entire building.

15 342. SAMUEL K. LIPARI requested the name of the owners and George Frickie gave him the name and
16 number of Mr. Barry Price with Cherokee Properties L.L.C.

17 343. SAMUEL K. LIPARI contacted Barry Price, and he was referred to Mr. Scott Asner who also had a
18 substantial interest in the building.

19 344. While speaking with Mr. Asner he provided SAMUEL K. LIPARI the background and current details on
20 the building lease with GE, terms and a price to purchase the building.

21 345. The lease was transferable and GE was still obligated for 7-years out of a 10-year lease.

22 346. Mr. Asner agreed to sell Medical Supply the building for the remaining balance of the GE 7-year lease
23 (\$5.4 million) and provided SAMUEL K. LIPARI with a letter of intent to sell the building to Medical Supply.

24 347. On or about April 15th, 2003 SAMUEL K. LIPARI contacted George Frickie with GE COMMERCIAL
25 Properties and indicated that he had an interest in purchasing the building.

26 348. SAMUEL K. LIPARI asked George Frickie if GE had an interest in buying out the remainder of their lease
27 so that Medical Supply could occupy the building following the purchase.

28 349. George Frickie offered GE's lease payments for the remainder of 2003 (\$350,000) as a buy out offer.

29 350. On or about May 1st, 2003 SAMUEL K. LIPARI tentatively contacted several local Banks, knowing that
30

1 US Bank had threatened his company with a malicious USA PATRIOT ACT report to keep Medical Supply from
2 entering the hospital supply market where US bank was affiliated with Neoforma, an existing electronic
3 marketplace for healthcare supplies.

4 351. SAMUEL K. LIPARI knew Medical Supply could not get a loan because of the threat and extortion of the
5 USA PATRIOT ACT, but knew he needed inputs from bankers familiar with the commercial real estate market
6 in Blue Springs, MO.

7 352. SAMUEL K. LIPARI felt Medical Supply could form a holding company to obtain the property without US
8 Bank realizing, and could then enter the hospital supply market.

9 353. SAMUEL K. LIPARI spoke with Mr. Allen Lefko President of Grain Valley Bank, Mr. Pat Campbell branch
10 manager of Gold's Bank and Mr. Randy Castle Senior Vice-President of Jacomo Bank.

11 354. Each of the banks indicated a willingness to provide the mortgage because they felt the property was worth
12 far more than the price offered by Cherokee Properties L.L.C., but the mortgage was too large for the
13 regulatory size of their bank and they each suggested a national bank as an alternative.

14 355. Due to US Bank's extortion and racketeering, including the pretext and very real threat of a malicious
15 USA PATRIOT ACT "suspicious activity report" (SAR) against Medical Supply since SAMUEL K. LIPARI had
16 tried to enter the hospital supply market in October of 2002, SAMUEL K. LIPARI knew he was unable to solicit
17 a national bank for the real estate loan.

18 356. On or about May 7th, 2003 Medical Supply contracted a financial consultant (Mrs. Joan Mark) for advice
19 on how to structure a mortgage to buy the building which has a 7- year revenue stream from GE in the amount
20 of \$5.4 Million dollars, the identical amount offered to purchase the building and for which Medical Supply had a
21 letter of intent from the owner Cherokee Properties LLC.

22 357. Mrs. Mark suggested SAMUEL K. LIPARI propose a mortgage arrangement directly to Mr. Frickie with
23 GE Corporate.

24 358. Mrs. Mark explained how a purchase of the \$10 Million dollar property for \$5.4 Million dollars was a great
25 deal for any mortgage lender.

26 359. Mrs. Mark also explained if GE provided a \$5.4 Million dollar mortgage on a \$10 Million dollar property
27 and eliminated a \$5.4 Million dollar lease liability that GE would directly benefit from a \$15 Million dollar positive
28 swing to their balance sheet.

1 **Offer**

2 360. On or about May 15th, 2003, Medical Supply's corporate counsel sent a proposed transaction to George
3 Frickie outlining the terms of Medical Supply's proposal :

4 Dear Mr. Fricke:

5 I am writing on behalf of Medical Supply Chain, Inc. with a proposal to release GE from a seven-year 5.4
6 million dollar obligation on 1600 N.E. Coronado Dr., Blue Springs MO. We have spoke with the City of
7 Blue Springs economic development officer and the city attorney. Medical Supply Chain, Inc. has also
8 obtained a letter of intent from the building's owner, Cherokee South, L.L.C. (Barry Price/Scott Asner) to
9 purchase the building. We offer to release GE from its lease and 5.4 million dollar obligation, providing
10 GE pays Medical Supply Chain, Inc. at closing for the remainder of the 2003 lease and transfers title to
the building's furnishings. This offer is contingent on GE's acceptance by 3pm (EST), Friday, May 23rd;
the City of Blue Spring's approval of Medical Supply Chain's purchase and occupation of the building
and is contingent upon GE Capital securing a twenty year mortgage on the building and the property with
a first year moratorium.

11 Medical Supply Chain, Inc. believes this arrangement will result in a net gain in revenue for GE and GE's
12 Capital services was our first choice for the commercial mortgage when our area bankers advised us the
13 building and the property at 6.2 million dollars was substantially less than its market value of 7.5 million
dollars, but would require a commercial lender. Medical Supply Chain, Inc. has no existing debt and a
valuation of thirty two million dollars. See attachment 1.

14 GE Capital or its underwriter would need to provide Medical Supply Chain, Inc. a twenty-year
15 Mortgage at 5.4% on the full purchase price of 6.4 million dollars, with a moratorium on the first full year
16 of mortgage payments. The City of Blue Springs would be paid the balance of lease payments for the
land (\$800,000.00) or in the alternative, the mortgage will include an escrow account to complete the
17 lease and purchase of the land on its original terms. GE
Capital can provide or designate the closing agent and would be required to provide 5.4 million dollars to
18 Cherokee South, L.L.C. and your division's check for the remainder of the lease payable to Medical
Supply Chain, Inc. along with a bill of sale for the buildings furniture and equipment. This closing would
need to be completed by June 15th, 2003. Please contact us at your receipt of this offer and provide us a
19 contact person for GE Capital or its mortgage agent.

20 Bret D. Landrith

21 **Oral Acceptance Affirming Meeting of the Minds**

22 361. The afternoon of May 15th, 2003 George Frickie responded, leaving a taped voicemail message and
23 stating he had spoke with the "business leaders" at GE corporate and that they will accept Medical Supply's
24 proposal:

25 "Bret, George Frickie, ah.... I know I sent you an email saying that my counsel is out ah...and I followed
26 up with another email but I spoke to the business leaders and we will accept that transaction ah... let's
start the paper work ah... if you want to do some drafting of lease termination or if you would like us to do
that, give me a holler 203-431-4452."

27 May 15th 2003 taped voice mail message recorded by George Frickie.
28

29 **Verification, A Writing Meeting Statute of Frauds**

1 362. The second e-mail George Frickie referenced on the phone conversation explicitly stated that GE would
2 accept Medical Supply's proposal and initialed the written acceptance in addition to the electronic signature file
3 for the e-mail:

4 "From: Fricke, George (CORP)
5 To: Bret Landrith
6 cc: Newell, Andrew (TRANS) ; Payne, Robert J (TRANS) ;
7 Davis, Tom L (TRANS) ; Jakaitis, Gary (CORP)
8 Sent: Thursday, May 15, 2003 6:05 PM
9 Subject: RE: Lease buyout GE/Harmon building

10 Bret, I would like to confirm our telephone conversation in that GE will accept your proposal to terminate
11 the existing Lease. Robert Payne GE Counsel will start working on the document. He is out of the office
12 until Monday the 19th. GCF"

13 **Conduct Consistent With Contract**

14 363. On or about May 20th, 2003, Medical Supply was given a walk through of the property to inventory the
15 buildings furniture and fixtures and discuss building maintenance and operational procedures.

16 364. Mr. Tom Davis, the property manager for GE TRANSPORTATION in Blue Springs and Mr. John Phillips,
17 the GE Transportation building maintenance engineer provided a three-hour walk through in addition to the
18 building maintenance and operational procedures.

19 365. Mr. Phillips also provided the construction blueprints of the building and allowed SAMUEL K. LIPARI to
20 make copies.

21 366. SAMUEL K. LIPARI returned the blueprints after copies were made.

22 367. Mr. Davis and Mr. Phillips both stated they were being dismissed from employment with GE since they
23 would no longer be needed.

24 368. On May 22nd, 2003 SAMUEL K. LIPARI spoke to Mr. Doug McKay with GE Capital who had called
25 earlier that week with regard to the mortgage outlined in Medical Supply's proposal.

26 369. Mr. McKay asked that Samuel K. Lipari send his company information regarding the mortgage.

27 370. SAMUEL K. LIPARI indicated that he could meet him the following Tuesday because Medical Supply had
28 a loan package for him that included its financials, the proposal that George Frickie and GE's business leaders
29 accepted, the letter of intent from the owners Cherokee Properties LLC and Medical Supply's Dunn &
30 Bradstreet report showing Medical Supply's good credit rating and strong financial condition.

31 371. SAMUEL K. LIPARI gave the information to Mr. McKay and Mr. McKay indicated he needed to speak
32 with GE TRANSPORTATION to see how they wanted to handle the terms of the accepted proposal.

1

2 **Conduct Suggesting Repudiation**

3 372. On or about June 2nd, 2003 SAMUEL K. LIPARI called Mr. McKay to see how they were doing on
4 closing and Mr. McKay indicated that the person he needed to speak with was at corporate and that he needed
5 to speak with him before moving forward.

6 373. As the June 15th, 2003 closing date approached, Medical Supply had not received any definitive closing
7 date so Medical Supply's corporate counsel called and sent George Frickie an email stating that a delay in
8 closing would not effect the lease buyout of \$350,000.

9 374. Medical Supply's counsel later again called George Frickie when he received no response and George
10 Frickie became extremely angry and hung up the phone.

11 375. Medical Supply then proceeded to speak with GE's counsel Mrs. Kate O'Leary to determine if the
12 contract had been repudiated.

13 376. Supporting statutes and the antitrust basis including damage implications were explained to Kate
14 O'Leary.

15 377. Medical Supply gave GE a deadline of June 10th, 2003 to clarify whether there had been contract
16 repudiation. Kate O'Leary later faxed a letter on June 10th, requesting that Medical Supply not speak to anyone
17 at GE or its affiliates and that any correspondence relating to this matter be directed to her.

18 378. Medical Supply then emailed a letter stating that if no earnest money were deposited to indicate the
19 contract was not being repudiated, Medical Supply would file its claims on June 16th, 2003 for antitrust and
20 breach of contract.

21 379. GE repudiated its contract, sacrificing \$15 million dollars on June 15th, 2003 to keep Medical Supply
22 from being able to compete against GHX, L.L.C. and Neoforma in the market for hospital supplies.

23 380. SAMUEL K. LIPARI filed a *lis pendens* in the Jackson County Register of Deeds office based on his
24 state law claims in the US District Court.

25 381. The defendant Carpet n' More Inc. Stewart Foster placed the building up for sale with actual or imputed
26 knowledge of Medical Supply's claims.

27 382. The defendants have occupied the building at 1600 NE Coronado preventing plaintiff from receiving the
28 value of his bargain and with actual or imputed knowledge of Medical Supply's claims.

29 383. In March 2006 GE CAPITAL funded the purchase of Neoforma, an electronic marketplace competitor of
30

1 Medical Supply Chain, Inc.

2 384. Neoforma has never been profitable: "Neoforma's balance sheet shows a cumulative loss of nearly \$739
3 million dollars as of Sept. 30, 2004." Healthcare Purchasing News March 2005.

4 385. "In 2005, in accordance with GAAP, Neoforma's net loss and net loss per share were \$35.9 million
5 dollars and \$1.81 per share respectively, an improvement from the \$61.2 million dollar net loss and \$3.17 net
6 loss per share recorded in the prior year." Neoforma, Inc. press release San Jose, CA, USA 02/26/2003.

7
8 **B. GENERAL ELECTRIC DEFENDANTS' INTERFERENCE WITH SUBSEQUENT**
9 **ATTEMPTS TO CAPITALIZE PETITIONER'S ENTRY INTO HOSPITAL SUPPLY MARKET**

10 386. The petitioner attempting to obtain capital inputs a third time to enter the hospital supply market through
11 a Chicago Illinois financier named Michael W. Lynch was stopped again by the GE defendants.

12 387. Hon. Judge Eugene R. Wedoff, the Chief Bankruptcy Judge of the Northern District of Illinois has
13 revealed to the Federal Bureau of Investigation the defendants' widespread use of offshore funds in the
14 continuation of a "Greyford" racketeering enterprise effecting the outcomes of federal court cases in several
15 states where GENERAL ELECTRIC's interest in a cartel member's monopoly market share is at stake.

16 388. The evidence shows GE CAPITAL, a defendant in this case and its financial client Alcoa furthered
17 GENERAL ELECTRIC's interests by influencing the outcome of any action threatening GENERAL ELECTRIC's
18 monopolies or actions to retaliate against witnesses who threatened GENERAL ELECTRIC's monopolies.

19 389. Michael W. Lynch provided evidence to Western District US Attorney Bradley J. Schlozman discovered
20 in April 2006 that a \$39,000,000.00 bribery fund was being used to secure outcomes in court cases including
21 the shift of unfunded pension obligations of McCook Metals, Inc. to the Pension Benefit Guaranty Board
22 (PBGC) at the expense of US taxpayers despite the obligation of Alcoa Aluminum financed by GENERAL
23 ELECTRIC, pursuant to Alcoa's acquisition of Reynolds Metals, under ERISA law.

24 390. On July 1st, 2007 Hon. Judge Eugene R. Wedoff stepped down as Chief Bankruptcy Judge of the
25 Northern District of Illinois.

26 391. As a result of federal government investigations of illegal conduct that the petitioner believes was a
27 protection selling racketeering scheme, Bradley J. Schlozman has resigned his current position at main justice,
28 Deputy Attorney General Paul McNulty who authored the memo used by the GE CEO Jeffrey R. Immelt and the
29 General Electric defendants to conceal the financial records of Neoforma and defeat the Sarbanes - Oxley Act
30 of 2002 as described in the petitioner's underlying complaint, has also resigned.

1
2 **C. GENERAL ELECTRIC DEFENDANTS' INTERFERENCE WITH RECOVERY OF**
3 **PETITIONER'S CAPITALIZATION FOR ENTRY INTO HOSPITAL SUPPLY MARKET FROM**
4 **US BANK DEFENDANTS**

5 392. The GE defendants JEFFREY R. IMMELT, GE CAPITAL AND GE TRANSPORTATION coordinated their
6 defense of Medical Supply's action with the US Bank defendants US Bancorp and US Bank along with Jerry A.
7 Grundhoffer, Andrew Cesere, Piper Jaffray Companies and Andrew S. Duff to defeat the petitioner's claims for
8 injunctive and declaratory relief resulting from his first attempt to enter the market for hospital supplies.

9 393. On January 29, 2004, March 4, 2004, April 2, 2004 US Bancorp's counsel, Nicholas A.J. Vlietstra and
10 Piper Jaffray's counsel Reed coordinated their appeal (10th C.C.A. 03-3342) with the GE defense.

11 394. The GE defendants included the action against the US Bancorp defendants and Unknown Healthcare
12 Provider as a related appellate case in (10th C.C.A. 04-3075) and used the US Bancorp order as a basis for a
13 cross appeal (10th C.C.A. 04-3102) challenging the failure of the trial court to grant sanctions against Medical
14 Supply.

15 395. The GE Defendants decided to rely on the continuing efforts to illegally influence the Kansas District
16 Court and Tenth Circuit Court of Appeals to uphold the trial court's erroneous ruling.

17 396. The cartel also renewed their efforts to have Medical Supply's sole counsel disbarred, knowing that an
18 extensive search for counsel by Medical Supply had resulted in 100% of the contacted firms being conflicted
19 out and actually effected a frenzy of disbarment attempts against Medical Supply's counsel in the period from
20 December 14, 2004 to February 3rd, 2005, originating from US Bancorp and US Bank's agent Shughart
21 Thomson and Kilroy's past and current share holders.

22 397. The former eighteen year Shughart Thomson & Kilroy shareholder acting as magistrate on the GE case
23 denied Medical Supply discovery and the court did not even permit discovery when the dismissal attachments
24 necessitated conversion of the GE motion to one for summary judgment.

25 **D. MISSOURI STATE POLICY INTEREST IN PETITIONER'S ENFORCEMENT ACTION**

26 398. As a result of the plaintiff's failure to advance his antitrust and state law based contract claims in federal
27 court due to the misconduct of the defendants, the first 65,000 Missouri residents were cut off of Medicaid
28 benefits on July 1, 2005.

29 399. A July 2nd, 2005 Los Angeles Times article stated 1/3 of the Missourians losing insurance coverage are
30

1 children: "An estimated 24,000 children are expected to lose their benefits, dental coverage is being cut for
2 adults, and disabled people are losing coverage for crutches and other aids." See Missouri's Sharp Cuts to
3 Medicaid Called Severe-More than 68,000, a third of them children, may lose benefits in the move to avoid tax
4 hikes. LA Times, July 1, 2005.

5 400. On June 29, 2005, David Moskowitz MD, was invited to testify before the Missouri Medicaid Reform
6 Commission and in his released pretestimony stated for the 65,000 patients losing coverage; "Since oxygen
7 tanks are among the items no longer covered, many patients will soon die"[emphasis added].

8 401. Of course patients are the consumers in the market for hospital supplies that is the primary relevant
9 market the petitioner is attempting to enter.

10 402. Doctor Moskowitz also stated; "The Missouri Legislature is wrestling with the most critical domestic issue
11 of our time.

12 403. It is literally a life and death issue for tens of millions of Americans.

14 **B. Missouri State Law Based Claims**

15 **404.** The petitioner brings the following state law based causes of action against the original Novation
16 LLC Cartel defendants GE, GE CAPITAL, GE TRANSPORTATION, and JEFFREY R. IMMELT:
17

18 **COUNT III. CAUSE OF ACTION FOR BREACH OF CONTRACT**

19 405. SAMUEL K. LIPARI hereby re-alleges the averments of fact above and makes the following
20 allegations:
21

22 **a. Meeting of Minds**

23 406. George Frickie, property manager for The GENERAL ELECTRIC COMPANY who Medical Supply
24 had been told by George Frickie and his agents, was the authority for the building at 1600 NE Coronado
25 Dr. telephoned Medical Supply Chain's Missouri headquarters and placed a message on its answering
26 machine stating he had been instructed by "GE business leaders" to accept Medical Supply's proposal and
27 he was calling to do so.

28 407. Medical Supply Chain Inc. and SAMUEL K. LIPARI reasonably believed George Frickie had
29 authority to enter into contract over the building at 1600 NE Coronado Dr. and SAMUEL K. LIPARI
30

1 honored the contract in reliance upon George Frickie's statements about his authority and the acceptance
2 of the contract by GE.

3
4 **b. Contract Was Signed and in Writing**

5 408. Then, George Frickie sent a written acceptance via e- mail with his initials added a signature at the
6 end of the email message.

7 409. No terms were disputed and the acceptance confirmed

8 410. The GENERAL ELECTRIC COMPANY would make its subsidiary GE TRANSPORTATION L.L.C.
9 pay \$350,000 for the buy out of the lease and its GE CAPITAL subsidiary provide the \$6.4 million dollar
10 mortgage and closing at 5.4% for twenty years with a first year moratorium on payments.

11 411. George Frickie's signed written acceptance referenced the proposal he had received from
12 Medical Supply earlier that day.

13 412. This set of documents became a bilateral contract completed with the last act exchanging mutual
14 promises (*D.L. Peoples Group, Inc. v. Hawley*, — So.2d — (2002 WL 63351, Ct. App., Fla., 2002)
15 enforceable for the sale of the lease interest and the benefit of the bargain obtained by Medical Supply
16 under its clear and complete terms meeting the writing requirements of a real estate purchase contract in
17 Missouri and the writing and definiteness requirement of a credit agreement under Missouri statute RMS
18 432.045.2.

19
20 413. The formation of an enforceable contract in a set of documents created in correspondence is well
21 settled See *Estate of Younge v. Huysmans*, 127 N.H. 461, 465-66, 506A.2d 282, 284-85 (1965).

22 414. Since state law requires a writing, the e-mail acceptance and signature of George Frickie is valid
23 and enforceable under 15 USC §7001, the federal Electronic Signatures in Global and National Commerce
24 Act, widely known as "E-SIGN." Section 101(a) of E-SIGN states that:

25 "(1) a signature, contract, or other record relating to such transaction may not be denied legal
26 effect, validity, or enforceability solely because it is in electronic form; and (2) a contract relating to
27 such transaction may not be denied legal effect, validity, or enforceability solely because an
electronic signature or electronic record was used in its formation."

28 **c. Mutual Consideration Through Exchange of Promises**

29 415. Medical Supply performed as required, introducing itself to the City of Blue Springs Economic
30

1 Development.

2 416. The City of Blue Springs Economic Development Director approved of the use of the building for a
3 national corporate headquarters of a hospital supply chain technology company capable of producing
4 above living wage jobs for the community.

5 417. The City of Blue Springs Attorney agreed that the proposed use was suitable.

6 418. SAMUEL K. LIPARI committed to purchase the building from its owner in reliance on the contract
7 with GE Transportation made open partial performance of the contract by opening the building for a three-
8 hour briefing on the operation and maintenance of the building's complex systems.

9 419. This briefing was made by GE Transportation's Blue Springs property manager and the building's
10 maintenance engineer, both of whom told Medical Supply's SAMUEL K. LIPARI that they had been
11 terminated and will be leaving employment with GE TRANSPORTATION the following month because
12 they were no longer needed.

13 420. GE CAPITAL partially performed as required and made an appointment with SAMUEL K. LIPARI in
14 its Overland Park, Kansas office where Samuel K. Lipari took the building's blueprints furnished him by GE
15 TRANSPORTATION, the building's physical description and photo furnished by George Frickie of GE
16 corporate and Medical Supply's corporate records for the loan.

17 421. The GE CAPITAL loan officer Mr. Douglas McKay discussed the terms and questioned SAMUEL
18 K. LIPARI in detail about the US Bank lawsuit. SAMUEL K. LIPARI explained why under the threat by US
19 Bank of a malicious USA PATRIOT ACT suspicious activity report, Medical Supply could not risk going to a
20 bank until the lawsuit was settled.

21 422. Mr. McKay agreed the USA PATRIOT ACT had no valid relationship to Medical Supply's
22 involvement with US Bank and stated he would obtain the additional requirements GE
23

24 423. CAPITAL required from George Frickie and GE TRANSPORTATION. Mr. McKay indicated it could
25 take longer to close but he would check into it.

26 424. Medical Supply communicated to its stakeholders, business associates, potential customers, and
27 the owners of the building that it had obtained the financing and made commitments in reliance of GE's
28 performance on the contract.
29
30

1
2 **d. Indications of Repudiation**

3 425. No letter similar to that which Mr. McKay had described was received from GE CAPITAL by the
4 June 15th contract deadline and no notice of rejection of credit has been received.

5 426. George Frickie communicated by phone and e-mail that the GE CAPITAL performance would
6 be at arm's length but since the financing was the benefit bargained for by Medical Supply, this did not
7 contradict the contract.
8

9 **e. Breach**

10 427. When doubts about GE's intent to honor the contract arose, counsel for GE, GE
11 TRANSPORTATION and GE CAPITAL each refused to confirm the repudiation.

12 428. The proposal accepted by George Frickie on behalf of GE's business leaders contained the
13 executive summary of Medical Supply's business plan, including an explanation of the antitrust lawsuit with
14 US Bancorp, et al and the financial projections for Medical Supply's entry into the market.

15 429. The GE defendants willfully breached their contract with Medical Supply Chain, Inc. and SAMUEL
16 K. LIPARI with full knowledge of the benefit of the bargain negotiated upon by SAMUEL K. LIPARI and his
17 expectations in reliance upon the contract.
18

19 **COUNT IV.CAUSE OF ACTION FOR INTERFERENCE WITH BUSINESS EXPECTANCIES**

20 430. The petitioner hereby includes and reasserts all factual averments from the four corners of the
21 complaint and also avers the following for this claim:
22

23 431. The GENERAL ELECTRIC defendants through their agents Seyfarth Shaw and Alcoa intentionally
24 interfered with the petitioner's business expectancy in capitalizing his third attempt to enter the market for
25 hospital supplies.

26 432. The petitioner had (1) an oral contract with Michael W. Lynch to obtain and use his services,
27 connections and reputation in locating a publicly traded company to merge with to underwrite the costs of
28 entering the hospital supply market;

29 433. The petitioner had a valid business relationship with Michael W. Lynch and the expectancy
30

1 Because of the GE defendants use and the use of their agents Seyfarth Shaw and Alcoa of wire tapping,
2 private investigators, breaking an entry, government sourced intelligence and the internal court information
3 obtained through Arizona operatives, (2) the GE defendants had knowledge of the contract or relationship
4 between the petitioner and Michael W. Lynch;

5 434. The petitioner attempted to aid Michael W. Lynch in the attacks on his reputation and the assets of
6 his family members and associates and located an expert witness Sydney J. Perciful to assist Michael W.
7 Lynch, unintentionally causing the petitioner's relationship and business expectancy with Michael W.
8 Lynch to become known to the GE defendants.

9 435. The GENERAL ELECTRIC defendants through their agents Seyfarth Shaw and Alcoa (3)
10 intentionally interfered with Michael W. Lynch by destroying his reputation by causing him to be jailed,
11 terrorizing Lynch's wife and putting Lynch in fear for the safety of his family, trying to seize the property of
12 Lynch's family home and the property of his brother and interfering with the payroll of Lynch's brother's
13 plastics factory all for the purpose of inducing or causing a breach of Michael W. Lynch's contracts and
14 relationships with the petitioner;
15

16 436. The GENERAL ELECTRIC defendants through their agents Seyfarth Shaw and Alcoa took these
17 actions against the relationships and contracts between Michael W. Lynch's contracts and relationships
18 with the petitioner in the (4) the absence of justification; and
19

20 437. The GENERAL ELECTRIC defendants caused (5) damages to the petitioner, resulting from the
21 defendant's conduct that included the immediate loss of \$300,000.00 the petitioner required to capitalize
22 his entry into the hospital supply market and the two hundred million dollars the petitioner would have
23 received after splitting with the publicly traded company his profits from four years of selling hospital
24 supply products to hospitals.

25 438. The petitioner hereby includes and reasserts all factual averments from the four corners of the
26 complaint and also avers the following for this claim:
27

28 439. The GENERAL ELECTRIC defendants intentionally interfered with the petitioner's business
29 expectancy in the capital that was to be used to fund the petitioner's first attempt at entry into the hospital
30

1 supply market including denying the petitioner the return of the \$300,000.00 raised for escrow accounts.

2 440. The petitioner had (1) a written contract with US Bank and US Bancorp to capitalize his entry

3 441. into the hospital supply market, a relationship with US Bank as the petitioner's bank and an
4 expectancy that that relationship would facilitate his entry into the hospital supply market.

5 442. The GENERAL ELECTRIC defendants had (2) knowledge of the contracts, agreements and
6 relationship between the petitioner and US Bank, US Bancorp and Piper Jaffray.

7 443. The GENERAL ELECTRIC defendants (3) intentionally interfered with the petitioner obtaining
8 performance of the contract or agreement between the petitioner and US Bank, US Bancorp and Piper
9 Jaffray contracts and relationships with the petitioner by assisting and coordinating the US Bank
10 defendants defense in the (4) the absence of justification where there was no legal excuse for
11 nonperformance of the US Bank and US Bancorp contracts and agreements and the GE defendants were
12 not subject to liability or even named defendants in the action; and The GENERAL ELECTRIC defendants
13 caused (5) damages to the petitioner, resulting from the defendant's conduct that included the immediate
14 loss of \$300,000.00 the petitioner required to capitalize his entry into the hospital supply market and the
15 four hundred and fifty million dollars the petitioner would have received after four years of selling hospital
16 supply products to hospitals.
17
18

19 **PRAYER FOR RELIEF FROM THE GE DEFENDANTS**

20
21 Under *Anuhco, Inc. v. Westinghouse Credit Corp.*, 883 S.W.2d 910 (Mo App 1994) GE is responsible
22 for the expectation damages of the forward projections that it had accepted at the time it entered into
23 contract with Medical Supply. Medical Supply is able to prove it's projected profits with reasonable
24 certainty.

25 Lost future profits may be used as a method of calculating damage where no other reliable method
26 of valuing the business is available, see *Albrecht v. The Herald Co.*, 452 F.2d 124 at 129 (8th Cir. 1971).
27

28 **Expectation Damages**

29 The monetary relief sought is the contract expectation damages as determined by the business
30

1 plan summary and forward financials in possession of GE at the time the proposal was accepted and the
2 contract was formed from the GE defendants.

3 SAMUEL K. LIPARI seeks the lost profits that can be determined with reasonable certainty that
4 Medical Supply Chain, Inc. would have made for the next four years of operations, had it been allowed to
5 enter the market from the GE defendants.

6 In addition to this amount, SAMUEL K. LIPARI seeks the equity Medical Supply Chain, Inc. would
7 have gained from the purchase of the building, and the cash payment for the remainder of the lease from
8 the GE defendants.

9 The GE defendants injured the petitioner through interference with his business expectancy with
10 Michael W. Lynch resulting in two hundred million dollars (\$200,000,000.00) to the plaintiff SAMUEL K.
11 LIPARI.

12 The GE defendants injured the petitioner through interference with his business expectancy with
13 US Bank and US Bancorp resulting in four hundred and fifty million dollars (\$450,000,000.00) to the
14 plaintiff SAMUEL K. LIPARI, or some lesser difference depending upon the success of the GE Defendants
15 interference.

16 The GE defendants injured the petitioner through interference with his business expectancy with
17 obtaining a suitable business headquarters with office space and furniture to enter the national market for
18 hospital supplies from a convenient in Blue Springs

19 The total damages from the GE Defendants sought by the plaintiff SAMUEL K. LIPARI for
20 contract and interference with business expectancy claims is SEVEN HUNDRED MILLION DOLLARS
21 (\$700,000,000.00).
22
23
24

25 **PRAYER FOR RELIEF FROM LATECOMER DEFENDANTS**

26 The plaintiff seeks the following statute mandated relief:

27 **RICO Damages Under 18 U.S.C. § 1964**

28 The plaintiff was repeatedly injured by the above-described predicate acts in violation of 18 U.S.C.
29 § 1962 (c).
30

1 The plaintiff would not have been injured but for the defendants' repeated violations of
2 18 U.S.C. § 1962 (c).

3 The plaintiff was injured as a direct and proximate cause of the defendants' repeated violations of
4 18 U.S.C. § 1962 (c).

5 The plaintiff was injured in his business and property from the defendants' repeated
6 violations of section 18 U.S.C. § 1962 (c).

7 The plaintiff is entitled to joint and several redress from the defendants of four hundred and
8 Fifty million dollars (\$450,000,000.00), trebled under 18 U.S.C. § 1964 to an amount of one billion,
9 Three hundred and fifty million dollars (\$1,350,000,000.00 dollars).

10 The plaintiff seeks any other relief the court believes is just.

11 **JURY DEMAND**

12 The plaintiff respectfully requests a jury decide all questions of fact.

13
14 Respectfully submitted,

15 S/ Samuel K. Lipari

16 _____
SAMUEL K. LIPARI

17 **CERTIFICATE OF SERVICE**

18
19 The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was
20 forwarded this 20th day of January, 20010 by hand delivery, by first class mail postage prepaid, or by
email to:

21 BARHORST, CHRISTOPHER
22 FISHER, HOLLY L
23 SWANSON & MIDGLEY LLC
4600 Madison Ste 1100, Kansas City, MO 64112;
(816) 842-6100
24 cbarhorst@swansonmidgley.com
hfisher@swansonmidgley.com

25 CHAPEL RIDGE MULTIFAMILY LLC; 3460 NE
26 AKIN BOULEVARD LEES SUMMIT, MO 64064
27 SWANSON MIDGLEY LLC; PLAZA WEST
BUILDING, 4600 MADISON AVENUE, SUITE
28 1100 KANSAS CITY, MISSOURI 64112

1 LIANNE ZELLMER; 2300 Main St. Ste 900,
2 Kansas City, MO 64108; (816) 448-3100
Lianne.Zellmer@regus.com

3 REGUS PLC; 26 BOULEVARD ROYAL L-2449
4 LUXEMBOURG; +44 (0) 1932 895059
5 C/O REGUS PLC REGISTERED OFFICE 22
6 GRENVILLE STREET; ST. HELIER; JERSEY,
7 JE4 8PX

8 REGUS MANGEMENT GROUP LLC; 15305
9 DALLAS PARKWAY STE 1400 ADDISON, TX
10 75001 C/O REGISTERED AGENT CSC
11 LAWYERS INCORPORATING SERVICE, INC.;
12 150 S PERRY ST. MONTGOMERY, AL
13 36104

14 ACKERMAN, NICHOLAS L
15 TROPPITO, CHRIS L
16 MILLER, TONY R
17 TROPPITO & MILLER LLC
18 508 Walnut Street, Kansas City, MO 64106
19 (816) 221-6006
20 nla@troppitomiller.com
21 trm@troppitomiller.com
22 cmt@troppitomiller.com

23 WACHOVIA DEALER SERVICES INC.; 8575 W
24 110TH ST, STE 100 OVERLAND PARK, KS
25 66210 WELLS FARGO; 420 MONTGOMERY
26 STREET, SAN FRANCISCO, CALIFORNIA
27 94163; (866) 249-3302

28 John K. Power #35312
29 Leonard L. Wagner #39783
30 Michael S. Hargens #51077
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ATTORNEYS FOR GENERAL
ELECTRIC COMPANY, GENERAL
ELECTRIC CAPITAL BUSINESS ASSET
FUNDING CORPORATION AND GE
TRANSPORTATION SYSTEMS
GLOBAL SIGNALING, LLC

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Jonathan I. Gleklen
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ATTORNEY FOR JEFFREY R. IMMELT

S/ Samuel K. Lipari

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803 S. Lake Drive
Independence, MO 64064
816-365-1306
saml@medicalsupplychain.com
Plaintiff, *Pro Se*

Facsimile: (314) 966-0076

Phone: (____) _____

3. List documents that help support your information that the judge or court commissioner has engaged in misconduct or has a disability, noting which ones you have attached:

See attachments:

4. Identify, if you can, any other witnesses to the conduct of the judge or court commissioner:

Name(s): _____

Addresses: _____

Phone: (____) _____ (____) _____

5. Specify below the details of what the judge or court commissioner did that you think constitutes misconduct or indicates disability. [PLEASE TYPE OR PRINT LEGIBLY; ATTACH ADDITIONAL PAPER IF NECESSARY].

0916-CV-38273 SAMUEL K. LIPARI v. CHAPEL RIDGE MULTIFAMILY LLC, et al.

20. In the present case 0916-CV38273, the plaintiff attended two hearings April 2nd and 4th 2010 which were on the official 16th Circuit Court appearance docket and appeared electronically online at Missouri Case Net but where the defendants did not attend and 16th Circuit Court judge presiding over the action, Hon. Judge Robert Schieber were absent.

21. One 16th Circuit Court hearing April 4th 2010 was actually a hearing rescheduled by Hon. Judge Robert Schieber himself.

22. During the last hearing that the plaintiff alone attended, the 16th Circuit Court clerk Mr. Elliott Nickell for Hon. Judge Robert Schieber answered the plaintiff's question about how the defendants all knew the hearing had been canceled but the plaintiff had not been given notice and neither the 16th Circuit Court docket had the hearings canceled or the online version of the appearance docket reflected any cancellations, the 16th Circuit Court clerk for Hon. Judge Robert Schieber conceded there had been ex parte communications.

23. When all parties attended the next scheduled hearing April 8th 2010 through their retained legal counsel (approximately 10 attorneys), the 16th Circuit Court Judge Hon. Robert Schieber stated he was required to recuse himself because of a conflict resulting from a Mandamus action brought by an attorney for one of the defendants.

24. The hearing was cancelled and the plaintiff went home to research the case referred to by the 16th Circuit Court Judge Hon. Robert Schieber and discovered any active case had been concluded over a year prior, giving the appearance that the reason given by the 16th Circuit Court Judge Hon. Robert Schieber was false.

25. From the filing of the present action, the 16th Circuit Court has avoided making any rulings over numerous motions and even requests for extensions brought by all parties in the action except conspicuously granting an extension for the GENERAL ELECTRIC COMPANY defendants on March 3, 2010.

26. The result of the 16th Circuit Court's inactivity has been to embolden the defendants' Novation LLC cartel with openly committing additional RICO predicate acts and crimes against the plaintiff, the plaintiff's family and associates to obstruct justice in the present action.

27. The plaintiff was forced to write letters to government offices in Jackson County to attempt to stop state entities like the Blue Springs School District and the City of Blue Springs from participating in the defendants' RICO conspiracy through for misconduct under Color of Official Right via threats of economic harm described in *U.S. v. Kelley*, 461 F.3d 817 at 826 (6th Cir. 2006) and through the Coercive Nature of Official Office described in *U.S. v. Antico*, 275 F.3d 245 at 256 (3rd Cir., 2001) to obstruct justice in the present action.

28. When the defendants' Novation LLC cartel continued to have the plaintiff's nephew and sister targeted even though they are not involved in the plaintiff's Medical Supply Chain or Medical Supply Line businesses, the plaintiff was forced to write a letter to the 16th Circuit Court Judge Hon. Robert Schieber. See exhibit 1 attached April 1, 2010 letter.

29. The 16th Circuit Court has continued to fail to make rulings over numerous motions mounting in this action or set a case management conference, forcing the plaintiff to write letters seeking relief from extortion by governmental entities within Jackson County and their officials including the City of Blue Springs from continued predicate RICO acts and deprivations of constitutional rights against the plaintiff, his family and associates to obstruct justice in the present action. See exhibit 2 attached May 22, 2010 letter.

30. The 16th Circuit Court has continued to fail to make rulings over numerous motions mounting in this action or set a case management conference, forcing the plaintiff to write letters seeking relief from extortion by governmental entities within Jackson County and their officials including the City of Blue Springs from continued predicate RICO acts and deprivations of constitutional rights against the plaintiff, his family and associates to obstruct justice in the present action. See exhibit 2 attached May 25th, 2010 letters sent to City of Blue Springs councilmen.

31. The 16th Circuit Court Independence Annex Court Clerk's office has repeatedly delayed service of process on defendants in this action even though the plaintiff provided copies of the appropriate petitions and paid the service fees.

32. When weeks went by without process being issued or serve, the plaintiff visited and telephoned the 16th Circuit Court Independence Annex Court Clerk's office only to be repeatedly told that the case file was "in chambers" even when no judge was assigned to this action after 16th Circuit Court Judge Hon. Robert Schieber recused himself.

PURSUANT TO SUPREME COURT 12, THE IDENTITY OF INFORMANTS IS KEPT CONFIDENTIAL.
YOU MAY CHOOSE TO WAIVE THIS CONFIDENTIALITY.

☐ I choose to waive the confidentiality of Supreme Court Rule 12 and request that a copy of my complaint be sent to the judge or court commissioner.

☒ I do not waive the confidentiality provided by Supreme Court Rule 12 and request that the Commission not disclose my identity to the judge or court commissioner.

Signature: S/Samuel K. Lipari Date: June 18, 2010



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16th Judicial Circuit (Jackson County)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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0916-CV38273 - SAMUEL K LIPARI V CHAPEL RIDGE MULTIFAMILY ET AL

This information is provided as a service and is not considered an official court record.

Displaying 1 thru 106 of 106 records for all dockets returned for case 0916-CV38273.

- 12/15/2009** **Docket Entry:** Confid Filing Info Sheet Filed
 Filing Party: LIPARI , SAMUEL K
Docket Entry: Pet Filed in Circuit Ct
Docket Entry: Judge Assigned
- 12/16/2009** **Docket Entry:** Case Mgmt Conf Scheduled
Associated Events: 04/08/2010 , 11:00:00 - Case Management Conference
Docket Entry: Notice
 Text: Case Management Conference for Civil Case and Order for Mediationon April 8, 2010 at 11:00 am in Division 15
Docket Entry: Notice
 Text: of Pendency of Action
Filing Party: LIPARI , SAMUEL K
- 12/17/2009** **Docket Entry:** Summons Issued-Circuit
 Text: Document ID: 09-SMCC-13510, for CHAPEL RIDGE MULTIFAMILY LLC.
Docket Entry: Summons Issued-Circuit
 Text: Document ID: 09-SMCC-13511, for SWANSON MIDGLEY LLC.
Docket Entry: Summons Issued-Circuit
 Text: Document ID: 09-SMCC-13512, for ZELLMER, LIANNE.
Docket Entry: Summons Issued-Circuit
 Text: Document ID: 09-SMCC-13513, for TROPBITO & MILLER LLC.
Docket Entry: Summons Issued-Circuit
 Text: Document ID: 09-SMOS-1216, for WACHOVIA DEALER SERVICES INC.
- 01/04/2010** **Docket Entry:** Notice
 Text: Transfer Notice to Judge Robert Schieber, Division 15, sitting in Independence
Docket Entry: Corporation Served
 Text: Document ID - 09-SMCC-13511; Served To - SWANSON MIDGLEY LLC; Server - SALVATORE J. LICATA; Served Date - 23-DEC-09; Served Time - 13:33:00; Service Type - Civil Process Server; Reason Description - Served; Service Text - BY SERVING JACKIE MALCHIR SECTY

01/06/2010 **Docket Entry:** Summons Returned Non-Est
 Text: Document ID - 09-SMOS-1216; Served To - WACHOVIA DEALER SERVICES INC; Server - ; Served Date - 12-JAN-10; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Non-est

01/08/2010 **Docket Entry:** Summons Personally Served
 Text: Document ID - 09-SMCC-13512; Served To - ZELLMER, LIANNE; Server - DANIEL R. TAYLOR; Served Date - 06-JAN-10; Served Time - 10:52:00; Service Type - Civil Process Server; Reason Description - Served
Docket Entry: Agent Served
 Text: Document ID - 09-SMCC-13513; Served To - TROPBITO & MILLER LLC; Server - DANIEL R. TAYLOR; Served Date - 06-JAN-10; Served Time - 09:26:00; Service Type - Civil Process Server; Reason Description - Served; Service Text - BY SERVING FRANK TROPBITO PARTNER

01/09/2010 **Docket Entry:** Start Additional Case Volume
 Text: Volume #2

01/12/2010 **Docket Entry:** Summons Issued-Circuit
 Text: Document ID: 10-SMOS-27, for WACHOVIA DEALER SERVICES INC.

01/20/2010 **Docket Entry:** Amended Motion/Petition Filed
 Text: Amended Petition
 Filing Party: LIPARI , SAMUEL K
Docket Entry: Memorandum Filed
 Text: Memorandum in Support of Its Motion to Dismiss Under Rule 55.27(g)(2) For Failure to State A Claim
 Filing Party: SWANSON MIDGLEY LLC
Docket Entry: Motion to Dismiss
 Text: Motion to Dismiss Under Rule 55.27(g)(2) For Failure to State A Claim
 Filing Party: SWANSON MIDGLEY LLC
Docket Entry: Summons Returned Non-Est
 Text: Document ID - 09-SMCC-13510; Served To - CHAPEL RIDGE MULTIFAMILY LLC; Server - JOHN T. RIEAD; Served Date - 16-JAN-10; Served Time - 23:59:00; Service Type - Civil Process Server; Reason Description - Business Closed; Service Text - NEVER OPEN FOR BUSINESS.

01/25/2010 **Docket Entry:** Corporation Served
 Text: Document ID - 10-SMOS-27; Served To - WACHOVIA DEALER SERVICES INC; Server - ; Served Date - 15-JAN-10; Served Time - 10:27:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - Served: Shelley Hammons, Op. Mgr.
Docket Entry: Motion for Extension of Time
 Text: Ip Motion for Extension of Time to Answer Dft Swanson Midley LLC's Motion and Suggestion to Dismiss the Plts Petition
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

01/26/2010 **Docket Entry:** Summons Issued-Circuit
 Text: Document ID: 10-SMCC-857, for CHAPEL RIDGE MULTIFAMILY LLC.

01/29/2010 **Docket Entry:** Motion to Dismiss
 Text: LP Mot to dismiss amended petition
 Filing Party: SWANSON MIDGLEY LLC
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Filing:
 Text: LP Memorandum in support of mot to dismiss amended petition
 Filing Party: SWANSON MIDGLEY LLC

02/02/2010 **Docket Entry:** Amended Motion/Petition Filed

02/03/2010 **Docket Entry:** Motion to Dismiss
 Text: Ip Motion to Dismiss Plts Amended Petition For Failure to State a Claim
 Filing Party: TROPBITO & MILLER LLC
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Memorandum Filed
 Text: Ip Memorandum in Support of Motion to Dismiss Plts Amended Petition
 Filing Party: TROPBITO , CHRIS M

Docket Entry: Motion for Extension of Time
 Text: Ip Motion for Extension of Time to Answer Swanson Midgley LLC's Motion and Suggestion to Dismiss the Plts Petition
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

02/04/2010 **Docket Entry:** Motion for Extension of Time
 Text: Ip Agreed Motion for Enlargement of Time to Respond to Dfts Petition
 Filing Party: REGUS PLC
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Suggestions in Support
 Text: Ip Suggestions in Support of Agreed Motion for Enlargement of Time to Respond to Plts Petition
 Filing Party: REGUS PLC

02/05/2010 **Docket Entry:** Corporation Served
 Text: Document ID - 10-SMCC-857; Served To - CHAPEL RIDGE MULTIFAMILY LLC; Server - JOHN T. RIEAD; Served Date - 28-JAN-10; Served Time - 14:12:00; Service Type - Civil Process Server; Reason Description - Served; Service Text - BY SERVING PAIGE E SUITS PROPERTY MGR

02/08/2010 **Docket Entry:** Response Filed
 Text: Ip Response to Dft Swanson Midgley LLC's Motion and Amended Motions to Dismiss for Failure to State A Claim
 Filing Party: LIPARI , SAMUEL K

Docket Entry: Motion for Extension of Time
 Text: Ip Motion for Extension of Time to Answer Motion and Suggestion to Dismiss the Plts Amended Petition
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

02/13/2010 **Docket Entry:** Answer Filed
 Text: Ip Answer to Amended Petition
 Filing Party: CHAPEL RIDGE MULTIFAMILY LLC

02/15/2010 **Docket Entry:** Memorandum Filed
 Text: Ip Memorandum in Support of Motion to Dismiss Plts Petition
 Filing Party: WACHOVIA DEALER SERVICES INC

02/16/2010 **Docket Entry:** Motion to Dismiss
 Text: Ip Motion to Dismiss Plts Petition
 Filing Party: WACHOVIA DEALER SERVICES INC
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Certificate of Service
 Text: Ip Motion to Dismiss Plts Petition, Memorandum in Support
 Filing Party: WACHOVIA DEALER SERVICES INC

Docket Entry: Reply
 Text: Ip Reply to Plts Response to Dfts Motion to Dismiss Plts Amended petition
 Filing Party: SWANSON MIDGLEY LLC

Docket Entry: Certificate of Service
 Text: Amended/Reply to Plts Response to Dfts Motion to Dismiss plts amended petition
 Filing Party: SWANSON MIDGLEY LLC

02/22/2010 **Docket Entry:** Motion for Extension of Time
 Text: To File Response to Plt's First Amended Petition
 Filing Party: GENERAL ELECTRIC CAPITAL BUSINESS ASSET FUNDING CORPORATION
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Motion Filed
 Text: Ip Motion to Require Chapel Ridge Multifamily LLC to Make a More Definite Answer under rule 55.27(d) and to Adequately Re-Plead Affirmative Defenses 2 thru 7 or Forfeit Them
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Motion for Extension of Time
 Text: Ip Motion for Extension of Time in which to respond to Wachovia Dealer Services, Inc.'s Motion to Dismiss
 Filing Party: LIPARI , SAMUEL K

Docket Entry: Response Filed
 Text: Ip Response to Dft Troppito & Miller LLC's Motion to Dismiss under rule 55.27(g)(2) for Failure to State a Claim and Notice of Implicit Conversion into a Motion for Summary Judgment under rule 74.04
 Filing Party: LIPARI , SAMUEL K

Docket Entry: Hearing Scheduled
Associated Docket Entries: 04/01/2010 - Hearing Continued/Rescheduled
Associated Events: 04/02/2010 , 08:30:00 - Hearing

Docket Entry: Summons Issued-Circuit
 Text: Document ID: 10-SMOS-197, for GENERAL ELECTRIC CAPITAL BUSINESS ASSET

FUNDING CORPORATION.

Docket Entry: Summons Issued-Circuit**Text:** Document ID: 10-SMOS-198, for GENERAL ELECTRIC COMPANY.**Docket Entry:** Summons Issued-Circuit**Text:** Document ID: 10-SMOS-199, for GE TRANSPORTATION SYSTEMS GLOBAL SIGNALING, LLC.**Docket Entry:** Summons Issued-Circuit**Text:** Document ID: 10-SMOS-200, for JEFFREY R. IMMELT, CEO.**Docket Entry:** Notice**Text:** Case Management Conference for Civil Case and Order for Mediation on april 2, 2010 at 8:30 am in Division 15**Docket Entry:** Motion for Extension of Time**Text:** Motion for Extension of Time to File Response to Plts First Amended Petition**Filing Party:** GENERAL ELECTRIC COMPANY**Associated Docket Entries:** 03/03/2010 - Motion Granted/Sustained**Associated Docket Entries:** 05/28/2010 - Motion no Longer an Issue**Docket Entry:** Hearing Scheduled**Associated Docket Entries:** 04/01/2010 - Hearing Continued/Rescheduled**Associated Events:** 04/06/2010 , 14:00:00 - Hearing**02/24/2010****Docket Entry:** Notice of Court Hearing Sent**Text:** Ip Notice of Hearing on April 6, 2010 at 2:00 pm**Filing Party:** CHAPEL RIDGE MULTIFAMILY LLC**02/25/2010****Docket Entry:** Motion to Dismiss**Text:** Ip Motion to Dismiss Plts Amended Petition and Incorporated Memorandum in Support**Filing Party:** REGUS PLC**Associated Docket Entries:** 05/28/2010 - Motion no Longer an Issue**02/27/2010****Docket Entry:** Suggestions in Opposition**Text:** Ip Suggestions in Opposition to Plts Motion to make a More Definite Statement and to Re-Plead Affirmative Defenses**Filing Party:** CHAPEL RIDGE MULTIFAMILY LLC**03/01/2010****Docket Entry:** Memorandum Filed**Text:** Ip Memorandum of Law in Support of Motion to Dismiss plts Amended Petition**Filing Party:** GENERAL ELECTRIC COMPANY**Docket Entry:** Motion to Dismiss**Text:** Ip Motion to Dismiss Amended Petition**Filing Party:** GENERAL ELECTRIC COMPANY**Associated Docket Entries:** 05/28/2010 - Motion no Longer an Issue**03/02/2010****Docket Entry:** Order**Text:** Order Granted: GE's Motion for Extension of Time to File Response to Plts First Amended Petition

Docket Entry: Reply

Text: Ip Reply to Plts Response to its Motion to Dismiss

Filing Party: TROPBITO & MILLER LLC

Docket Entry: Notice of Court Hearing Sent

Text: Ip Notice of Hearing on April 6, 2010 at 2:00 pm

Filing Party: TROPBITO & MILLER LLC

03/03/2010 Docket Entry: Motion Granted/Sustained

Associated Docket Entries: 02/22/2010 - Motion for Extension of Time
Motion for Extension of Time to File Response to Plts First Amended Petition

Docket Entry: Summons Issued-Circuit

Text: Document ID: 10-SMCC-2363, for WELLS FARGO.

03/04/2010 Docket Entry: Motion for Extension of Time

Text: Ip Motion for Extension of Time in Which to Respond to GE Dfts and Jeffrey Immelts
Motion to Dismiss

Filing Party: LIPARI , SAMUEL K

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Motion for Extension of Time

Text: Ip Motion for Extension of Time in Which to Respond to Regus Dfts Motion to Dismiss

Filing Party: LIPARI , SAMUEL K

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

03/05/2010 Docket Entry: Notice of Court Hearing Sent

Text: LP 4-6-10 at 2pm div 15

Filing Party: CHAPEL RIDGE MULTIFAMILY LLC

Docket Entry: Motion to Dismiss

Text: LP Mot to dismiss Plt's petition and memorandum in support

Filing Party: CHAPEL RIDGE MULTIFAMILY LLC

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

03/08/2010 Docket Entry: Motion to Strike

Text: Ip Motion To Strike Dfts Motion to Dismiss

Filing Party: LIPARI , SAMUEL K

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Filing:

Text: Ip Missouri Rule of Civil Procedure 43.01 e-mail consent

Filing Party: LIPARI , SAMUEL K

Docket Entry: Reply

Text: Ip Reply to Dfts Opposition to Plts Motion to Make a More Definite Statement under rule
55.27 and to adequately re-plead affirmative defenses 2 -7 or forfeit them

Filing Party: LIPARI , SAMUEL K

03/15/2010 Docket Entry: Suggestions in Opposition

Text: Ip Suggestions in Opposition to Dft Regus PLC, Regus Mgmt. Group, LLC an Lianne
Zellmers Motion for Dismissal for Failure to State a Claim

Filing Party: LIPARI , SAMUEL K

Docket Entry: Suggestions in Opposition

Text: Ip Suggestions in Opposition to Dft General Electric, GE Capital, GE Transportation and Jeffery Immelts Motion for Dismissal for Failure to State a Claim

Filing Party: LIPARI , SAMUEL K

03/24/2010

Docket Entry: Summons Issued-Circuit

Text: Document ID: 10-SMCC-3240, for TROPITO, CHRIS M.

Docket Entry: Summons Issued-Circuit

Text: Document ID: 10-SMCC-3241, for ACKERMAN, NICHOLAS L.

Docket Entry: Summons Issued-Circuit

Text: Document ID: 10-SMCC-3242, for MILLER, TONY R.

Docket Entry: Filing:

Text: Ip Substitution of Counsel

Filing Party: WACHOVIA DEALER SERVICES INC

03/25/2010

Docket Entry: Corporation Served

Text: Document ID - 10-SMCC-2363; Served To - WELLS FARGO; Server - ; Served Date - 10-MAR-10; Served Time - 08:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - Served: S. Lewis

03/30/2010

Docket Entry: Response Filed

Text: Ip Response to Wachovia's Motion to Dismiss under rule 55.27(g)(2) for Failure to State A Claim

Filing Party: LIPARI , SAMUEL K

03/31/2010

Docket Entry: Reply

Text: LP in support of the GE Dft's and Jeffrey Immelt's Mot to dismiss Plt's amended petition

Filing Party: GENERAL ELECTRIC COMPANY

04/01/2010

Docket Entry: Hearing Continued/Rescheduled

Associated Docket Entries: 02/22/2010 - Hearing Scheduled

Associated Events: 04/02/2010 , 08:30:00 - Hearing

Docket Entry: Hearing Continued/Rescheduled

Associated Docket Entries: 02/22/2010 - Hearing Scheduled

Associated Events: 04/06/2010 , 14:00:00 - Hearing

Docket Entry: Filing:

Text: Ip Withdrawal of Hearing Notice

Filing Party: TROPITO & MILLER LLC

04/02/2010

Docket Entry: Motion Filed

Text: LP Mot to withdraw notice of hearing

Filing Party: SWANSON MIDGLEY LLC

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

04/05/2010

Docket Entry: Start Additional Case Volume

Text: Volume #3

04/23/2010 **Docket Entry:** Mot for Interlocutory Judmt
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

04/26/2010 **Docket Entry:** Motion for Leave
 Text: Ip Motion for Leave to File a Sur-reply Suggesions in Opposition and Sur-Reply
 Suggestions in Opposition to GE's, GE Capital, GE Transportation, and Jeffrey R. Immelt's
 Reply Suggestions in Support of Dismissal for Failure to State a Claim
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Summons Personally Served
 Text: Document ID - 10-SMCC-3242; Served To - MILLER, TONY R; Server - DANIEL R.
 TAYLOR; Served Date - 21-APR-10; Served Time - 08:48:00; Service Type - Civil Process
 Server; Reason Description - Served

04/27/2010 **Docket Entry:** Motion for Leave
 Text: Motion for Leave to File a Sur-Reply Suggestions in Opposition and Sur-Reply Suggestion
 in Opposition to Dfts Reply Suggestion in Support of Dismissal for Failure to State A Claim
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Start Additional Case Volume
 Text: volume 4

05/04/2010 **Docket Entry:** Judge Assigned
 Text: Case is transferred to Division 14

05/05/2010 **Docket Entry:** Summons Returned Non-Est
 Text: Document ID - 10-SMCC-3240; Served To - TROPBITO, CHRIS M; Server - DANIEL R.
 TAYLOR; Served Date - 23-APR-10; Served Time - 23:59:00; Service Type - Civil Process
 Server; Reason Description - Not In When Service Attempted

Docket Entry: Summons Returned Non-Est
 Text: Document ID - 10-SMCC-3241; Served To - ACKERMAN, NICHOLAS L; Server - DANIEL
 R. TAYLOR; Served Date - 23-APR-10; Served Time - 23:59:00; Service Type - Civil
 Process Server; Reason Description - Not In When Service Attempted

05/17/2010 **Docket Entry:** Motion to Dismiss
 Text: Plts amended petition
 Filing Party: MILLER , TONY R
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Filing:
 Text: of Mot to dismiss amended petition
 Filing Party: MILLER , TONY R

05/19/2010 **Docket Entry:** Motion Filed
 Text: Mot for order directing Plt to identify party and to quash service
 Filing Party: WELLS FARGO

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

05/20/2010 Docket Entry: Motion to Strike

Text: Mot to strike defaulting Dft Tony Miller's Mot to dismiss

Filing Party: LIPARI , SAMUEL K

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Response Filed

Text: to Dft Tony Miller's Mot to dismiss

Filing Party: LIPARI , SAMUEL K

05/28/2010 Docket Entry: Motion Filed

Text: Mot for interpleader

Filing Party: LIPARI , SAMUEL K

Docket Entry: Suggestions in Opposition

Text: to Wells Fargo's Mot for order to identify party and quash service

Filing Party: LIPARI , SAMUEL K

Docket Entry: Order of Dismissal

Text: Dismissed w/ prejudice

Docket Entry: Dismiss by Ct w/ Prejudice

Docket Entry: Motion no Longer an Issue

Associated Docket Entries: 01/25/2010 - Motion for Extension of Time

lp Motion for Extension of Time to Answer Dft Swanson Midley LLC's Motion and Suggestion to Dismiss the Plts Petition

Associated Docket Entries: 01/29/2010 - Motion to Dismiss

LP Mot to dismiss amended petition

Associated Docket Entries: 02/03/2010 - Motion to Dismiss

lp Motion to Dismiss Plts Amended Petition For Failure to State a Claim

Associated Docket Entries: 02/03/2010 - Motion for Extension of Time

lp Motion for Extension of Time to Answer Swanson Midgley LLC's Motion and Suggestion to Dismiss the Plts Petition

Associated Docket Entries: 02/08/2010 - Motion for Extension of Time

lp Motion for Extension of Time to Answer Motion and Suggestion to Dismiss the Plts Amended Petition

Associated Docket Entries: 02/04/2010 - Motion for Extension of Time

lp Agreed Motion for Enlargement of Time to Respond to Dfts Petition

Associated Docket Entries: 02/16/2010 - Motion to Dismiss

lp Motion to Dismiss Plts Petition

Associated Docket Entries: 02/22/2010 - Motion for Extension of Time

To File Response to Plt's First Amended Petition

Associated Docket Entries: 02/22/2010 - Motion Filed

lp Motion to Require Chapel Ridge Multifamily LLC to Make a More Definite Answer under rule 55.27(d) and to Adequately Re-Plead Affirmative Defenses 2 thru 7 or Forfeit Them

Associated Docket Entries: 02/22/2010 - Motion for Extension of Time

Motion for Extension of Time to File Response to Plts First Amended Petition

Associated Docket Entries: 02/25/2010 - Motion to Dismiss

lp Motion to Dismiss Plts Amended Petition and Incorporated Memorandum in Support

Associated Docket Entries: 03/01/2010 - Motion to Dismiss

lp Motion to Dismiss Amended Petition

Associated Docket Entries: 03/04/2010 - Motion for Extension of Time

lp Motion for Extension of Time in Which to Respond to GE Dfts and Jeffrey Immelts
Motion to Dismiss

Associated Docket Entries: 03/04/2010 - Motion for Extension of Time

lp Motion for Extension of Time in Which to Respond to Regus Dfts Motion to Dismiss

Associated Docket Entries: 03/05/2010 - Motion to Dismiss

LP Mot to dismiss Plt's petition and memorandum in support

Associated Docket Entries: 03/08/2010 - Motion to Strike

lp Motion To Strike Dfts Motion to Dismiss

Associated Docket Entries: 04/02/2010 - Motion Filed

LP Mot to withdraw notice of hearing

Associated Docket Entries: 04/23/2010 - Mot for Interlocutory Judmt

Associated Docket Entries: 04/26/2010 - Motion for Leave

lp Motion for Leave to File a Sur-reply Suggesions in Opposition and Sur-Reply
Suggestions in Opposition to GE's, GE Capital, GE Transportation, and Jeffrey R. Immelt's
Reply Suggestions in Support of Dismissal for Failure to State a Claim

Associated Docket Entries: 04/27/2010 - Motion for Leave

Motion for Leave to File a Sur-Reply Suggestions in Opposition and Sur-Reply Suggestion
in Opposition to Dfts Reply Suggestion in Support of Dismissal for Failure to State A Claim

Associated Docket Entries: 05/17/2010 - Motion to Dismiss

Plts amended petition

Associated Docket Entries: 05/19/2010 - Motion Filed

Mot for order directing Plt to identify party and to quash service

Associated Docket Entries: 05/20/2010 - Motion to Strike

Mot to strike defaulting Dft Tony Miller's Mot to dismiss

06/01/2010 **Docket Entry:** Notice of Appeal Filed
 Filing Party: LIPARI , SAMUEL K

06/03/2010 **Docket Entry:** Certificate of Delivery
 Text: Notice of Appeal

06/07/2010 **Docket Entry:** Ackn Notice of Appeal Filed

Displaying 1 thru 106 of 106 records for all dockets returned for case 0916-CV38273.

April 1, 2010

SAMUEL K. LIPARI Plaintiff, *Pro Se*
803 S. Lake Drive
Independence, MO 64064
816.507.1328
saml@medicalsupplychain.com

Re: 0916-CV38273

Dear Honorable Judge Robert Schieber:

I am writing because a new round of retaliation has been started by persons connected to co-conspirators in this case. I am looking at the possibility of seeking a restraint against this conduct through a motion before this court and even questioning whether the defendants continued utilization of extrinsic misconduct is based on an inability of the 16th Circuit and the Western District of Missouri Court of Appeals to uphold the law of the State of Missouri in litigation connected to the Novation LLC hospital supply cartel, which has used their monopoly to artificially inflate healthcare costs, and has nearly bankrupted our state.

I learned last week that since I have no children of my own, my nephew has again been targeted in his Blue Springs High School because of my litigation seeking to vindicate my rights to enter into Missouri's monopolized hospital supply market.

His teacher Ashley Brooker, the wife of a Mathew Brooker a member of Waldeck Matteuzzi & Sloan, a law firm associated with the defendants REGUS PLC, REGUS MANGEMENT GROUP LLC, and LIANNE ZELLMER used her position to sabotage his academic achievements in her class. This new activity follows several events where I have complained to the Missouri Board of Bar Governors and the Department of Justice about the misconduct of targeting my nephew in his school because of my litigation in the 16th Circuit. See Exhibits 1-8:

<http://www.medicalsupplychain.com/pdf/Targeting%20Ian%20and%20Susan%20Evidence.pdf>

The present case is itself about latecomer co-conspirators including REGUS PLC, REGUS MANGEMENT GROUP LLC, and LIANNE ZELLMER who have been recruited to aid the Novation LLC cartel's restraint of trade in Missouri hospital supplies by depriving me of my business property unlawfully. A form of retaliation for my persistence in seeking to enter the Missouri Hospital market controlled by Novation.

<http://www.medicalsupplychain.com/pdf/Amended%20Petition%20CV38273.pdf>

The defendants have argued that I have failed to state claims and therefore cannot sustain RICO conspiracy allegations, yet even this week the non defendant co-conspirator the City of Blue Springs Police Department described in the complaint before this court again targeted my nephew on his way to and from school. The City of Blue Springs Police Department under the direction of Police Chief Wayne McCoy (the highest or final policy making authority for the City of Blue Springs over matters of selecting subjects of criminal investigation and surveillance by marked police cars under *City of St. Louis v. Praprotnik*, 485 U.S. 112, 124-25 (1988)) has committed the conduct described in the petition and amended petitions before this court and also resulted in several complaints to the Missouri Board of Bar Governors and the Department of Justice.

<http://www.medicalsupplychain.com/pdf/Targeting%20Ian%20and%20Susan%20Evidence.pdf>

This racketeering tactic of Hobbs Act extortion by the Novation LLC co-conspirators was used against my former counsel's son in Pittsburg, Kansas, causing him to drop out of school. When my former counsel finally obtained custody of his son, the Kansas City Missouri School District resisted letting him attend school and both school principals Linda Collins of North East and Tom Herrera of East denied his son the opportunity to re-enter high school last year.

I think it is the lowest form of gangsterism to misuse public offices to retaliate against people's children for the purpose of obstructing justice and here it is my seventeen-year-old nephew who has no connection to my Medical Supply Chain or Medical Supply Line businesses. There is no reason my nephew should be forced to abandon his high school studies and forfeit an opportunity to go to college because of the defendants' criminal conduct like my former counsel Bret Landrith's son was forced to.

Certainly the law firms the defendants have engaged to represent in the present case would not condone this high risk use of Hobbs Act extortion as extrinsic fraud to obtain a corrupt outcome in their favor if they did not have a substantial basis for concluding they could get away with this misconduct in the 16th Circuit and the Western District of Missouri.

It may be that the defendants are demonstrating that it is impossible to obtain a law and fact based outcome in the 16th Circuit and the Missouri Western District and this action needs to be transferred to another venue within the State of Missouri.

I am willing to consider any joint motions by the defendants' counsel offered in aid to restrain this extrinsic conduct to corruptly influence this action. This will give any defendant or its counsel the opportunity to affirmatively renounce its participation in this latest racketeering. If I do not receive any proposed joint motion condemning this conduct by April 15th, I will undertake obtaining redress on my own and I will leave the professional reputation of practitioners of the Greater Kansas City Bar to find its deserved disdain in the resulting public outcry.

Sincerely,
SAMUEL K. LIPARI Plaintiff, *Pro Se*
803 S. Lake Drive
Independence, MO 64064
816.507.1328
saml@medicalsupplychain.com

Hand Delivered: Honorable Judge Robert Schieber

Email cc: Blue Springs City Council
The Missouri Board of Bar Governors

Email cc: Defending Council:
jmorrow@mwklaw.com
apierpoint@mwklaw.com
cbarhorst@swansonmidgley.com
hfisher@swansonmidgley.com
dwebb@hab-law.com
keitha.wright@bryancave.com
lianne.zellmer@regus.com
cld@deacylaw.com
nla@troppitomiller.com
trm@troppitomiller.com
cmt@troppitomiller.com
phillip.anderson@southlaw.com
john.power@huschblackwell.com
michael.thompson@huschblackwell.com
sean.laferte@huschblackwell.com

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

SAMUEL K LIPARI V CHAPEL RIDGE MULTIFAMILY ET AL

CASE NO: 0916-CV38273

☐ CIRCUIT JUDGE CASE

☐ ASSOCIATE CIRCUIT JUDGE CASE

☐ COMMISSIONER CASE

ORDER TRANSFERRING CASE

☐ CIVIL ☐ CRIMINAL ☐ DOMESTIC RELATIONS

This case is transferred to the Presiding Judge for reassignment pursuant to Circuit Court Rule for the following reason(s):

☐ Change of Judge ☒ Recusal ☐ Certification ☐ Request for Jury

☐ Change of Venue to ☐ Reciprocal Case ☐ Other

☐ By agreement of the Judges, this cause is transferred to directly to Division pursuant to Circuit Court Rule. This transfer is with consent of the presiding judge and pursuant to local rule allowing a direct transfer of the case to a consenting judge without involvement of the Presiding Judge or the Presiding Judge's staff. No reciprocal transfer case is authorized by the Presiding Judge with regard to this transfer.

☐ Reciprocal transfer of a comparable case to Division in exchange for Case #

CASE MANAGEMENT CONFERENCE/TRIAL DATES SET FOR THIS DIVISION ARE CANCELED.

APRIL 8, 2010

DATE

JUDGE

ORDER OF PRESIDING JUDGE REASSIGNING CASE

This case is reassigned to Division pursuant to Circuit Court Rule.

☐ The receiving division shall select a comparable case, enter all data required to change the judge of record and cancel all scheduled events, including, but not limited to, case management conference, pretrial conference and trial dates, and shall deliver the case file folder to the transferring division listed above, along with a copy of this notice, within 20 days after the date of this Order. Failure to complete this reciprocal transfer within twenty days from the date of this Order shall result in forfeiting the right to make a reciprocal transfer with regard to this case.

DATE

JUDGE

Copies mailed to:
SAMUEL K LIPARI, 803 LAKE DRIVE, INDEPENDENCE, MO 64053

JAMES CHRISTIAN MORROW, EXECUTIVE HILLS E BLDG A, 10401 HOLMES STE 300, KANSAS CITY, MO 64131-4509

Facsimile: (314) 966-0076

Phone: (____) _____

3. List documents that help support your information that the judge or court commissioner has engaged in misconduct or has a disability, noting which ones you have attached:

See attachments:

4. Identify, if you can, any other witnesses to the conduct of the judge or court commissioner:

Name(s): _____

Addresses: _____

Phone: () ()

5. Specify below the details of what the judge or court commissioner did that you think constitutes misconduct or indicates disability. [PLEASE TYPE OR PRINT LEGIBLY; ATTACH ADDITIONAL PAPER IF NECESSARY].

I filed a Motion for change of venue at 3:57 pm on May 28, 2010 with two other motions that were docketed; before Judge Torrence accelerated his dismissal w/prejudice on 10 or more open motions; including claims that were never answered or disputed by the defendants. In addition, all parties were not served for which I filed a complaint against the two attorneys that refused to accept service (Chris Troppitto #51219 & Nicholas Ackerman #54761). By not posting or docketing my motion for a change of venue I am unable to include it in my appeal, therefore no review for change of venue. Another convenient trick to protect the ongoing greylord misconduct.

PURSUANT TO SUPREME COURT 12, THE IDENTITY OF INFORMANTS IS KEPT CONFIDENTIAL.
YOU MAY CHOOSE TO WAIVE THIS CONFIDENTIALITY.

_____ I choose to waive the confidentiality of Supreme Court Rule 12 and request that a copy of my complaint be sent to the judge or court commissioner.

 X I do not waive the confidentiality provided by Supreme Court Rule 12 and request that the Commission not disclose my identity to the judge or court commissioner.

Signature: S/Samuel K. Lipari Date: June 18, 2010



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16th Judicial Circuit (Jackson County)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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0916-CV38273 - SAMUEL K LIPARI V CHAPEL RIDGE MULTIFAMILY ET AL

This information is provided as a service and is not considered an official court record.

Displaying 1 thru 106 of 106 records for all dockets returned for case 0916-CV38273.

- 12/15/2009** **Docket Entry:** Confid Filing Info Sheet Filed
 Filing Party: LIPARI , SAMUEL K
Docket Entry: Pet Filed in Circuit Ct
Docket Entry: Judge Assigned
- 12/16/2009** **Docket Entry:** Case Mgmt Conf Scheduled
Associated Events: 04/08/2010 , 11:00:00 - Case Management Conference
Docket Entry: Notice
 Text: Case Management Conference for Civil Case and Order for Mediationon April 8, 2010 at 11:00 am in Division 15
Docket Entry: Notice
 Text: of Pendency of Action
Filing Party: LIPARI , SAMUEL K
- 12/17/2009** **Docket Entry:** Summons Issued-Circuit
 Text: Document ID: 09-SMCC-13510, for CHAPEL RIDGE MULTIFAMILY LLC.
Docket Entry: Summons Issued-Circuit
 Text: Document ID: 09-SMCC-13511, for SWANSON MIDGLEY LLC.
Docket Entry: Summons Issued-Circuit
 Text: Document ID: 09-SMCC-13512, for ZELLMER, LIANNE.
Docket Entry: Summons Issued-Circuit
 Text: Document ID: 09-SMCC-13513, for TROPITO & MILLER LLC.
Docket Entry: Summons Issued-Circuit
 Text: Document ID: 09-SMOS-1216, for WACHOVIA DEALER SERVICES INC.
- 01/04/2010** **Docket Entry:** Notice
 Text: Transfer Notice to Judge Robert Schieber, Division 15, sitting in Independence
Docket Entry: Corporation Served
 Text: Document ID - 09-SMCC-13511; Served To - SWANSON MIDGLEY LLC; Server - SALVATORE J. LICATA; Served Date - 23-DEC-09; Served Time - 13:33:00; Service Type - Civil Process Server; Reason Description - Served; Service Text - BY SERVING JACKIE MALCHIR SECTY

01/06/2010 **Docket Entry:** Summons Returned Non-Est
 Text: Document ID - 09-SMOS-1216; Served To - WACHOVIA DEALER SERVICES INC; Server - ; Served Date - 12-JAN-10; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Non-est

01/08/2010 **Docket Entry:** Summons Personally Served
 Text: Document ID - 09-SMCC-13512; Served To - ZELLMER, LIANNE; Server - DANIEL R. TAYLOR; Served Date - 06-JAN-10; Served Time - 10:52:00; Service Type - Civil Process Server; Reason Description - Served
Docket Entry: Agent Served
 Text: Document ID - 09-SMCC-13513; Served To - TROPBITO & MILLER LLC; Server - DANIEL R. TAYLOR; Served Date - 06-JAN-10; Served Time - 09:26:00; Service Type - Civil Process Server; Reason Description - Served; Service Text - BY SERVING FRANK TROPBITO PARTNER

01/09/2010 **Docket Entry:** Start Additional Case Volume
 Text: Volume #2

01/12/2010 **Docket Entry:** Summons Issued-Circuit
 Text: Document ID: 10-SMOS-27, for WACHOVIA DEALER SERVICES INC.

01/20/2010 **Docket Entry:** Amended Motion/Petition Filed
 Text: Amended Petition
 Filing Party: LIPARI , SAMUEL K
Docket Entry: Memorandum Filed
 Text: Memorandum in Support of Its Motion to Dismiss Under Rule 55.27(g)(2) For Failure to State A Claim
 Filing Party: SWANSON MIDGLEY LLC
Docket Entry: Motion to Dismiss
 Text: Motion to Dismiss Under Rule 55.27(g)(2) For Failure to State A Claim
 Filing Party: SWANSON MIDGLEY LLC
Docket Entry: Summons Returned Non-Est
 Text: Document ID - 09-SMCC-13510; Served To - CHAPEL RIDGE MULTIFAMILY LLC; Server - JOHN T. RIEAD; Served Date - 16-JAN-10; Served Time - 23:59:00; Service Type - Civil Process Server; Reason Description - Business Closed; Service Text - NEVER OPEN FOR BUSINESS.

01/25/2010 **Docket Entry:** Corporation Served
 Text: Document ID - 10-SMOS-27; Served To - WACHOVIA DEALER SERVICES INC; Server - ; Served Date - 15-JAN-10; Served Time - 10:27:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - Served: Shelley Hammons, Op. Mgr.
Docket Entry: Motion for Extension of Time
 Text: Ip Motion for Extension of Time to Answer Dft Swanson Midley LLC's Motion and Suggestion to Dismiss the Plts Petition
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

01/26/2010 **Docket Entry:** Summons Issued-Circuit
 Text: Document ID: 10-SMCC-857, for CHAPEL RIDGE MULTIFAMILY LLC.

01/29/2010 **Docket Entry:** Motion to Dismiss
 Text: LP Mot to dismiss amended petition
 Filing Party: SWANSON MIDGLEY LLC
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Filing:
 Text: LP Memorandum in support of mot to dismiss amended petition
 Filing Party: SWANSON MIDGLEY LLC

02/02/2010 **Docket Entry:** Amended Motion/Petition Filed

02/03/2010 **Docket Entry:** Motion to Dismiss
 Text: Ip Motion to Dismiss Plts Amended Petition For Failure to State a Claim
 Filing Party: TROPBITO & MILLER LLC
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Memorandum Filed
 Text: Ip Memorandum in Support of Motion to Dismiss Plts Amended Petition
 Filing Party: TROPBITO , CHRIS M

Docket Entry: Motion for Extension of Time
 Text: Ip Motion for Extension of Time to Answer Swanson Midgley LLC's Motion and Suggestion to Dismiss the Plts Petition
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

02/04/2010 **Docket Entry:** Motion for Extension of Time
 Text: Ip Agreed Motion for Enlargement of Time to Respond to Dfts Petition
 Filing Party: REGUS PLC
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Suggestions in Support
 Text: Ip Suggestions in Support of Agreed Motion for Enlargement of Time to Respond to Plts Petition
 Filing Party: REGUS PLC

02/05/2010 **Docket Entry:** Corporation Served
 Text: Document ID - 10-SMCC-857; Served To - CHAPEL RIDGE MULTIFAMILY LLC; Server - JOHN T. RIEAD; Served Date - 28-JAN-10; Served Time - 14:12:00; Service Type - Civil Process Server; Reason Description - Served; Service Text - BY SERVING PAIGE E SUITS PROPERTY MGR

02/08/2010 **Docket Entry:** Response Filed
 Text: Ip Response to Dft Swanson Midgley LLC's Motion and Amended Motions to Dismiss for Failure to State A Claim
 Filing Party: LIPARI , SAMUEL K

Docket Entry: Motion for Extension of Time
 Text: Ip Motion for Extension of Time to Answer Motion and Suggestion to Dismiss the Plts Amended Petition
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

02/13/2010 **Docket Entry:** Answer Filed
 Text: Ip Answer to Amended Petition
 Filing Party: CHAPEL RIDGE MULTIFAMILY LLC

02/15/2010 **Docket Entry:** Memorandum Filed
 Text: Ip Memorandum in Support of Motion to Dismiss Plts Petition
 Filing Party: WACHOVIA DEALER SERVICES INC

02/16/2010 **Docket Entry:** Motion to Dismiss
 Text: Ip Motion to Dismiss Plts Petition
 Filing Party: WACHOVIA DEALER SERVICES INC
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Certificate of Service
 Text: Ip Motion to Dismiss Plts Petition, Memorandum in Support
 Filing Party: WACHOVIA DEALER SERVICES INC

Docket Entry: Reply
 Text: Ip Reply to Plts Response to Dfts Motion to Dismiss Plts Amended petition
 Filing Party: SWANSON MIDGLEY LLC

Docket Entry: Certificate of Service
 Text: Amended/Reply to Plts Response to Dfts Motion to Dismiss plts amended petition
 Filing Party: SWANSON MIDGLEY LLC

02/22/2010 **Docket Entry:** Motion for Extension of Time
 Text: To File Response to Plt's First Amended Petition
 Filing Party: GENERAL ELECTRIC CAPITAL BUSINESS ASSET FUNDING CORPORATION
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Motion Filed
 Text: Ip Motion to Require Chapel Ridge Multifamily LLC to Make a More Definite Answer under rule 55.27(d) and to Adequately Re-Plead Affirmative Defenses 2 thru 7 or Forfeit Them
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Motion for Extension of Time
 Text: Ip Motion for Extension of Time in which to respond to Wachovia Dealer Services, Inc.'s Motion to Dismiss
 Filing Party: LIPARI , SAMUEL K

Docket Entry: Response Filed
 Text: Ip Response to Dft Troppito & Miller LLC's Motion to Dismiss under rule 55.27(g)(2) for Failure to State a Claim and Notice of Implicit Conversion into a Motion for Summary Judgment under rule 74.04
 Filing Party: LIPARI , SAMUEL K

Docket Entry: Hearing Scheduled
Associated Docket Entries: 04/01/2010 - Hearing Continued/Rescheduled
Associated Events: 04/02/2010 , 08:30:00 - Hearing

Docket Entry: Summons Issued-Circuit
 Text: Document ID: 10-SMOS-197, for GENERAL ELECTRIC CAPITAL BUSINESS ASSET

FUNDING CORPORATION.

Docket Entry: Summons Issued-Circuit**Text:** Document ID: 10-SMOS-198, for GENERAL ELECTRIC COMPANY.**Docket Entry:** Summons Issued-Circuit**Text:** Document ID: 10-SMOS-199, for GE TRANSPORTATION SYSTEMS GLOBAL SIGNALING, LLC.**Docket Entry:** Summons Issued-Circuit**Text:** Document ID: 10-SMOS-200, for JEFFREY R. IMMELT, CEO.**Docket Entry:** Notice**Text:** Case Management Conference for Civil Case and Order for Mediation on april 2, 2010 at 8:30 am in Division 15**Docket Entry:** Motion for Extension of Time**Text:** Motion for Extension of Time to File Response to Plts First Amended Petition**Filing Party:** GENERAL ELECTRIC COMPANY**Associated Docket Entries:** 03/03/2010 - Motion Granted/Sustained**Associated Docket Entries:** 05/28/2010 - Motion no Longer an Issue**Docket Entry:** Hearing Scheduled**Associated Docket Entries:** 04/01/2010 - Hearing Continued/Rescheduled**Associated Events:** 04/06/2010 , 14:00:00 - Hearing**02/24/2010 Docket Entry:** Notice of Court Hearing Sent**Text:** Ip Notice of Hearing on April 6, 2010 at 2:00 pm**Filing Party:** CHAPEL RIDGE MULTIFAMILY LLC**02/25/2010 Docket Entry:** Motion to Dismiss**Text:** Ip Motion to Dismiss Plts Amended Petition and Incorporated Memorandum in Support**Filing Party:** REGUS PLC**Associated Docket Entries:** 05/28/2010 - Motion no Longer an Issue**02/27/2010 Docket Entry:** Suggestions in Opposition**Text:** Ip Suggestions in Opposition to Plts Motion to make a More Definite Statement and to Re-Plead Affirmative Defenses**Filing Party:** CHAPEL RIDGE MULTIFAMILY LLC**03/01/2010 Docket Entry:** Memorandum Filed**Text:** Ip Memorandum of Law in Support of Motion to Dismiss plts Amended Petition**Filing Party:** GENERAL ELECTRIC COMPANY**Docket Entry:** Motion to Dismiss**Text:** Ip Motion to Dismiss Amended Petition**Filing Party:** GENERAL ELECTRIC COMPANY**Associated Docket Entries:** 05/28/2010 - Motion no Longer an Issue**03/02/2010 Docket Entry:** Order**Text:** Order Granted: GE's Motion for Extension of Time to File Response to Plts First Amended Petition

Docket Entry: Reply

Text: Ip Reply to Plts Response to its Motion to Dismiss

Filing Party: TROPBITO & MILLER LLC

Docket Entry: Notice of Court Hearing Sent

Text: Ip Notice of Hearing on April 6, 2010 at 2:00 pm

Filing Party: TROPBITO & MILLER LLC

03/03/2010 Docket Entry: Motion Granted/Sustained

Associated Docket Entries: 02/22/2010 - Motion for Extension of Time
Motion for Extension of Time to File Response to Plts First Amended Petition

Docket Entry: Summons Issued-Circuit

Text: Document ID: 10-SMCC-2363, for WELLS FARGO.

03/04/2010 Docket Entry: Motion for Extension of Time

Text: Ip Motion for Extension of Time in Which to Respond to GE Dfts and Jeffrey Immelts
Motion to Dismiss

Filing Party: LIPARI , SAMUEL K

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Motion for Extension of Time

Text: Ip Motion for Extension of Time in Which to Respond to Regus Dfts Motion to Dismiss

Filing Party: LIPARI , SAMUEL K

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

03/05/2010 Docket Entry: Notice of Court Hearing Sent

Text: LP 4-6-10 at 2pm div 15

Filing Party: CHAPEL RIDGE MULTIFAMILY LLC

Docket Entry: Motion to Dismiss

Text: LP Mot to dismiss Plt's petition and memorandum in support

Filing Party: CHAPEL RIDGE MULTIFAMILY LLC

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

03/08/2010 Docket Entry: Motion to Strike

Text: Ip Motion To Strike Dfts Motion to Dismiss

Filing Party: LIPARI , SAMUEL K

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Filing:

Text: Ip Missouri Rule of Civil Procedure 43.01 e-mail consent

Filing Party: LIPARI , SAMUEL K

Docket Entry: Reply

Text: Ip Reply to Dfts Opposition to Plts Motion to Make a More Definite Statement under rule
55.27 and to adequately re-plead affirmative defenses 2 -7 or forfeit them

Filing Party: LIPARI , SAMUEL K

03/15/2010 Docket Entry: Suggestions in Opposition

Text: Ip Suggestions in Opposition to Dft Regus PLC, Regus Mgmt. Group, LLC an Lianne
Zellmers Motion for Dismissal for Failure to State a Claim

Filing Party: LIPARI , SAMUEL K

Docket Entry: Suggestions in Opposition

Text: Ip Suggestions in Opposition to Dft General Electric, GE Capital, GE Transportation and Jeffery Immelts Motion for Dismissal for Failure to State a Claim

Filing Party: LIPARI , SAMUEL K

03/24/2010

Docket Entry: Summons Issued-Circuit

Text: Document ID: 10-SMCC-3240, for TROPITO, CHRIS M.

Docket Entry: Summons Issued-Circuit

Text: Document ID: 10-SMCC-3241, for ACKERMAN, NICHOLAS L.

Docket Entry: Summons Issued-Circuit

Text: Document ID: 10-SMCC-3242, for MILLER, TONY R.

Docket Entry: Filing:

Text: Ip Substitution of Counsel

Filing Party: WACHOVIA DEALER SERVICES INC

03/25/2010

Docket Entry: Corporation Served

Text: Document ID - 10-SMCC-2363; Served To - WELLS FARGO; Server - ; Served Date - 10-MAR-10; Served Time - 08:00:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - Served: S. Lewis

03/30/2010

Docket Entry: Response Filed

Text: Ip Response to Wachovia's Motion to Dismiss under rule 55.27(g)(2) for Failure to State A Claim

Filing Party: LIPARI , SAMUEL K

03/31/2010

Docket Entry: Reply

Text: LP in support of the GE Dft's and Jeffrey Immelt's Mot to dismiss Plt's amended petition

Filing Party: GENERAL ELECTRIC COMPANY

04/01/2010

Docket Entry: Hearing Continued/Rescheduled

Associated Docket Entries: 02/22/2010 - Hearing Scheduled

Associated Events: 04/02/2010 , 08:30:00 - Hearing

Docket Entry: Hearing Continued/Rescheduled

Associated Docket Entries: 02/22/2010 - Hearing Scheduled

Associated Events: 04/06/2010 , 14:00:00 - Hearing

Docket Entry: Filing:

Text: Ip Withdrawal of Hearing Notice

Filing Party: TROPITO & MILLER LLC

04/02/2010

Docket Entry: Motion Filed

Text: LP Mot to withdraw notice of hearing

Filing Party: SWANSON MIDGLEY LLC

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

04/05/2010

Docket Entry: Start Additional Case Volume

Text: Volume #3

04/23/2010 **Docket Entry:** Mot for Interlocutory Judmt
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

04/26/2010 **Docket Entry:** Motion for Leave
 Text: Ip Motion for Leave to File a Sur-reply Suggesions in Opposition and Sur-Reply
 Suggestions in Opposition to GE's, GE Capital, GE Transportation, and Jeffrey R. Immelt's
 Reply Suggestions in Support of Dismissal for Failure to State a Claim
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Summons Personally Served
Text: Document ID - 10-SMCC-3242; Served To - MILLER, TONY R; Server - DANIEL R.
TAYLOR; Served Date - 21-APR-10; Served Time - 08:48:00; Service Type - Civil Process
Server; Reason Description - Served

04/27/2010 **Docket Entry:** Motion for Leave
 Text: Motion for Leave to File a Sur-Reply Suggestions in Opposition and Sur-Reply Suggestion
 in Opposition to Dfts Reply Suggestion in Support of Dismissal for Failure to State A Claim
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Start Additional Case Volume
Text: volume 4

05/04/2010 **Docket Entry:** Judge Assigned
 Text: Case is transferred to Division 14

05/05/2010 **Docket Entry:** Summons Returned Non-Est
 Text: Document ID - 10-SMCC-3240; Served To - TROPBITO, CHRIS M; Server - DANIEL R.
TAYLOR; Served Date - 23-APR-10; Served Time - 23:59:00; Service Type - Civil Process
Server; Reason Description - Not In When Service Attempted

Docket Entry: Summons Returned Non-Est
Text: Document ID - 10-SMCC-3241; Served To - ACKERMAN, NICHOLAS L; Server - DANIEL
R. TAYLOR; Served Date - 23-APR-10; Served Time - 23:59:00; Service Type - Civil
Process Server; Reason Description - Not In When Service Attempted

05/17/2010 **Docket Entry:** Motion to Dismiss
 Text: Plts amended petition
 Filing Party: MILLER , TONY R
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Filing:
Text: of Mot to dismiss amended petition
Filing Party: MILLER , TONY R

05/19/2010 **Docket Entry:** Motion Filed
 Text: Mot for order directing Plt to identify party and to quash service
Filing Party: WELLS FARGO

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

05/20/2010 Docket Entry: Motion to Strike

Text: Mot to strike defaulting Dft Tony Miller's Mot to dismiss

Filing Party: LIPARI , SAMUEL K

Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Response Filed

Text: to Dft Tony Miller's Mot to dismiss

Filing Party: LIPARI , SAMUEL K

05/28/2010 Docket Entry: Motion Filed

Text: Mot for interpleader

Filing Party: LIPARI , SAMUEL K

Docket Entry: Suggestions in Opposition

Text: to Wells Fargo's Mot for order to identify party and quash service

Filing Party: LIPARI , SAMUEL K

Docket Entry: Order of Dismissal

Text: Dismissed w/ prejudice

Docket Entry: Dismiss by Ct w/ Prejudice

Docket Entry: Motion no Longer an Issue

Associated Docket Entries: 01/25/2010 - Motion for Extension of Time

lp Motion for Extension of Time to Answer Dft Swanson Midley LLC's Motion and Suggestion to Dismiss the Plts Petition

Associated Docket Entries: 01/29/2010 - Motion to Dismiss

LP Mot to dismiss amended petition

Associated Docket Entries: 02/03/2010 - Motion to Dismiss

lp Motion to Dismiss Plts Amended Petition For Failure to State a Claim

Associated Docket Entries: 02/03/2010 - Motion for Extension of Time

lp Motion for Extension of Time to Answer Swanson Midgley LLC's Motion and Suggestion to Dismiss the Plts Petition

Associated Docket Entries: 02/08/2010 - Motion for Extension of Time

lp Motion for Extension of Time to Answer Motion and Suggestion to Dismiss the Plts Amended Petition

Associated Docket Entries: 02/04/2010 - Motion for Extension of Time

lp Agreed Motion for Enlargement of Time to Respond to Dfts Petition

Associated Docket Entries: 02/16/2010 - Motion to Dismiss

lp Motion to Dismiss Plts Petition

Associated Docket Entries: 02/22/2010 - Motion for Extension of Time

To File Response to Plt's First Amended Petition

Associated Docket Entries: 02/22/2010 - Motion Filed

lp Motion to Require Chapel Ridge Multifamily LLC to Make a More Definite Answer under rule 55.27(d) and to Adequately Re-Plead Affirmative Defenses 2 thru 7 or Forfeit Them

Associated Docket Entries: 02/22/2010 - Motion for Extension of Time

Motion for Extension of Time to File Response to Plts First Amended Petition

Associated Docket Entries: 02/25/2010 - Motion to Dismiss

lp Motion to Dismiss Plts Amended Petition and Incorporated Memorandum in Support

Associated Docket Entries: 03/01/2010 - Motion to Dismiss

lp Motion to Dismiss Amended Petition

Associated Docket Entries: 03/04/2010 - Motion for Extension of Time

lp Motion for Extension of Time in Which to Respond to GE Dfts and Jeffrey Immelts
Motion to Dismiss

Associated Docket Entries: 03/04/2010 - Motion for Extension of Time

lp Motion for Extension of Time in Which to Respond to Regus Dfts Motion to Dismiss

Associated Docket Entries: 03/05/2010 - Motion to Dismiss

LP Mot to dismiss Plt's petition and memorandum in support

Associated Docket Entries: 03/08/2010 - Motion to Strike

lp Motion To Strike Dfts Motion to Dismiss

Associated Docket Entries: 04/02/2010 - Motion Filed

LP Mot to withdraw notice of hearing

Associated Docket Entries: 04/23/2010 - Mot for Interlocutory Judmt

Associated Docket Entries: 04/26/2010 - Motion for Leave

lp Motion for Leave to File a Sur-reply Suggesions in Opposition and Sur-Reply
Suggestions in Opposition to GE's, GE Capital, GE Transportation, and Jeffrey R. Immelt's
Reply Suggestions in Support of Dismissal for Failure to State a Claim

Associated Docket Entries: 04/27/2010 - Motion for Leave

Motion for Leave to File a Sur-Reply Suggestions in Opposition and Sur-Reply Suggestion
in Opposition to Dfts Reply Suggestion in Support of Dismissal for Failure to State A Claim

Associated Docket Entries: 05/17/2010 - Motion to Dismiss

Plts amended petition

Associated Docket Entries: 05/19/2010 - Motion Filed

Mot for order directing Plt to identify party and to quash service

Associated Docket Entries: 05/20/2010 - Motion to Strike

Mot to strike defaulting Dft Tony Miller's Mot to dismiss

06/01/2010 **Docket Entry:** Notice of Appeal Filed
 Filing Party: LIPARI , SAMUEL K

06/03/2010 **Docket Entry:** Certificate of Delivery
 Text: Notice of Appeal

06/07/2010 **Docket Entry:** Ackn Notice of Appeal Filed

Displaying 1 thru 106 of 106 records for all dockets returned for case 0916-CV38273.

Index of Activity Judge Torrence

Exhibit 11

On Friday May 28th I filed a motion for change of venue outlining the continued misconduct.

Exhibit 12

On Friday morning May 28th I checked case.net to see if my filings were posted, the docket shows no entries at 9:30am.

Exhibit 13

On Friday Evening May 28th I checked case.net to see if my filings were posted, the docket shows my case was dismissed with prejudice after I filed my Change of Venue.

Exhibit 14

On Tuesday June 1st I filed my notice of appeal and included the Judges order from the court file.

Exhibit 15

On June 2nd I ran a site report to see what documents were being reviewed, the report stopped on May 25; the same day I sent emails notice (the obstruction of justice, the cover up and the retaliation against me and my family) to Federal House and Senate Judiciary Members, State Legislators & Committees, Missouri Board of Governor and 16th Circuit City Councils for Kansas City, Independence, Blue Springs, Lees Summit.

Exhibit 16

On Friday June 4th I received my order by mail dismissing all claims and parties with prejudice. Upon review of that order I found the order did not match the order filed with my appeal on June 1st, which was copied from the court file. June 1st was the first business day following the Memorial Day Weekend.

Exhibit 17

On the order copied from the court record filed with my appeal there is a stamp for Dept. of Civil Records dated may 28 2010. On the copy I received in the mail there is a stamp A TRUE COPY-ATTEST Circuit Court of Jackson County etc. Signed by Triest Kelly.

The problem is neither of these copies has the corresponding stamp on other document. In other words the documents were created and stamped at different times and neither is the copy of the other.

Exhibit 18

In addition to the order documents not being a copy of the other, the mailed envelope has a postmark stamp from a postal machine in zip code 66106 and another code 016H26501630 on top of that stamp showing the registered owner of that postal machine, which is located in the Argentine District of Wyandotte County in Kansas City Kansas.

So we have a Missouri 16th circuit order mailed on Friday May 28 from The Honorable Judge Torrence in Jackson County located at 203 W. Kansas zip code 64050 with a metered postmark located in the Argentine District 30 miles away.

The "Greylord" scheme continued when the 16th circuit interfered with the posting of my "Motion for Change of Venue". On June 7th it was still not posted

A motion for change of venue suspends my case from any more fraudulent activity or until the change of venue is addressed. It also moves the case outside continues rulings that are contrary to controlling Missouri law. It also prevents review of the WD Appeals Court from upholding rulings contrary to controlling Missouri law as illustrated by case WD70832.

How did the "Greylord" conspirators know I was going to file a change of venue? Because Senator Claire McCaskill, USA Mary Beth Phillips and Judge Brent Powell all protected the cover up for Bradley Schlozman and John Wood thru unauthorized and illegal wiretaps and electronic surveillance which continues to electronically intercepted to interfere with State and Federal litigation.

<http://www.medicalsupplychain.com/pdf/September%2029%202009%20Senator%20McCaskill.pdf>

Exhibit 19

The cases affected by "Greylord" for the past 10 years.

**IN THE STATE OF MISSOURI
JACKSON COUNTY SIXTEENTH CIRCUIT COURT
AT INDEPENDENCE**

SAMUEL K. LIPARI,)	
)	
Plaintiff,)	
)	
v.	)	Case No. 0916-CV38273
	)	Division 15
CHAPEL RIDGE MULTIFAMILY LLC, <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFF’S APPLICATION FOR CHANGE OF VENUE
FROM INHABITANTS FOR CAUSE UNDER MISSOURI CIVIL PROCEDURE RULE 51.04**

COMES NOW Plaintiff Samuel K. Lipari appearing *pro se* and makes the following Application For Change of Venue From Inhabitants for Cause under Missouri Civil Procedure Rule 51.04 to remove the present action from the 16th Circuit and the Western District of Missouri Appellate District for cause. The plaintiff respectfully requests the court grant the Motion for change of venue for the following reasons:

INTRODUCTION

The inhabitants of Jackson County, Missouri and the Western District of Missouri have repeatedly demonstrated a strong prejudice against the plaintiff in their exercise of ministerial duties as non judge employees of the 16th Circuit Court and Western District of Missouri Appellate District Court and as public officials with governmental units within Jackson County that are not parties and without a legal interest in this present action. The inhabitants have therefore demonstrated an insurmountable prejudice in the deviation of rules, the lack of observance or enforcement of Missouri Supreme Rules including attorney ethics and in the violation of even Missouri criminal statutes which has not discontinued even with repeated notices to those same officials within Jackson County governmental offices who represent the inhabitants of Jackson County in the implementation of policy and conduct against the plaintiff, threatening injury to his procedural and substantive Due Process rights guaranteed under the Constitution of the State of Missouri. Whereas for the following reasons the plaintiff respectfully requests that this court automatically grant his request for a change of Venue From Inhabitants for Cause under Missouri Civil Procedure Rule 51.04.

I. STATEMENT OF FACTS

The plaintiff gives notice of the following conduct in cases before the 16th Circuit and the Western District of Missouri Appellate District which gives evidence of the prejudice of the inhabitants of Jackson County, Missouri and provide a present danger that the plaintiff's Procedural and Substantive Due Process rights under the Missouri Constitution are at risk:

0916-CV29828 - *WACHOVIA DEALER SERVICES INC v. SAMUEL K LIPARI*

1. An underlying case 0916-CV29828 - *WACHOVIA DEALER SERVICES INC v. SAMUEL K LIPARI* that is a subject of this action had a hearing on May 26th, 2010 where the 16th Circuit Judge the Hon. Robert L. Trout was 20 minutes late, appearing to have been receiving ex parte instructions from other persons before taking up the matter involving the plaintiff, WELLS FARGO, WACHOVIA DEALER SERVICES INC, TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER, in the present action.

2. The Hon. Judge Robert L. Trout appeared to participate in a pre-planned exercise with his clerk and the Missouri licensed attorney TONY R. MILLER that had TONY R. MILLER reaching into the court file and removing the plaintiff's exhibits in the plaintiff's answer to the petition of WACHOVIA DEALER SERVICES INC. brought by TROPPITO & MILLER LLC.

3. The plaintiff's exhibits in the plaintiff's answer were evidence of fraudulent statements to the court made by the Missouri licensed attorneys TONY R. MILLER, CHRIS M. TROPPITO, and NICHOLAS L. ACKERMAN to procure the business property of the plaintiff through fraud in violation of statutory notice requirements.

4. The hearing on May 26th was scheduled on March 24, 2010 when the 16th Circuit Judge the Hon. Robert L. Trout repeatedly tried without success to have the plaintiff voluntarily withdraw his answer to the petition of WACHOVIA DEALER SERVICES INC. detailing the frauds and statutory violations of TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER in their petition and representations to the court on behalf of WACHOVIA DEALER SERVICES INC.

5. The initial hearing took place before the Hon. Judge Robert L. Trout on Dec. 16, 2009 when a similar 20

minute delayed appearance of Hon. Judge Robert L. Trout gave the appearance Hon. Judge Robert L. Trout had been surprised and confused by ex parte instructions from other persons before taking up the matter involving the plaintiff, WELLS FARGO, WACHOVIA DEALER SERVICES INC, TROPITO & MILLER LLC, CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER.

6. During the Dec. 16, 2009 hearing, Hon. Judge Robert L. Trout appeared unfamiliar with the plaintiff's filed answer and had the plaintiff explain the exhibits showing the fraud on the court of TROPITO & MILLER LLC, CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER in their attempt to procure a judgment through fraud to convert the plaintiff's business property in violation of statutory notice requirements.

7. The frauds on the 16th Circuit Court by TROPITO & MILLER LLC, CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER as agents on behalf WELLS FARGO and WACHOVIA DEALER SERVICES INC are detailed at in the plaintiff's petition in the present action and in the plaintiff's amended petition.

8. The plaintiff believes he is under a present and likely threat to his rights to Procedural and Substantive Due Process resulting from persons exercising ex parte influence over 16th Circuit Court personnel for the purpose of corruptly obtaining an outcome in underlying case 0916-CV29828 - *WACHOVIA DEALER SERVICES INC v SAMUEL K LIPARI* for the purpose of obstructing justice in the present action.

9. The present petition and amended petition alleges with supporting averments of fact that the Western District of Missouri Office of the U.S. Department of Justice through Assistant US Attorneys and members of the Federal Bureau of Investigation put the latecomer RICO conspiracy defendants up to the charged RICO predicate acts against the plaintiff as part of an under Color of Official Right extortion scheme to prevent the plaintiff from competing in the state and national markets for hospital supplies.

10. The plaintiff witnessed the same suspicious 20 minute delay with Western District US Bankruptcy Hon. Judge Jerry W. Venters in *In Re: Dustin R. Sherwood and Jennifer Sherwood, Debtors*, No. 07-50584-JWV11, whose staff was confused and embarrassed by the unplanned delay and then the entry of Hon. Judge Jerry W. Venters who appeared to have been receiving ex parte instructions from other persons before taking up the matter involving the plaintiff's witnesses Dustin and Jennifer Sherwood of Edgerton, Missouri.

11. The controversy over the unusual conduct of the Missouri creditor law firms and the court in the Dustin Sherwood Case which originated in the 7th Judicial Circuit of Clay County Missouri through the misconduct of Missouri attorneys Joel Pelofsky and Janice Stanton (the 7th Judicial Circuit is also in the Western District Court of Appeals). See

www.themilkweed.com/MW%20Aug-Sep%2008%20Sherwood%20Story.pdf

and www.themilkweed.com/Sherwood_Update_08_Dec.pdf

12. The hearing witnessed by the plaintiff appears to have cast the die for the plaintiff's racketeering conduct witness Dustin Sherwood to be renditioned to a secret pretrial imprisonment and for the plaintiff's racketeering conduct witness Jennifer Sherwood to be threatened with imprisonment during the life of her adolescent children by the Western District of Missouri Office of the U.S. Department of Justice to extort Dustin Sherwood's confession to a non-crime.

13. The current Western District of Missouri Office of the U.S. Department of Justice chief policy-making official US Attorney Beth Phillips is the wife of a 16th Circuit Missouri State Court judge.

0916-CV-22818 - *CHAPEL RIDGE MULTIFAMILY LLC v SAMUEL LIPARI*

14. The plaintiff's petition and amended petition in the present action detail how extrinsic fraud on the 16th Circuit Court by the defendants SWANSON MIDGLEY LLC, and Missouri licensed attorneys CHRISTOPHER BARHORST, and HOLLY L. FISHER on behalf of CHAPEL RIDGE MULTIFAMILY LLC resulted in 16th Circuit Court Judge Hon. Charles L. Stitt being deceived by a false affidavit and document created by the Missouri licensed attorneys CHRISTOPHER BARHORST. See Amended Petition pgs. 20-23.

15. The plaintiff's petition also details how 16th Circuit Court removed the plaintiff's notice of the fraud filed into the proceeding and how even when the notice was again file stamped and placed in the record, 16th Circuit Court Judge Hon. Charles L. Stitt willingly participated in CHRISTOPHER BARHORST, and HOLLY L. FISHER's crime on behalf of CHAPEL RIDGE MULTIFAMILY LLC (the 16th Circuit's own sample unlawful detainer form cautions a false affidavit to mislead a public official to obtain an eviction is a Class A Misdemeanor, see <http://www.16thcircuit.org/Forms/CVL/Landlord.pdf>) and subsequently granted a garnishment obtained through the fraud. See Amended Petition pgs. 21-22.

16. The plaintiff has no knowledge that any disciplinary proceedings have been initiated against 16th

Circuit Court Judge Hon. Charles L. Stitt and Hon. Judge Charles L. Stitt still appears to be a sitting judge on the 16th Circuit Court

17. The current favored way by members of the Kansas City Metropolitan Bar Association ("KCMB") for concealing public corruption in state courts is to remove evidentiary documents from the court record extra-judicially with the belief that the lack of a motion, pleading or oral request on the record can purge the legal file of incriminating evidence that would expose judicial misconduct in furtherance of the corruption in appellate review.

0616-CV-07421 SAMUEL K. LIPARI v. GENERAL ELECTRIC COMPANY, et al.

18. In an earlier styled proceeding in the current matter or controversy, the 16th Circuit Court appears to have taken action against now Senior Presiding Judge Hon. Stephen W. Nixon for following the controlling law and denying the present defendants GENERAL ELECTRIC COMPANY, GENERAL ELECTRIC CAPITAL BUSINESS ASSET FUNDING CORPORATION AND GE TRANSPORTATION SYSTEM'S GLOBAL SIGNALING, LLC'S Motion to Dismiss filed May 4, 2006.

19. After Senior Presiding Judge Hon. Stephen W. Nixon on 05/31/2006 ruled consistently with the federal Electronic Signatures in Global and National Commerce Act, widely known as "E- SIGN" 15 USC §7001, and denied the GENERAL ELECTRIC defendants' un-researched motion to dismiss on grounds conforming to how other Missouri courts have subsequently ruled on email created contracts, the 16th Circuit Court replaced Senior Presiding Judge Hon. Stephen W. Nixon with Hon. Judge Michael W. Manners.

0916-CV-38273 SAMUEL K. LIPARI v. CHAPEL RIDGE MULTIFAMILY LLC, et al.

20. In the present case 0916-CV38273, the plaintiff attended two hearings April 2nd and 4th 2010 which were on the official 16th Circuit Court appearance docket and appeared electronically online at Missouri Case Net but where the defendants did not attend and 16th Circuit Court judge presiding over the action, Hon. Judge Robert Schieber were absent.

21. One 16th Circuit Court hearing April 4th 2010 was actually a hearing rescheduled by Hon. Judge Robert Schieber himself.

22. During the last hearing that the plaintiff alone attended, the 16th Circuit Court clerk Mr. Elliott Nickell for Hon. Judge Robert Schieber answered the plaintiff's question about how the defendants all knew the hearing had been canceled but the plaintiff had not been given notice and neither the 16th Circuit Court docket had the hearings canceled or the online version of the appearance docket reflected any cancellations, the 16th Circuit Court clerk for Hon. Judge Robert Schieber conceded there had been ex parte communications.

23. When all parties attended the next scheduled hearing April 8th 2010 through their retained legal counsel (approximately 10 attorneys), the 16th Circuit Court Judge Hon. Robert Schieber stated he was required to recuse himself because of a conflict resulting from a Mandamus action brought by an attorney for one of the defendants.

24. The hearing was cancelled and the plaintiff went home to research the case referred to by the 16th Circuit Court Judge Hon. Robert Schieber and discovered any active case had been concluded over a year prior, giving the appearance that the reason given by the 16th Circuit Court Judge Hon. Robert Schieber was false.

25. From the filing of the present action, the 16th Circuit Court has avoided making any rulings over numerous motions and even requests for extensions brought by all parties in the action except conspicuously granting an extension for the GENERAL ELECTRIC COMPANY defendants on March 3, 2010.

26. The result of the 16th Circuit Court's inactivity has been to embolden the defendants' Novation LLC cartel with openly committing additional RICO predicate acts and crimes against the plaintiff, the plaintiff's family and associates to obstruct justice in the present action.

27. The plaintiff was forced to write letters to government offices in Jackson County to attempt to stop state entities like the Blue Springs School District and the City of Blue Springs from participating in the defendants' RICO conspiracy through for misconduct under Color of Official Right via threats of economic harm described in *U.S. v. Kelley*, 461 F.3d 817 at 826 (6th Cir. 2006) and through the Coercive Nature of Official Office described in *U.S. v. Antico*, 275 F.3d 245 at 256 (3rd Cir., 2001) to obstruct justice in the present action.

28. When the defendants' Novation LLC cartel continued to have the plaintiff's nephew and sister targeted

even though they are not involved in the plaintiff's Medical Supply Chain or Medical Supply Line businesses, the plaintiff was forced to write a letter to the 16th Circuit Court Judge Hon. Robert Schieber. See exhibit 1 attached April 1, 2010 letter.

29. The 16th Circuit Court has continued to fail to make rulings over numerous motions mounting in this action or set a case management conference, forcing the plaintiff to write letters seeking relief from extortion by governmental entities within Jackson County and their officials including the City of Blue Springs from continued predicate RICO acts and deprivations of constitutional rights against the plaintiff, his family and associates to obstruct justice in the present action. See exhibit 2 attached May 22, 2010 letter.

30. The 16th Circuit Court has continued to fail to make rulings over numerous motions mounting in this action or set a case management conference, forcing the plaintiff to write letters seeking relief from extortion by governmental entities within Jackson County and their officials including the City of Blue Springs from continued predicate RICO acts and deprivations of constitutional rights against the plaintiff, his family and associates to obstruct justice in the present action. See exhibit 2 attached May 25th, 2010 letters sent to City of Blue Springs councilmen.

31. The 16th Circuit Court Independence Annex Court Clerk's office has repeatedly delayed service of process on defendants in this action even though the plaintiff provided copies of the appropriate petitions and paid the service fees.

32. When weeks went by without process being issued or serve, the plaintiff visited and telephoned the 16th Circuit Court Independence Annex Court Clerk's office only to be repeatedly told that the case file was "in chambers" even when no judge was assigned to this action after 16th Circuit Court Judge Hon. Robert Schieber recused himself.

0816-CV-04217 SAMUEL K. LIPARI v. NOVATION LLC, et al.

32. The Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis fraudulently concealed the lack of jurisdiction of the Western District of Missouri trial court to unlawfully remove the petitioner's claims in the concurrent Missouri State Court Case *Lipari v General Electric et al.*, Case No. 0616-CV32307.

33. The Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis through Mark A. Olthoff (Mo. Lic. # 38572) omitted notice to Ms. Patricia L. Brune the Clerk for the U.S. District Court for the Western District of Missouri in Olthoff's Notice of Removal dated 12/13/2006 that the petitioner's claims were already under federal jurisdiction in the first filed in *MSC v. Neoforma, Inc. et al* Kansas District Court Case No. 05-CV-2299-CM whose trial judge Hon. Judge Carlos Murguia had dismissed without prejudice.

34. At the time of removal of *Lipari v General Electric et al.*, 16th Circuit Case No. 0616-CV32307 to the Western District of Missouri, the same claims in the same case or controversy Kansas District Court Case No. 05-CV-2299-CM were in an appeal in Tenth Circuit Case No. 06-3331 initiated on September 8, 2006 which had exclusive federal jurisdiction.

35. The petitioner in a letter notified the Clerk of the Court of her error resulting from Mark A. Olthoff's (Mo. Lic. # 38572) facial misrepresentation of the existence of federal jurisdiction but no action was taken by the Western District Court Clerk.

36. At the time of removal there was no federal diversity jurisdiction over the concurrent Missouri State Court *Lipari v General Electric et al.*, 16th Circuit Case No. 0616-CV32307 because the same case or controversy Kansas District Court case no. 05-CV-2299-CM which was on appeal as Tenth Circuit Case No. 06-3331 and (currently) again as Tenth Circuit Case No. 08-3187 both contained the defendant Shughart, Thompson & Kilroy (Polsinelli Shughart PC) domiciled in Missouri, the same state of residence as the petitioner.

37. The petitioner made a timely objection to removal and motion to remand raising the lack of federal diversity jurisdiction, the exclusive federal jurisdiction in *MSC v. Neoforma, Inc. et al*, Tenth Circuit Case No. 06-3331 and the violation of the federal "First to File Doctrine" against Kansas District Court Case No. 05-CV-2299-CM ; and Hon. Judge Fernando J. Gaitan, Jr.'s position on the board of directors of a defendant in the same case or controversy and the existence of an open motion for recusal.

38. The Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis through Mark A. Olthoff (Mo. Lic. # 38572) deliberately did not brief Hon. Judge Fernando J. Gaitan, Jr. on the applicability of these prohibitions to federal jurisdiction in the present underlying action W.D. of MO. Case No. 06-1012-W- FJG stating merely:

“Defendants, while denying that petitioner has any viable claims, admit that subject matter jurisdiction exists in this Court as alleged in their Notice of Removal. Otherwise, defendants deny the allegations in Paragraphs 1-5 of petitioner’s Complaint.”

Answer of US Bank and US Bancorp to Motion for Remand page 2 in ¶ 1.

39. On February 9, 2005 the Hon. Judge Nanette K. Laughrey of US District Court for the Western District of Missouri ruled an electronic signature and emails form an enforceable contract satisfying the Statute of Frauds under Missouri State law and 15 USC §7001 in a fact pattern materially the same as the petitioner had pled his contract based claims against US Bank and US Bancorp since the petitioner first initiated a litigation in 2002.

40. On August 8, 2006, the Missouri State Court of Appeals opinion of Hon. Robert G. Ulrich, Hon. Joseph M. Ellis, and Hon. Ronald R. Holliger in *Crestwood Shops, L.L.C. v. Hilken*, No. WD 65694 (Mo. App. 8/8/2006) confirmed the US District court’s resolution in *Intern. Casings Group* of the Missouri Statute of Fraud’s application to contracts formed or modified through e-mail.

41. On January 19, 2007 the Jackson County Missouri based attorneys for the Novation LLC cartel Mark A. Olthoff (Mo. Lic. # 38572), Andrew M. DeMarea (Mo. Lic. #45217), and Jay E. Heidrick (Mo. Lic. # 54699) sought to escape a law based outcome on the petitioner contract based claims and filed a motion to transfer the action to Kansas District court while federal jurisdiction was exclusively in *MSC v. Neoforma, Inc. et al*, Tenth Circuit Case No. 06-3331 and again without addressing or briefing Hon. Judge Fernando J. Gaitan, Jr. on the lack of federal jurisdiction in his court.

42. On April 4, 2007 Hon. Judge Fernando J. Gaitan, Jr. declined to grant Olthoff, DeMarea, and Heidrick’s motions to dismiss or strike the petitioner’s claims but granted their motion to transfer them to Kansas District Court where the new action was styled *Lipari vs. US Bancorp, Inc. et al*. KS Dist. Court Case No.07-02146.

43. On December 10, 2007 The Tenth Circuit issued its mandate in *MSC v. Neoforma, Inc. et al*, Case No. 06-3331, returning federal jurisdiction over the underlying state contract claims of the petitioner to Kansas District Court case no. 05-CV-2299-CM.

44. At no time from 2007 Mark A. Olthoff’s (Mo. Lic. # 38572) Notice of Removal dated 12/13/2006 (which deceived Ms. Patricia L. Brune Clerk of the U.S. District Court for the Western District of Missouri over the existence of federal jurisdiction through omission of notice of the Kansas District Court and Tenth

Circuit ongoing litigation in the same case or controversy) until the order transferring the underlying action to the Kansas District Court on April 4, 2007 did Hon. Judge Fernando J. Gaitan, Jr. ever have lawful jurisdiction over the petitioner's concurrent Missouri state contract based claims which lacked diversity and were exclusively under the jurisdiction of the Tenth Circuit Court of Appeals in *MSC v. Neoforma, Inc. et al*, Case No. 06-3331 having been appealed from Kansas District Court case no. 05-CV-2299-CM on September 8, 2006.

45. The petitioner learned that the Jackson County, Missouri based Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis were continuing with a scheme to defraud the Kansas District Court Magistrate Judge Hon. David J. Waxse through a false and bad faith motion to compel production of discoverable documents signed by Jay E. Heidrick even though the documents had been repeatedly produced.

46. The copying cost to the petitioner for reproducing the discovery already served in order to defend against the defendants Polsinelli Shughart PC and Richard K. Davis's motion to compel was over \$5000.00.

47. The defendants Polsinelli Shughart PC and Richard K. Davis' scheme depended on no rulings being made by a cooperating or participating judge on the defendants Polsinelli Shughart PC and Richard K. Davis' frivolous and fraudulent "automatic" blanket protective orders under local Kansas District Court Rules.

48. The Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis' scheme also depended on a cooperating or participating judge fraudulently dismissing the petitioner's claims as a sanction.

49. The Hon. Judge Carlos Murguia refused to complete the judgment of sanction started by Magistrate Judge Hon. David J. Waxse that Polsinelli Shughart PC and Richard K. Davis had planned to obtain by fraud and did not throw out the petitioners' case.

50. When the petitioner successfully proved the fraud on the court by the agents of Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis, the Kansas District Court instead partially granted a second dismissal including all Missouri state law based contract claims in violation of the Federal Rules of Civil Procedure as a prohibited second Rule 12 motion to dismiss.

51. Instead of accomplishing dismissal through the defendants Polsinelli Shughart PC and Richard K. Davis,' fraud scheme, the Kansas District Court impugned the e-mail based contract decisions of Hon. Judge Nanette K. Laughrey of the US District Court for the Western District of Missouri and the Missouri State Court of Appeals opinion of Justices Hon. Robert G. Ulrich, Hon. Joseph M. Ellis, and Hon. Ronald R. Holliger as violating the “ plausibility ” standard of *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955 (2007) and failing to state a claim for contract under Missouri state law.

52. The Novation LLC cartel defendants and the Kansas District Court having been given notice of controlling law contradicting the lawfulness of the dismissal of all Missouri state law contract based claims under the Federal Rules of Civil Procedure, the express language of E-Sign Act, resulting interpretations of the act as it applies to materially identical fact situations in Missouri courts and the resulting inappropriateness of the “plausibility” based dismissal sought to keep a matter or controversy alive in the Kansas District Court solely for the bad faith purpose of avoiding review.

53. The petitioner then filed in the US District Court for the Western District of Missouri at Kansas City, Missouri a timely second amended Notice of Appeal designating the voluntary dismissal with prejudice of the remaining Kansas District Court claims.

54. The Western District court did not file the Second Amended Notice of Appeal or forward it to the Eighth Circuit. See Docket Notation of Assistant Western District Clerk Lori Carr stating “chambers” had instructed her to send it to Kansas District Court:

“***Remark: Petitioner's Second Amended Notice of Appeal was received by this court and then forwarded this date to the District of Kansas for processing at the instruction of chambers. (Carr, Lori) (Entered: 12/05/2008)”

Appearance Docket of W.D. of Missouri Case No. 4:06-cv-01012-FJG

55. On December 9, 2008 the Chief Clerk of the Eighth Circuit wrote a letter to the Kansas City, Missouri Clerk Ms. Patricia L. Brune instructing her to file the Second Amended Notice of Appeal in her court, the U.S. District Court for the Western District of Missouri.

56. Ms. Patricia L. Brune never complied with the order.

57. In Kansas District Court to manufacture a basis for continuing trial jurisdiction, the defendants Polsinelli Shughart PC and Richard K. Davis through Jay E. Heidrick (Mo. Lic. # 54699) filed a conditional stipulation to dismissal with prejudice providing attorney’s fees were awarded despite the

contrary controlling authorities applying to dismissals with prejudice.

58. When the Kansas trial Court granted the petitioner's voluntary dismissal, the court awarded attorneys fees but (or to manufacture a lawful reason for awarding attorneys' fees) the court changed the stipulation of dismissal with prejudice into a dismissal *without* prejudice.

59. When the Kansas District Court received the extrajudicial communication from Western District Clerk Lori Carr , the Hon. Judge Carlos Murguia ordered the petitioner to show cause why sanctions should not be ordered against the petitioner for appealing the dismissal:

“ORDER TO SHOW CAUSE. Petitioner did not respond to the court's order 159 requiring Petitioner to withdraw the petitioner's 147 stipulation of dismissal by December 1, 2008. Petitioner instead filed 163 amended notice of appeal with the 10th Circuit. Petitioner is hereby ordered to show cause to this court by 12/12/2008 why this case should not be dismissed for failure to withdraw the 147 stipulation of dismissal. Show Cause Response due by 12/12/2008. Signed by District Judge Carlos Murguia on 12/5/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (jw) (Entered: 12/05/2008)”

Kansas District Court December 5, 2008 Order to Show Cause.

60. The parties were under a November 14, 2008 order by the Tenth Circuit Court of Appeals to give status reports on the proceedings in Kansas District Court after the petitioner's Kansas District Court Notice of Appeal filed simultaneously with his Second Amended Notice of appeal in Western District of Missouri.

61. The petitioner complied with the order filing a timely status report on December 10 2008 that included the November 26th, 2008 order by the Kansas District Court that on pg. 4 expressly gave the Petitioner until “December 10, 2008 to withdraw his stipulation for dismissal” .

62. To continue the manufactured Kansas District Court jurisdiction following the petitioner's voluntary dismissal of all remaining claims with prejudice and to discredit the petitioner, the defendants Polsinelli Shughart PC and Richard K. Davis through Mark A. Olthoff (Ks. Lic. # 70339) signed and filed a fraudulent status report in the Tenth Circuit contradicting the petitioner and the November 26 court order the petitioner attached in evidence by falsely stating that the petitioner had been ordered to withdraw his stipulation of dismissal by December first.

63. On December 18th , 2008 the Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis through Jay E. Heidrick (Mo. Lic. # 54699) filed a fraudulent status report in the Tenth Circuit US Court of Appeals for the purpose of misrepresenting the Kansas District Court order on the stipulated

dismissal as an order with prejudice, an order the Kansas District court appeared it recognized it lacked jurisdiction to award defendants' attorneys fees for, the whole device employed in bad faith by Jay E. Heidrick to postpone or defeat appellate review of the inappropriate dismissal of the petitioner's Missouri State law based contract claims.

64. The defendants Polsinelli Shughart PC and Richard K. Davis through Jay E. Heidrick (Mo. Lic. # 54699) falsely stated in the defendants' December 18th, 2008 Status Report to the Tenth Circuit that "...the United States District Court, District of Kansas entered a final Order dismissing petitioner's suit with prejudice."

65. The petitioner was forced to enter subsequent amended notices of appeal when the Kansas District Court continued to exercise substantive jurisdiction over issues subject to appeal in the Tenth Circuit in participation with the defendants Polsinelli Shughart PC and Richard K. Davis's scheme to manufacture jurisdiction.

66. On December 12, 2008 the trial court judge, the Hon. Carlos Murguia entered a final judgment declining to sanction the petitioner and clarifying that the deadline to withdraw the stipulation of dismissal had been December 10, 2008.

67. On December 19, 2008 Chief Deputy Clerk Douglas E. Cressler of The Tenth Circuit US Court of Appeals issued an order consolidating the appellate case numbers the clerk had earlier assigned: 08-3287, 08-3338, and 08-3345, all arising out of the same proceeding before the U.S. District Court of Kansas in *Lipari v. US Bancorp NA*, No. 2:07-CV-02146-CM-DJW.

68. The petitioner had been originally ordered by the Tenth Circuit to brief the court on its appellate jurisdiction after the petitioner had filed his notice of appeal on October 16, 2008 following the petitioner's October 15, 2008 stipulation of dismissal with prejudice of all remaining claims.

69. The petitioner briefed the Tenth Circuit Court of Appeals that their jurisdiction was merely the jurisdiction to review the appellate court's jurisdiction or lack thereof and that the Kansas District Court never obtained jurisdiction from the April 4, 2007 transfer order of Hon. Judge Fernando J. Gaitan, Jr. transferring the concurrent state claims case to Kansas District Court while the Tenth Circuit still had exclusive jurisdiction in in *MSC v. Neoforma, Inc. et al*, Case No. 06-3331 over the same matter or controversy.

70. Neither the Abeyance Order of Chief Deputy Clerk Douglas E. Cressler of The Tenth Circuit Case No. 08-3287 or the Tenth Circuit Consolidation Order resolved or made a finding of law on the presence or absence of Tenth Circuit Appellate Court jurisdiction over the petitioner's concurrent state law claims.

16th Circuit Extra Judicial Influence From Corrupt Kansas Officials

71. The petitioner amended his complaint to include Gene E Schroer, Rex A. Sharp, and Isaac L. Diel who caused misrepresentations to be fraudulently made in concert with Kansas Attorney Discipline Administrator Stanton Hazlett and the Novation LLC cartel defendant hospital supply cartel members to deprive the petitioner of representation throughout his litigation in Kansas and Missouri courts. See Appendix Eight Affidavit of Samuel K. Lipari.

72. Gene E Schroer, and Rex A. Sharp misled the petitioner to think they were going to represent the petitioner when in reality they were receiving pay or other benefits from the State of Kansas to elicit confidential information related to the petitioner's prosecution of his claims.

73. Rex A. Sharp was recorded by the petitioner after it seemed Sharp had dishonestly stated he was considering representing the petitioner at the time the petitioner's father had died and an extension in the Novation LLC cartel defendant General Electric hospital supply case before this court was sought on the basis of Sharp's representations. The audiotape is online at

<http://www.medicalsupplychain.com/pdf/Rex%20Sharp%20Conversion.wav>

74. Rex A. Sharp and Isaac L. Diel were jointly working on an unrelated tire compound antitrust action when Rex A. Sharp on behalf of the Kansas Office of Attorney Discipline caused misrepresentations to be made during the first week of April 2007 to Michelle Hersh, Justin West and the Missouri office of Accountemps where the petitioner's former counsel Bret D. Landrith was registered for work.

75. The misrepresentations were that Diel had a temporary job reviewing scientific articles related to the chemical compounds and that he was qualified even though he was not a licensed attorney.

76. Landrith doubted their client's requirements and wrote a letter on April 11, 2007 to Justin West at Accountemps informing them that they had likely misunderstood their client's requirements.

77. The scheme was for Isaac L. Diel to trick Landrith into saying he was an attorney in the Overland Park office of Diel and thereby criminally prosecute the petitioner's witness to further the obstruction of the petitioner's litigation.

78. Lathrop & Gage LLP is liable for fraud and deceit, not only for William G. Beck (Mo. Lic. # 26849); Peter F. Daniel (Mo. Lic.# 33798); and J. Alison Auxter's (Mo. Lic. # 59079) misrepresentation to this court that the petition did not aver injury and claims of the petitioner as an unincorporated individual in Lathrop & Gage LLP's present motion in support of judgment on the pleadings; The petition describes many misrepresentations related to the Insure Missouri scheme to first cut off Medicaid to what became 90,000 Missouri citizens then to supply the Missouri hospitals through electronic marketplace for hospital supplies.

79. The Jackson County based Novation LLC cartel defendant Shughart, Thomson & Kilroy, P.C.'s frauds against the petitioner include fraudulent removal of the petitioner's contract based claims against US Bank and US Bancorp to federal court; fraudulent transfer of the US Bank and US Bancorp contract claims to Kansas District Court; fraudulent participation in a Kansas District Court joint case management order without any intent to produce discoverable documents to the petitioner; fraudulent destruction of discoverable electronic documents by in the possession of US Bank of US Bancorp despite notice to their agent Shughart, Thomson & Kilroy, P.C. to preserve them; fraudulent representation that the petitioner had failed to produce requested discovery documents by Shughart, Thomson & Kilroy, P.C.; fraudulent representation to the Hon. Judge Michael W. Manners to procure dismissal by unlawfully using the Kansas District Court interim decisions that were not final judgments with knowledge that they had been procured with John K. Power of Jackson County based Novation LLC cartel defendant Hush Blackwell Sanders, through the cartel's own fraud.

Extrinsic Fraud Through Extra-Judicial Influence Through Communications between Courts

80. The Novation LLC cartel members have been aided by non-defendant conspirators communicating extra-judicially to judges including the trial judge in 16th Circuit Court actions.

Temporal Relationship of Hon. Judge Michael Manners' dismissal with other courts

81. Hon. Judge Michael Manners's adoption of the previously dismissed cartel members' motions for dismissal violated the controlling law of this jurisdiction on claim and issue preclusion and the other legal basis advocated by the defendants including *Noerr-Pennington* based Immunity and the statute of limitations.

82. The Hon. Judge Michael Manners's Order dismissing with prejudice the previously dismissed cartel members was temporally related to similar decisions contradicting the controlling precedent of the respective jurisdictions by the Hon. Judge Carlos Murguia and the Hon. Magistrate David Waxse of Kansas District Court and the Hon. Fernando J. Gaitan, Jr. of the Western District of Missouri. See KS. Dist. Court case No. 2007cv02146; KS. Dist. Court case No. 2005cv02299 and W.D. of MO. Dist. Court case No. 2007cv00849.

83. The Hon. Judge Michael Manners's order adopting judgment on the pleadings by the Novation LLC cartel defendant Lathrop & Gage is temporally related to the ten day extension on discovery granted by the petitioner after the Novation LLC cartel Lathrop & Gage attorneys had adopted the modus operandi of the other cartel members in stating frivolous objections to production of discoverable documents as a sham petition to delay the petitioner's entry into the market for hospital supplies.

Hon. Fernando J. Gaitan, Jr. and St. Luke's Health System, Novation LLC

84. Before being appointed the federal bench by President George H.W. Bush, the Hon. Fernando J. Gaitan, Jr. was on the bench of the 16th Circuit Court.

85. The appearance of a fiduciary interest of the Hon. Fernando J. Gaitan, Jr. in the defendants St. Luke's Health System and Novation LLC as a director or corporate officer of St. Luke's Health System is given by the Hon. Fernando J. Gaitan, Jr.'s disclosure to the Judicial Conference.

86. The defendant St. Luke's Health System asserts it is an owner of the defendant Novation LLC and does over \$90,000,000.00 (ninety million dollars) of purchases exclusively through Novation LLC each year.

The Hon. Judge Carlos Murguia and the District of Kansas

87. The Hon. Judge Carlos Murguia has repeatedly made adverse rulings contrary to controlling precedent and against only the plaintiff in the present action that are temporally related with adverse rulings against the plaintiff made by Hon. Judge Fernando J. Gaitan, Jr. and Hon. Judge Michael W. Manners contrary to the controlling precedents of the Western District of Missouri and the State of Missouri respectively. See *Lipari v. General Electric Company, et al* W. D. of MO Case no 07-0849 and Appearance Docket of *Lipari v. Novation LLC, et al* 16th Cir. Missouri State Court Case No. 0816-04217.

88. On July 8, 2008 the Kansas District Court made a show cause order initiating the scheme to fraudulently procure dismissal of the plaintiff's claims on the false accusation by Novation LLC cartel defendants US Bank NA and US Bancorp that the plaintiff failed to produce documents and answers requested by the defendants that led instead to the partial dismissal on September 4, 2008 of the plaintiff's contract, tortious interference and fiduciary duty claims against US Bancorp.

89. The temporal relationship of rulings adverse to the plaintiff and involving adoption of extrajudicial interim orders and communications includes the dismissal of racketeering claims against the cartel members involved in extrinsic fraud to interfere in the plaintiff's ongoing antitrust litigation by Hon. Judge Fernando J. Gaitan, Jr. (a case Hon. Judge Gaitan had assigned to himself even though an open § 455 Motion for recusal based on his directorship of a defendant was on the record in the previous removal of the same action W. D. of MO Case no. 06-0573) on July 30, 2008. See *Lipari v. General Electric Company, et al* W. D. of MO Case no 07-0849.

90. The July 7, 2008 order of the Kansas District court in the same case or controversy dismissing the plaintiff's motion to reopen his federal antitrust and racketeering claims in KS Dist. Court case no. 05-2299-CM.

91. And also, the partial dismissal of August 8, 2008 Hon. Judge Michael W. Manners that Hon. Judge Michael W. Manners had in error requested on July 3, 2008. See *Lipari v. Novation LLC, et al* 16th Cir. Missouri State Court Case No. 0816-04217.

j. The Defendants Use Of Foreign Jurisdiction Attorney Discipline As An Instrument Of Criminality

92. The petitioner attempted to "cover" or remediate the breaches of contract by the Novation LLC antitrust cartel members US Bank NA and the General Electric Company a third time.

93. The petitioner had an agreement with Michael W. Lynch to obtain and use his services, connections and reputation in locating a publicly traded company to merge with to underwrite the costs of entering the hospital supply market.

94. The Novation LLC cartel General Electric defendants through their agents Seyfarth Shaw and Alcoa's use of wire tapping, private investigators, breaking and entry, government sourced intelligence and the internal court information obtained through Arizona operatives.

95. The Novation LLC cartel General Electric defendants through their agents Seyfarth Shaw and Alcoa

intentionally interfered with Michael W. Lynch by destroying his reputation by causing him to be jailed, terrorizing Lynch's wife and putting Lynch in fear for the safety of his family, trying to seize the property of Lynch's family home and the property of his brother and interfering with the payroll of Lynch's brother's plastics factory all for the purpose of inducing or causing a breach of Michael W. Lynch's contracts and relationships with the petitioner.

96. The evidence of this conduct by the Novation LLC cartel General Electric defendants was delivered to Bradley J. Schlozman under seal in *United States ex rel Michael W. Lynch v Seyfarth Shaw et al.* Case no. 06-0316-CV-W- SOW who was then acting as the interim US Attorney for the Western District of Missouri.

97. The relator Michael W. Lynch provided evidence to Western District US Attorney Bradley J. Schlozman discovered in April 2006 that a \$39,000,000.00 bribery fund was being used to secure outcomes in court cases including the shift of unfunded pension obligations of McCook Metals, Inc. to the Pension Benefit Guaranty Board (PBGC) at the expense of US taxpayers despite the obligation of Alcoa Aluminum financed and controlled by General Electric.

98. On information and belief Jerome Larkin, the Administrator The Illinois Attorney Registration and Disciplinary Commission is using his Illinois state agency to retaliate against the witnesses that came forward with evidence of judicial misconduct and reported it to the appropriate authorities.

99. This retaliation by Jerome Larkin in support of criminal norms including "pay to play" judicial corruption contrary to the public policy, rules of ethics and statutes of the State of Illinois has impacted Missouri citizens.

100. On information and belief the petitioner's witness Dustin Sherwood and his wife 's legal representation in defense of their \$9 million dollar estate was compromised by The Illinois Attorney Registration and Disciplinary Commission's extortion over the Sherwood's bankruptcy attorney Craig Collins.

101. On information and belief the Novation LLC cartel defendants Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP were able to communicate directions to the Sherwood's bankruptcy attorney Craig Collins and have him act and fail to act for the purposes of compromising Craig Collins' representation of Dustin Sherwood and his wife.

102. On information and belief this power of the defendants Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP is so well known among members of the Kansas City and Missouri Bar associations that Dustin Sherwood and his wife documented the refusal of representation by over 40 Missouri licensed attorneys in and around Jackson County, Missouri and could not obtain the services of a Missouri licensed attorney during the bankruptcy.

103. Dustin Sherwood provided the firms Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP that the circumstances of their corrupt extortion over members of the Missouri bar was so egregious that it would lead to the need to file for injunctive relief against the Missouri Board of Bar Governors.

104. In response, the Novation LLC cartel firms Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP had Dustin Sherwood jailed for reciting to an agent of the former Shughart Thompson & Kilroy, Inc. trustee what he believed to be his property rights under the law of the State of Missouri, preventing Sherwood from meeting the conditions set by the bankruptcy judge to stop the sell of his farm.

105. Dustin Sherwood's Kansas licensed attorney Craig Collins on information and belief was not permitted by the power of Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP to enter an appearance in the bankruptcy case filed in the US Distric Court sited in Jackson County until after Sherwood had been jailed.

106. Through Jerome Larkin, the defendants including Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP are using The Illinois Attorney Registration and Disciplinary Commission to threaten Craig Collins with disbarment if he works with the Sherwood witnesses Sidney J. Perceful or Bill Christianson or cooperates with Dustin Sherwood's criminal defense attorney.

107. On information and belief Craig Collins has been compromised by the Kansas Attorney Discipline Administrator Stanton Hazlett and extorted from providing representation in the interests of the petitioner's witnesses Donna L. Huffman and David M. Price who Collins claimed to represent in Kansas state courts and with Kansas state officials respectively.

108. The petitioner has been injured in his Missouri state court causes through the misrepresentations of the Kansas licensed attorneys Gene E Schroer, Rex A. Sharp of Gunderson Sharp & Rhein PC and Isaac L.

Diel, Sharp McQueen, P.A who misrepresented to the petitioner or his witnesses their false intent to perform legal tasks when in reality they were acting as agents of the Kansas Attorney Discipline Administrator Stanton Hazlett to intentionally interfere in the petitioner's Missouri state court litigation.

109. The petitioner was injured by Kansas Attorney Discipline Administrator Stanton Hazlett's Kansas licensed attorney agents Randall D. Grisell Sally Harris, and Michael Schmitt concerning Randall D. Grisell's fraud on the Kansas Supreme Court in presenting a facially false report signed by Randall D. Grisell, Sally Harris, and Michael Schmitt to that court on the plaintiff's counsel to procure the disbarment through fraud.

The Novation LLC cartel defendants Joel B. Voran, Lathrop & Gage LLP's open use of racketeering acts and RICO conspiracy to further the hospital supply cartel's conspiracy to defraud Medicare, Medicaid and Private Health Insurers by keeping the plaintiff out of the market.

110. The Jackson County based Novation LLC cartel defendants Joel B. Voran and Lathrop & Gage LLP, have been identified as RICO co-conspirators but not previously named as defendants in the plaintiff's ongoing RICO complaint that is concurrently in the U.S. District Court for the Western District of Missouri. See <http://www.medicalsupplychain.com/pdf/Lipari%20v%20GE%20et%20al%20Federal.pdf>

111. The defendants Joel B. Voran and Lathrop & Gage LLP are members of the Republican National Committee "RNC" conspiracy spoke that included former federal government officials in the previous Presidential administration of President George W. Bush.

112. The Novation LLC cartel defendants Joel B. Voran and Lathrop & Gage LLP helped to corruptly maintain the power of the conspiracy over the 16th Circuit and the Western District of Missouri Appellate and US District Courts by:

- providing support for voter suppression schemes in Jackson County;
- assisting in the reduction of the US Department of Justice to a protection racket controlled by Karl Rove;
- participating in the obstruction of justice by providing legal support in opposition to public records disclosure of emails in the Jefferson City and Washington D.C. Capitols;
- securing the wrongful firing of US Attorney Budd Cummings in Arkansas; and
- securing the wrongful firing of the US Attorney Todd Graves in the Western District of Missouri, sited in Jackson County.

- The defendants Joel B. Voran and Lathrop & Gage LLP helped to prevent news media from covering the news related to the wrongful firings of US Attorneys; and
- discouraged regional newspapers from covering the plaintiff's litigation with false warnings of liability.

113. The Novation LLC cartel defendants defendants Joel B. Voran and Lathrop & Gage LLP are part of an enterprise in fact that has now been joined by the latecomer defendats in the present action.

114. The Jackson County based conspiracy defendants Joel B. Voran, Lathrop & Gage LLP and the RNC were a spoke of the General Electric and Karl Rove conspiracy to defraud Medicare, Medicaid, Champus and private health insurers through artificial inflation of healthcare and hospital supply costs via the Novation LLC cartel scheme.

Ministerial Misconduct in related cases before the Western District Court of Appeals

116. The Western District Court of Appeals is mere blocks from the 16th Circuit Court and its non-judge personnel have repeatedly deviated from the Western District Court of Appeals' published rules, the Western District Court of Appeals controlling case law interpreting those rules, the Missouri Supreme Court Rules applying to All Appellate Courts, the requirements that orders be signed and through the issuance of orders signed and made by non-judge and non-clerk of the court staff.

117. The inhabitants of Jackson County working in the Western District Court of Appeals share the disposition toward the plaintiff expressed by other inhabitants of Jackson County through their officials and Western District Court of Appeals personnel have repeatedly prejudiced the plaintiff.

118. No change of ministerial policy was ever effected by the plaintiff's repeated calls, notice and complaints.

119. The inhabitants of Jackson County working in the Western District Court of Appeals gave no more than a few hours consideration to the plaintiff's Mandamus action against 16th Circuit Judge Hon. Michael W. Manners seeking to cause discovery to be enforced.

120. As a consequence of the failure to uphold discovery, the plaintiff was forced to proceed toward trial without any document production requests being honored or any interrogatory questions being honored by the GENERAL ELECTRIC defendants.

121. The inhabitants of Jackson County working in the Western District Court of Appeals prevented the plaintiff's prehearing request for transfer of an appeal to the Missouri Supreme Court from being ruled on by a judge for the purpose of disobeying the Missouri State Legislature's statutory provision for appeal upon the complete termination of claims against fewer than all defendants.

II. SUGGESTION IN SUPPORT

Substantive due process protects certain liberties that may not be restrained even if basic procedural steps are taken in error.

The right to life, liberty and the pursuit of happiness is expressed not only in Missouri's due process clause, but also as a "natural right" of all persons in Article I, Section 2. That section also provides that "to give security to these [natural rights] is the principal office of government, and that when government does not confer this security, it fails in its chief design."

This presence of different and more explicit expression of rights in the Missouri Constitution gives rise to more protection of those rights in the Missouri Constitution than the federal constitution. See, e.g., *Right to Choose v. Byrne*, 91 N.J. 287, 299-310 (N.J. 1982) (state constitutional provision guaranteeing right to life, liberty and happiness affords more protection to the right to choose than is afforded by the United States Constitution).

Due Process requires legal proceedings carried out fairly and in accord with established rules and principles. Due process standards are sometimes referred to as either substantive or procedural. Substantive due process refers to a requirement that laws and regulations be related to a legitimate government interest (e.g., crime prevention) and not contain provisions that result in the unfair or arbitrary treatment of an individual. Virtually no one challenges the general value of due process of law as a guarantee of procedural consistency and fairness.

Justice Felix Frankfurter expressed a commonly held view about procedural due process in *Malinski v. New York* (1945): "The history of American freedom is, in no small measure, the history of procedure." And in *Shaughnessy v. United States* (1953), Justice Robert Jackson stressed that controversy about substantive due process does not change the most fundamental and general agreement about procedural fairness, which "is what it [due process] most uncompromisingly requires."

To ensure Due Process fairness, the Missouri Rules of Civil Procedure provide for change of venue. Rule 51.04. Change of Venue From Inhabitants for Cause – Procedure states:

“(a) A change of venue may be ordered in any civil action triable by jury for the following causes:

- (1) That the inhabitants of the county are prejudiced against the applicant; or
- (2) That the opposite party has an undue influence over the inhabitants of the county.

(b) The application for change of venue must be filed at least thirty days before the trial date or within ten days after a trial date is fixed, whichever date is later.

(c) A copy of the application and a notice of the time when it will be presented to the court must be served on all parties.

(d) The application shall set forth the cause or causes for the change of venue. It need not be verified and may be signed by the party or by an agent or attorney.

(e) The adverse party, within ten days after the filing of the application for change of venue, may file a denial of the cause or causes alleged in the application. Such denial may be signed by the party, an agent or attorney, and need not be verified. If a denial is filed, the court shall hear evidence and determine the issues. If they are determined in favor of applicant, or if no denial is filed, a change of venue shall be ordered to some other county convenient to the parties and where the cause or causes do not exist. The court may enlarge the time for filing a denial as provided in Rule 44.01(b).

(f) Application for change of venue may be made by one or more parties in any of the following classes: (1) plaintiffs; (2) defendants; (3) third-party plaintiffs (where a separate trial has been ordered); (4) third-party defendants; (5) intervenors.

Each of the foregoing classes is limited to one change of venue and any such change granted any one or more members of a class, including changes granted under Rules 51.02, 51.03 or 51.04, exhausts the right of all members of the class to a change of venue, with this exception: in condemnation cases involving multiple defendants, as to which separate trials are to be held, each such separate trial to determine damages shall be treated as a separate case for purposes of change of venue.

(g) When a change of venue is ordered, the entire civil action shall be removed, unless a separate trial has been ordered, in which event the court shall order removed only that part of the civil action in which applicant is involved.”

The plaintiff is seeking change of venue because of the manifestation of prejudice of the inhabitants of Jackson County effecting proceedings involving the plaintiff’s claims in the 16th Circuit Court and consequently the Western District Court of Appeals which is also in Jackson County. Change of venue will be granted only for prejudice between inhabitant and movant (not between judge and movant).

The change of venue is automatic after a motion has been filed:

"Missouri's statutes have long expressly permitted transfer of suits to counties where they could not initially have been commenced...

Allowing an automatic change of venue upon timely application thus saves judicial resources that would otherwise be spent in determining whether a party could get a fair trial in the county in light of the prejudice that may have arisen in a particular case due to publicity or familiarity with the

parties or the issues involved. See *id.* at 513-14. This avoids any potential unfairness yet protects the convenience of the remaining parties by expressly providing that the new venue must be convenient and by giving the parties input into the new location for trial. "

STATE LEBANON SCHOOL DISTRICT III v. WINFREY STATE ex rel. LEBANON SCHOOL DISTRICT R-III, v. The Honorable Larry WINFREY, Case No. SC 86873.(January 31, 2006).

The plaintiff's motion is automatic because it is timely where there are open motions to dismiss filed by the defendants. Timeliness of Motion for Change of Venue:

"The school district also argues in its briefs that plaintiffs' motion for change of venue was untimely because it was not filed within 10 days of when Lebanon's answer originally was due. But, Rule 51.03 does not require that a motion for change of venue be filed within 10 days of when an answer hypothetically would have been due if no motions to dismiss had been filed or extensions of time sought. It provides that written application for a change of venue shall be made, "not later than ten days after answer is due to be filed; ." Under Rule 55.25(c), if a defendant files a motion to dismiss or other motion provided for in Rule 55.27, this "alters the time fixed for filing any required responsive pleadings." In the case of a motion to dismiss, "the responsive pleading shall be filed within ten days after notice of the court's action." Rule 55.25(c). Defendant Lackey filed a motion to dismiss; his answer was not due to be filed until 10 days after that motion was ruled on. The answer had not yet been filed at the time plaintiffs filed their motion for change of venue. Their motion, therefore, was timely under Rule 51.03."

STATE LEBANON SCHOOL DISTRICT III v. WINFREY STATE ex rel. LEBANON SCHOOL DISTRICT R-III, v. The Honorable Larry WINFREY, Case No. SC 86873.(January 31, 2006).

CONCLUSION

Whereas for the above reasons, the plaintiff respectfully requests the court automatically grant the plaintiff's motion for change of venue and halt responses due and proceedings on existing motions until change of venue is accomplished.

Respectfully submitted,

S/ Samuel K. Lipari

SAMUEL K. LIPARI
PLAINTIFF *PRO SE*.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 22nd day of February 2010 by hand delivery, by first class mail postage prepaid, or

05/05/2010 **Docket Entry:** Summons Returned Non-Est
 Text: Document ID - 10-SMCC-3240; Served To - TROPITO, CHRIS M; Server - DANIEL R. TAYLOR; Served Date - 23-APR-10; Served Time - 23:59:00; Service Type - Civil Process Server; Reason Description - Not In When Service Attempted

Docket Entry: Summons Returned Non-Est
 Text: Document ID - 10-SMCC-3241; Served To - ACKERMAN, NICHOLAS L; Server - DANIEL R. TAYLOR; Served Date - 23-APR-10; Served Time - 23:59:00; Service Type - Civil Process Server; Reason Description - Not In When Service Attempted

05/17/2010 **Docket Entry:** Motion to Dismiss
 Text: Plts amended petition
 Filing Party: MILLER , TONY R

Docket Entry: Filing:
 Text: of Mot to dismiss amended petition
 Filing Party: MILLER , TONY R

05/19/2010 **Docket Entry:** Motion Filed
 Text: Mot for order directing Plt to identify party and to quash service
 Filing Party: WELLS FARGO

05/20/2010 **Docket Entry:** Motion to Strike
 Text: Mot to strike defaulting Dft Tony Miller's Mot to dismiss
 Filing Party: LIPARI , SAMUEL K

Docket Entry: Response Filed
 Text: to Dft Tony Miller's Mot to dismiss
 Filing Party: LIPARI , SAMUEL K

Displaying 1 thru 97 of 97 records for all dockets returned for case 0916-CV38273.



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16th Judicial Circuit (Jackson County)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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0916-CV38273 - SAMUEL K LIPARI V CHAPEL RIDGE MULTIFAMILY ET AL

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Displaying 97 thru 99 of 99 records for all dockets returned for case 0916-CV38273.

[\[Previous 10\]](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#)

- 05/20/2010** **Docket Entry:** Response Filed
 Text: to Dft Tony Miller's Mot to dismiss
 Filing Party: LIPARI , SAMUEL K
- 05/28/2010** **Docket Entry:** Dismiss by Ct w/ Prejudice
 Docket Entry: Motion no Longer an Issue
- Associated Docket Entries:** 01/25/2010 - Motion for Extension of Time
 Ip Motion for Extension of Time to Answer Dft Swanson Midley LLC's Motion and Suggestion to Dismiss the Plts Petition
- Associated Docket Entries:** 01/29/2010 - Motion to Dismiss
 LP Mot to dismiss amended petition
- Associated Docket Entries:** 02/03/2010 - Motion to Dismiss
 Ip Motion to Dismiss Plts Amended Petition For Failure to State a Claim
- Associated Docket Entries:** 02/03/2010 - Motion for Extension of Time
 Ip Motion for Extension of Time to Answer Swanson Midgley LLC's Motion and Suggestion to Dismiss the Plts Petition
- Associated Docket Entries:** 02/08/2010 - Motion for Extension of Time
 Ip Motion for Extension of Time to Answer Motion and Suggestion to Dismiss the Plts Amended Petition
- Associated Docket Entries:** 02/04/2010 - Motion for Extension of Time
 Ip Agreed Motion for Enlargement of Time to Respond to Dfts Petition
- Associated Docket Entries:** 02/16/2010 - Motion to Dismiss
 Ip Motion to Dismiss Plts Petition
- Associated Docket Entries:** 02/22/2010 - Motion for Extension of Time
 To File Response to Plt's First Amended Petition
- Associated Docket Entries:** 02/22/2010 - Motion Filed
 Ip Motion to Require Chapel Ridge Multifamily LLC to Make a More Definite Answer under rule 55.27(d) and to Adequately Re-Plead Affirmative Defenses 2 thru 7 or Forfeit Them
- Associated Docket Entries:** 02/22/2010 - Motion for Extension of Time
 Motion for Extension of Time to File Response to Plts First Amended Petition
- Associated Docket Entries:** 02/25/2010 - Motion to Dismiss
 Ip Motion to Dismiss Plts Amended Petition and Incorporated Memorandum in Support
- Associated Docket Entries:** 03/01/2010 - Motion to Dismiss
 Ip Motion to Dismiss Amended Petition

Exhibit 13



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16th Judicial Circuit (Jackson County)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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0916-CV38273 - SAMUEL K LIPARI V CHAPEL RIDGE MULTIFAMILY ET AL

This information is provided as a service and is not considered an official court record.

Displaying 97 thru 99 of 99 records for all dockets returned for case 0916-CV38273.

[\[Previous 10\]](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#)

05/20/2010	Docket Entry: Response Filed Text: to Dft Tony Miller's Mot to dismiss Filing Party: LIPARI , SAMUEL K
05/28/2010	Docket Entry: Dismiss by Ct w/ Prejudice Docket Entry: Motion no Longer an Issue Associated Docket Entries: 01/25/2010 - Motion for Extension of Time lp Motion for Extension of Time to Answer Dft Swanson Midley LLC's Motion and Suggestion to Dismiss the Plts Petition Associated Docket Entries: 01/29/2010 - Motion to Dismiss LP Mot to dismiss amended petition Associated Docket Entries: 02/03/2010 - Motion to Dismiss lp Motion to Dismiss Plts Amended Petition For Failure to State a Claim Associated Docket Entries: 02/03/2010 - Motion for Extension of Time lp Motion for Extension of Time to Answer Swanson Midgley LLC's Motion and Suggestion to Dismiss the Plts Petition Associated Docket Entries: 02/08/2010 - Motion for Extension of Time lp Motion for Extension of Time to Answer Motion and Suggestion to Dismiss the Plts Amended Petition Associated Docket Entries: 02/04/2010 - Motion for Extension of Time lp Agreed Motion for Enlargement of Time to Respond to Dfts Petition Associated Docket Entries: 02/16/2010 - Motion to Dismiss lp Motion to Dismiss Plts Petition Associated Docket Entries: 02/22/2010 - Motion for Extension of Time To File Response to Plt's First Amended Petition Associated Docket Entries: 02/22/2010 - Motion Filed lp Motion to Require Chapel Ridge Multifamily LLC to Make a More Definite Answer under rule 55.27(d) and to Adequately Re-Plead Affirmative Defenses 2 thru 7 or Forfeit Them Associated Docket Entries: 02/22/2010 - Motion for Extension of Time Motion for Extension of Time to File Response to Plts First Amended Petition Associated Docket Entries: 02/25/2010 - Motion to Dismiss lp Motion to Dismiss Plts Amended Petition and Incorporated Memorandum in Support Associated Docket Entries: 03/01/2010 - Motion to Dismiss lp Motion to Dismiss Amended Petition

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

SAMUEL K. LIPARI,
Plaintiff,

vs.

CHAPEL RIDGE MULTIFAMILY, LLC
ET AL.,
Defendants.

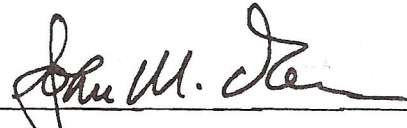
CASE NO: 0916-CV38273
Division 14

ORDER and JUDGMENT

IT IS HEREBY ORDERED, AJUDGED and DECREED that Plaintiff's Amended Petition is DISMISSED IN ITS ENTIRETY and all claims asserted therein shall be DISMISSED WITH PREJUDICE. The Court finds, pursuant to Rule 55.27(a) of the Missouri Rules of Civil Procedure, that Plaintiff's Amended Petition fails to state a claim upon which relief can be granted against any of the named Defendants. Costs shall be assessed against Plaintiff.

IT IS THE JUDGMENT OF THE COURT.

May 28, 2010


JOHN M. TORRENCE, JUDGE

Copies to: Samuel K. Lipari
803 S. Lake Dr.
Independence, MO 64053

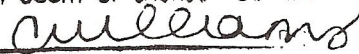
Spencer Brown, 816-421-7880
James Morrow, 816-382-1383
Phillip Anderson, 913-663-7899
John K. Power, 816-983-8080
Danne Webb, 816-421-0899

FILED
DEPT. OF CIVIL RECORDS
COURT-ADMINISTRATOR'S OFFICE

MAY 28 2010

CIRCUIT COURT OF JACKSON CO. MO

BY



**IN THE STATE OF MISSOURI
JACKSON COUNTY SIXTEENTH CIRCUIT COURT
AT INDEPENDENCE**

SAMUEL K. LIPARI,)	
)	
Plaintiff,)	
)	
v.	)	Case No. 0916-CV38273
	)	Division 15
CHAPEL RIDGE MULTIFAMILY LLC, <i>et al.</i> ,)	
)	
Defendants.)	

NOTICE OF APPEAL

COMES NOW Plaintiff Samuel K. Lipari appearing *pro se* and makes the following Notice of Appeal for the following reasons showing the trial court lacked jurisdiction to dismiss the action after the plaintiff's change of venue was filed, and without motions to dismiss all claims brought in the petition, and before all of the defendants were served.

The plaintiff appeals for the following reasons:

1. The defendants' Motions to Dismiss were partial and did not seek to dismiss the plaintiff's RICO 18 U. S. C. § 1962 (d) claims against the defendants CHAPEL RIDGE MULTIFAMILY LLC, SWANSON MIDGLEY LLC, CHRISTOPHER BARHORST, HOLLY L. FISHER, TROPBITO & MILLER LLC, and TONY R. MILLER.
2. THE defendants' Motions to Dismiss misrepresented the controlling federal law on whether the plaintiff stated claims for predicate acts under 18 U. S. C. § 1962 (c) in a continuing multi year RICO enterprise.
3. Two defendants CHRIS M. TROPBITO, and NICHOLAS L. ACKERMAN have not been served according to the appearance docket and the defendant WELLS FARGO COMPANY has asserted it has not been served, preventing the trial court from dismissing the plaintiff's action with prejudice under controlling Western District precedent in *Habahbeh v. Beruti*, 100 S.W.3d 851 (Mo. App., 2003).
4. The plaintiff filed a timely motion for change of venue, along with a motion for interpleader and a response to WELLS FARGO's Motion for order on Friday May 28th, 2010 and no

ruling had been made in the present action. See Exhibit 1 appearance docket at 930 am Friday May 28th, 2010.

5. The ministerial function of the 16th Circuit Clerk's office interfered with docketing the Motion to Change Venue. See Exhibit 2 appearance docket showing plaintiff's motions docketed *before* the court's purported order.
6. The plaintiff obtained a file stamped copy of his Motion to Change Venue filed with the other motions. See Exhibit 3 file stamped copy of Motion to Change Venue.
7. The contents of the Motion to Change Venue details repeated and continuing ministerial interference by the 16th Circuit Clerk's office and other state agencies in Jackson County requiring change of venue.
8. The timely Motion to Change Venue was automatic in effect and deprived the trial court of the jurisdiction to enter dismissals of parties in this action under *State Lebanon School District III v. Winfrey State ex rel. Lebanon School District R-III, v. The Honorable Larry WINFREY*, Case No. SC 86873 (January 31, 2006).
9. The plaintiff/appellant has included a proposed Western District of the State of Missouri Court of Appeals Order reversing Hon. Judge John M. Torrence's dismissal.

Respectfully submitted,

S/ Samuel K. Lipari

SAMUEL K. LIPARI
PLAINTIFF *PRO SE*.

Served; Service Text - Served: S. Lewis

03/30/2010 **Docket Entry:** Response Filed
 Text: Ip Response to Wachovia's Motion to Dismiss under rule 55.27(g)(2) for Failure to State A Claim
 Filing Party: LIPARI , SAMUEL K

03/31/2010 **Docket Entry:** Reply
 Text: LP in support of the GE Dft's and Jeffrey Immelt's Mot to dismiss Plt's amended petition
 Filing Party: GENERAL ELECTRIC COMPANY

04/01/2010 **Docket Entry:** Hearing Continued/Rescheduled
 Associated Docket Entries: 02/22/2010 - Hearing Scheduled
 Associated Events: 04/02/2010 , 08:30:00 - Hearing
 Docket Entry: Hearing Continued/Rescheduled
 Associated Docket Entries: 02/22/2010 - Hearing Scheduled
 Associated Events: 04/06/2010 , 14:00:00 - Hearing
 Docket Entry: Filing:
 Text: Ip Withdrawal of Hearing Notice
 Filing Party: TROPITO & MILLER LLC

04/02/2010 **Docket Entry:** Motion Filed
 Text: LP Mot to withdraw notice of hearing
 Filing Party: SWANSON MIDGLEY LLC

04/05/2010 **Docket Entry:** Start Additional Case Volume
 Text: Volume #3

04/23/2010 **Docket Entry:** Mot for Interlocutory Judmt
 Filing Party: LIPARI , SAMUEL K

04/26/2010 **Docket Entry:** Motion for Leave
 Text: Ip Motion for Leave to File a Sur-reply Suggesions in Opposition and Sur-Reply Suggestions in Opposition to GE's, GE Capital, GE Transportation, and Jeffrey R. Immelt's Reply Suggestions in Support of Dismissal for Failure to State a Claim
 Filing Party: LIPARI , SAMUEL K
 Docket Entry: Summons Personally Served
 Text: Document ID - 10-SMCC-3242; Served To - MILLER, TONY R; Server - DANIEL R. TAYLOR; Served Date - 21-APR-10; Served Time - 08:48:00; Service Type - Civil Process Server; Reason Description - Served

04/27/2010 **Docket Entry:** Motion for Leave
 Text: Motion for Leave to File a Sur-Reply Suggestions in Opposition and Sur-Reply Suggestion in Opposition to Dfts Reply Suggestion in Support of Dismissal for Failure to State A Claim
 Filing Party: LIPARI , SAMUEL K

05/04/2010 **Docket Entry:** Judge Assigned
 Text: Case is transferred to Division 14

05/05/2010 **Docket Entry:** Summons Returned Non-Est
 Text: Document ID - 10-SMCC-3240; Served To - TROPITO, CHRIS M; Server - DANIEL R. TAYLOR; Served Date - 23-APR-10; Served Time - 23:59:00; Service Type - Civil Process Server; Reason Description - Not In When Service Attempted

Docket Entry: Summons Returned Non-Est
 Text: Document ID - 10-SMCC-3241; Served To - ACKERMAN, NICHOLAS L; Server - DANIEL R. TAYLOR; Served Date - 23-APR-10; Served Time - 23:59:00; Service Type - Civil Process Server; Reason Description - Not In When Service Attempted

05/17/2010 **Docket Entry:** Motion to Dismiss
 Text: Plts amended petition
 Filing Party: MILLER , TONY R

Docket Entry: Filing:
 Text: of Mot to dismiss amended petition
 Filing Party: MILLER , TONY R

05/19/2010 **Docket Entry:** Motion Filed
 Text: Mot for order directing Plt to identify party and to quash service
 Filing Party: WELLS FARGO

05/20/2010 **Docket Entry:** Motion to Strike
 Text: Mot to strike defaulting Dft Tony Miller's Mot to dismiss
 Filing Party: LIPARI , SAMUEL K

Docket Entry: Response Filed
 Text: to Dft Tony Miller's Mot to dismiss
 Filing Party: LIPARI , SAMUEL K

Displaying 1 thru 97 of 97 records for all dockets returned for case 0916-CV38273.

05/20/2010 **Docket Entry:** Motion to Strike
 Text: Mot to strike defaulting Dft Tony Miller's Mot to dismiss
 Filing Party: LIPARI , SAMUEL K
Associated Docket Entries: 05/28/2010 - Motion no Longer an Issue

Docket Entry: Response Filed
 Text: to Dft Tony Miller's Mot to dismiss
 Filing Party: LIPARI , SAMUEL K

05/28/2010 **Docket Entry:** Motion Filed
 Text: Mot for interpleader
 Filing Party: LIPARI , SAMUEL K

Docket Entry: Suggestions in Opposition
 Text: to Wells Fargo's Mot for order to identify party and quash service
 Filing Party: LIPARI , SAMUEL K

Docket Entry: Dismiss by Ct w/ Prejudice
 Docket Entry: Motion no Longer an Issue

Associated Docket Entries: 01/25/2010 - Motion for Extension of Time
 lp Motion for Extension of Time to Answer Dft Swanson Midley LLC's Motion and Suggestion to Dismiss the Plts Petition

Associated Docket Entries: 01/29/2010 - Motion to Dismiss
 LP Mot to dismiss amended petition

Associated Docket Entries: 02/03/2010 - Motion to Dismiss
 lp Motion to Dismiss Plts Amended Petition For Failure to State a Claim

Associated Docket Entries: 02/03/2010 - Motion for Extension of Time
 lp Motion for Extension of Time to Answer Swanson Midgley LLC's Motion and Suggestion to Dismiss the Plts Petition

Associated Docket Entries: 02/08/2010 - Motion for Extension of Time
 lp Motion for Extension of Time to Answer Motion and Suggestion to Dismiss the Plts Amended Petition

Associated Docket Entries: 02/04/2010 - Motion for Extension of Time
 lp Agreed Motion for Enlargement of Time to Respond to Dfts Petition

Associated Docket Entries: 02/16/2010 - Motion to Dismiss
 lp Motion to Dismiss Plts Petition

Associated Docket Entries: 02/22/2010 - Motion for Extension of Time
 To File Response to Plt's First Amended Petition

Associated Docket Entries: 02/22/2010 - Motion Filed
 lp Motion to Require Chapel Ridge Multifamily LLC to Make a More Definite Answer under rule 55.27(d) and to Adequately Re-Plead Affirmative Defenses 2 thru 7 or Forfeit Them

Associated Docket Entries: 02/22/2010 - Motion for Extension of Time
 Motion for Extension of Time to File Response to Plts First Amended Petition

Associated Docket Entries: 02/25/2010 - Motion to Dismiss
 lp Motion to Dismiss Plts Amended Petition and Incorporated Memorandum in Support

Associated Docket Entries: 03/01/2010 - Motion to Dismiss
 lp Motion to Dismiss Amended Petition

Associated Docket Entries: 03/04/2010 - Motion for Extension of Time
 lp Motion for Extension of Time in Which to Respond to GE Dfts and Jeffrey Immelts Motion to Dismiss

Associated Docket Entries: 03/04/2010 - Motion for Extension of Time

Exhibit 2

lp Motion for Extension of Time in Which to Respond to Regus Dfts Motion to Dismiss

Associated Docket Entries: 03/05/2010 - Motion to Dismiss

LP Mot to dismiss Plt's petition and memorandum in support

Associated Docket Entries: 03/08/2010 - Motion to Strike

lp Motion To Strike Dfts Motion to Dismiss

Associated Docket Entries: 04/02/2010 - Motion Filed

LP Mot to withdraw notice of hearing

Associated Docket Entries: 04/23/2010 - Mot for Interlocutory Judmt

Associated Docket Entries: 04/26/2010 - Motion for Leave

lp Motion for Leave to File a Sur-reply Suggesions in Opposition and Sur-Reply
Suggestions in Opposition to GE's, GE Capital, GE Transportation, and Jeffrey R. Immelt's
Reply Suggestions in Support of Dismissal for Failure to State a Claim

Associated Docket Entries: 04/27/2010 - Motion for Leave

Motion for Leave to File a Sur-Reply Suggestions in Opposition and Sur-Reply Suggestion
in Opposition to Dfts Reply Suggestion in Support of Dismissal for Failure to State A Claim

Associated Docket Entries: 05/17/2010 - Motion to Dismiss

Plts amended petition

Associated Docket Entries: 05/19/2010 - Motion Filed

Mot for order directing Plt to identify party and to quash service

Associated Docket Entries: 05/20/2010 - Motion to Strike

Mot to strike defaulting Dft Tony Miller's Mot to dismiss

Displaying 1 thru 101 of 101 records for all dockets returned for case 0916-CV38273.

IN THE STATE OF MISSOURI
JACKSON COUNTY SIXTEENTH CIRCUIT COURT
AT INDEPENDENCE

SAMUEL K. LIPARI,

Plaintiff,

v.

CHAPEL RIDGE MULTIFAMILY LLC, *et al.*,

Defendants.

Case No. 0916-CV38273
Division 15

FILED-CIRCUIT COURT
JACKSON CO., MO-1
2010 MAY 28 PM 3:57

**PLAINTIFF'S APPLICATION FOR CHANGE OF VENUE
FROM INHABITANTS FOR CAUSE UNDER MISSOURI CIVIL PROCEDURE RULE 51.04**

COMES NOW Plaintiff Samuel K. Lipari appearing *pro se* and makes the following Application For Change of Venue From Inhabitants for Cause under Missouri Civil Procedure Rule 51.04 to remove the present action from the 16th Circuit and the Western District of Missouri Appellate District for cause. The plaintiff respectfully requests the court grant the Motion for change of venue for the following reasons:

INTRODUCTION

The inhabitants of Jackson County, Missouri and the Western District of Missouri have repeatedly demonstrated a strong prejudice against the plaintiff in their exercise of ministerial duties as non judge employees of the 16th Circuit Court and Western District of Missouri Appellate District Court and as public officials with governmental units within Jackson County that are not parties and without a legal interest in this present action. The inhabitants have therefore demonstrated an insurmountable prejudice in the deviation of rules, the lack of observance or enforcement of Missouri Supreme Rules including attorney ethics and in the violation of even Missouri criminal statutes which has not discontinued even with repeated notices to those same officials within Jackson County governmental offices who represent the inhabitants of Jackson County in the implementation of policy and conduct against the plaintiff, threatening injury to his procedural and substantive Due Process rights guaranteed under the Constitution of the State of Missouri. Whereas for the following reasons the plaintiff respectfully requests that this court automatically grant his request for a change of Venue From Inhabitants for Cause under Missouri Civil Procedure Rule 51.04.

IN THE MISSOURI COURT OF APPEALS

WESTERN DISTRICT

SAMUEL K. LIPARI,

Appellant,

v.

CHAPEL RIDGE MULTIFAMILY LLC, ET AL.,

Respondents.

WD _____

ORDER FILED:

June __, 2010

Appeal from the Circuit Court of Jackson County, Missouri
The Honorable , Judge John M. Torrence

Before Thomas H. Newton, and the Western District Court

ORDER

NOW ON THIS DAY the Court finds that the judgment from which this appeal is taken does not dispose of all claims and does not dispose of all parties and, therefore, is not final and appealable. Under **HABAHEH V. BERUTI, 100 S.W.3d 851 (Mo. App., 2003)**, the presence of the unserved defendants CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and WELLS FARGO & COMPANY would render the appeal premature and deprive this court of further appellate jurisdiction to review the dismissal of claims against parties by the trial court. However, this court need not consider this dilemma because the trial court lost jurisdiction to make

findings of fact and law regarding claims against the defendants once the plaintiff's Motion for Change of Venue was filed.

The plaintiff's timely motion for change of venue was automatic under **STATE LEBANON SCHOOL DISTRICT III v. WINFREY STATE ex rel. LEBANON SCHOOL DISTRICT R-III, v. The Honorable Larry WINFREY, Case No. SC 86873.(January 31, 2006).**

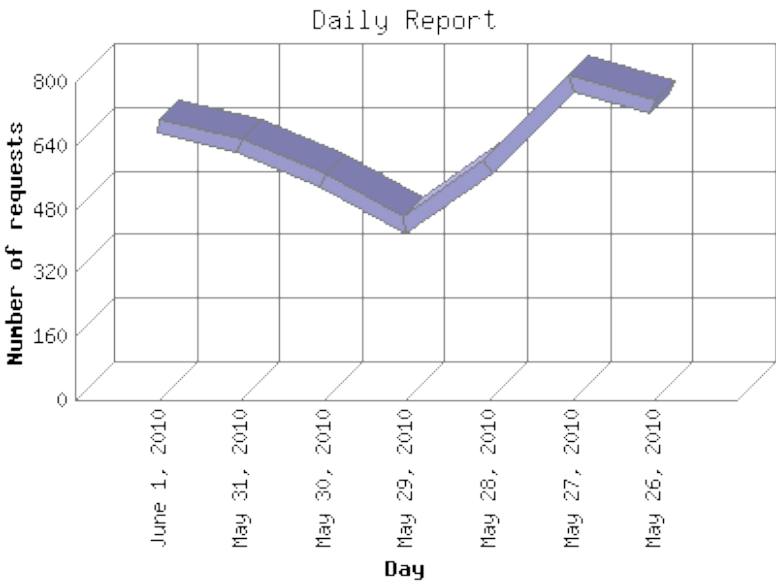
IT IS THEREFORE ORDERED that the trial court's judgments are reversed. All costs are taxed to the appellees.

THOMAS H. NEWTON
CHIEF JUDGE

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Daily Report

The Daily Report identifies the activity for each day within the reporting period. Remember that one page hit can result in several server requests as the images for each page are loaded.



Day		Number of requests	Number of page requests
1.	May 26, 2010	737	103
2.	May 27, 2010	793	114
3.	May 28, 2010	586	47
4.	May 29, 2010	441	84
5.	May 30, 2010	549	74
6.	May 31, 2010	640	92
7.	June 1, 2010	686	98

Most active day May 27, 2010 : 114 pages sent. **793 requests handled.**

Daily average: 87 pages sent. **633 requests handled.**

This report was generated on June 2, 2010 05:05.
Report time frame May 26, 2010 00:03 to June 1, 2010 23:59.

Web statistics report produced by: [analog 6.0](#) / [Report Magic 2.21](#)

Web Site Report For medicalsupplychain.com

General Summary

The General Summary provides a quick overview of the general statistics for the entire web site during the report time frame.

General Summary		
1.	Host name	medicalsupplychain.com
2.	Host URL	http://www.medicalsupplychain.com
3.	Program start time	Jun 2, 2010 05:05
4.	Time of first request	May 26, 2010 00:03
5.	Time of last request	Jun 1, 2010 23:59
6.	Time last 7 days lasts until	Jun 2, 2010 05:05
7.	Successful server requests	4,432 Requests
8.	Successful requests in last 7 days	4,314 Requests
9.	Successful requests for pages	612 Requests for pages
10.	Successful requests for pages in last 7 days	583 Requests for pages
11.	Failed requests	1,003 Requests
12.	Failed requests in last 7 days	948 Requests
13.	Distinct files requested	1,290 Files
14.	Distinct files requested in last 7 days	1,264 Files
15.	Distinct hosts served	638 Hosts
16.	Distinct hosts served in last 7 days	625 Hosts
17.	Unwanted lines in the logfile	30 Lines
18.	Total data transferred	1.231 GB
19.	Total data transferred in last 7 days	1.183 GB

This report was generated on June 2, 2010 05:05.
Report time frame May 26, 2010 00:03 to June 1, 2010 23:59.

Web statistics report produced by: [analog 6.0](#) / [Report Magic 2.21](#)

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

SAMUEL K. LIPARI,
Plaintiff,

vs.

CHAPEL RIDGE MULTIFAMILY, LLC
ET AL.,
Defendants.


CASE NO: 0916-CV38273
Division 14

ORDER and JUDGMENT

IT IS HEREBY ORDERED, AJUDGED and DECREED that Plaintiff's Amended Petition is DISMISSED IN ITS ENTIRETY and all claims asserted therein shall be DISMISSED WITH PREJUDICE. The Court finds, pursuant to Rule 55.27(a) of the Missouri Rules of Civil Procedure, that Plaintiff's Amended Petition fails to state a claim upon which relief can be granted against any of the named Defendants. Costs shall be assessed against Plaintiff.

IT IS THE JUDGMENT OF THE COURT.

May 28, 2010


JOHN M. TORRENCE, JUDGE

Copies to: Samuel K. Lipari
803 S. Lake Dr.
Independence, MO 64053

Spencer Brown, 816-421-7880
James Morrow, 816-382-1383
Phillip Anderson, 913-663-7899
John K. Power, 816-983-8080
Danne Webb, 816-421-0899

FILED
DEPT. OF CIVIL RECORDS
COURT-ADMINISTRATOR'S OFFICE

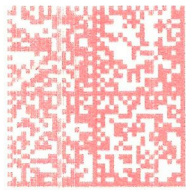
MAY 28 2010

CIRCUIT COURT OF JACKSON CO. MO

BY Williams

John M. Torrence
CIRCUIT JUDGE
DIVISION FOURTEEN
308 W. KANSAS
INDEPENDENCE, MO 64050

PRESORTED
FIRST CLASS

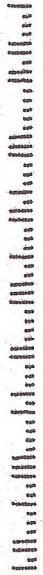


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Samuel K. Lipari
803 S. Lake Dr.
Independence, MO 64053

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The previous 18 exhibits illustrate Greylord racketeering schemes executed on the court; for the court and by the court.

During the past ten years, Greylord schemes have continued throughout all the following cases. You will find complaints with no investigations and rulings far from United States or Missouri Supreme Court controlling law.

The actual Federal and State claims are: Contract against US Bank & General Electric, Antitrust against Novation & General Electric and now Racketeering against Novation & General Electric for the continued enrolment of latecomer co-conspirators Wells Fargo.

There has never been a formal review of these cases in 10 years and never has a reviewing court judge signed his or her name to any reviewed order. Every order challenged was also upheld contrary to the facts, and controlling law of the circuit.

#1 Contract Injunction in Kansas Federal

MSC v US Bank 02-2539

MSC v US Bancorp Appeal 02-3443.htm

MSC v US Bancorp Appeal 03-3342.htm

#2 Contract Injunction in Kansas Federal

MSC v GE 03-2324.htm

MSC v GE Appeal 04-3075 & 04-3102.htm

#3 Federal Antitrust Filed in Missouri sent to Kansas Federal

MSC v Novation 05-0210.htm

MSC v Novation Appeal 06-3331.htm

#3 Federal Antitrust from Missouri case #05-0210 Now Kansas Federal

MSC v Novation 05-2299.htm

MSC v Novation Appeal 08-3187.htm

#4 Missouri State Contract

Lipari v GE 0616-07421.htm

Lipari v GE 06-0573.htm

Lipari v GE 07-0849.htm

Lipari v GE Appeal 08-3115.htm

#5 Missouri State Contract Sent To Kansas Federal

Lipari v US Bancorp 0616-32307.htm

Lipari v US Bancorp 06-01012.htm

Lipari v US Bancorp Appeal 08-3087.htm

Lipari v US Bancorp Appeal 08-3984.htm

Lipari v US Bancorp Appeal 09-3203.htm

#6 Missouri State Contract 0616-32307 Now Kansas Federal

Lipari v US Bancorp 07-02146.htm

Lipari v US Bancorp Appeal 08-3287.htm

Lipari v US Bancorp Appeal 08-3428.htm

Lipari v US Bancorp Appeal 08-3338.htm

Lipari v US Bancorp Appeal 08-3345.htm

#7 Missouri State Antitrust

Lipari v Novation 0816-04217.htm

Lipari v Novation Appeal WD-70001.htm

Lipari v Novation Appeal WD-70534.htm

Lipari v Novation Appeal SC-89644.htm

Lipari v Novation Appeal WD-70832.htm

Lipari v Novation Appeal SC-90861.htm

#8 RICO Retaliation

Lipari v GE, Well's Fargo, Chapel Ridge 0916-38273.htm

Lipari v Chapel Ridge WD-72559.htm

Phone: (____) _____

3. List documents that help support your information that the judge or court commissioner has engaged in misconduct or has a disability, noting which ones you have attached:

Please see attachments:

4. Identify, if you can, any other witnesses to the conduct of the judge or court commissioner:

Name(s): The entire 9:00 am docket call

Addresses: _____

Phone: (____) _____ (____) _____

5. Specify below the details of what the judge or court commissioner did that you think constitutes misconduct or indicates disability. [PLEASE TYPE OR PRINT LEGIBLY; ATTACH ADDITIONAL PAPER IF NECESSARY].

0916-CV29828 - WACHOVIA DEALER SERVICES INC v. SAMUEL K LIPARI

~~1. An underlying case 0916-CV29828 - WACHOVIA DEALER SERVICES INC v. SAMUEL K LIPARI that is a subject of this~~
action had a hearing on May 26th, 2010 where the 16th Circuit Judge the Hon. Robert L. Trout was 20 minutes late, appearing
to have been receiving ex parte instructions from other persons before taking up the matter involving the plaintiff, WELLS
FARGO, WACHOVIA DEALER SERVICES INC, TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L.
ACKERMAN, and TONY R. MILLER, in the present action.

~~2. The Hon. Judge Robert L. Trout appeared to participate in a pre-planned exercise with his clerk and the Missouri licensed~~
attorney TONY R. MILLER that had TONY R. MILLER reaching into the court file and removing the plaintiff's exhibits in the
plaintiff's answer to the petition of WACHOVIA DEALER SERVICES INC. brought by TROPPITO & MILLER LLC.

~~3. The plaintiff's exhibits in the plaintiff's answer were evidence of fraudulent statements to the court made by the Missouri~~
licensed attorneys TONY R. MILLER, CHRIS M. TROPPITO, and NICHOLAS L. ACKERMAN to procure the business
property of the plaintiff through fraud in violation of statutory notice requirements.

~~4. The hearing on May 26th was scheduled on March 24, 2010 when the 16th Circuit Judge the Hon. Robert L. Trout~~
repeatedly tried without success to have the plaintiff voluntarily withdraw his answer to the petition of WACHOVIA DEALER
SERVICES INC. detailing the frauds and statutory violations of TROPPITO & MILLER LLC, CHRIS M. TROPPITO,
NICHOLAS L. ACKERMAN, and TONY R. MILLER in their petition and representations to the court on behalf of
WACHOVIA DEALER SERVICES INC.

~~5. The initial hearing took place before the Hon. Judge Robert L. Trout on Dec. 16, 2009 when a similar 20 minute delayed~~
appearance of Hon. Judge Robert L. Trout gave the appearance Hon. Judge Robert L. Trout had been surprised and confused
by ex parte instructions from other persons before taking up the matter involving the plaintiff, WELLS FARGO, WACHOVIA
DEALER SERVICES INC, TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY
R. MILLER.

~~6. During the Dec. 16, 2009 hearing, Hon. Judge Robert L. Trout appeared unfamiliar with the plaintiff's filed answer and had~~
the plaintiff explain the exhibits showing the fraud on the court of TROPPITO & MILLER LLC, CHRIS M. TROPPITO,
NICHOLAS L. ACKERMAN, and TONY R. MILLER in their attempt to procure a judgment through fraud to convert the
plaintiff's business property in violation of statutory notice requirements.

~~7. The frauds on the 16th Circuit Court by TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L.~~
ACKERMAN, and TONY R. MILLER as agents on behalf WELLS FARGO and WACHOVIA DEALER SERVICES INC are
detailed in the plaintiff's petition in the present action and in the plaintiff's amended petition.

~~8. The plaintiff believes he is under a present and likely threat to his rights to Procedural and Substantive Due Process resulting~~
from persons exercising ex parte influence over 16th Circuit Court personnel for the purpose of corruptly obtaining an
outcome in underlying case 0916-CV29828 - WACHOVIA DEALER SERVICES INC v SAMUEL K LIPARI for the purpose of
obstructing justice in the present action.

~~9. The present petition and amended petition alleges with supporting averments of fact that the Western District of Missouri~~
Office of the U.S. Department of Justice through Assistant US Attorneys and members of the Federal Bureau of Investigation
put the latecomer RICO conspiracy defendants up to the charged RICO predicate acts against the plaintiff as part of an under
Color of Official Right extortion scheme to prevent the plaintiff from competing in the state and national markets for hospital
supplies.

PURSUANT TO SUPREME COURT 12, THE IDENTITY OF INFORMANTS IS KEPT CONFIDENTIAL.
YOU MAY CHOOSE TO WAIVE THIS CONFIDENTIALITY.

_____ I choose to waive the confidentiality of Supreme Court Rule 12 and request that a copy of my complaint be sent to the judge or court commissioner.

 X I do not waive the confidentiality provided by Supreme Court Rule 12 and request that the Commission not disclose my identity to the judge or court commissioner.

Signature: S/Samuel K. Lipari Date: June 18, 2010



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16th Judicial Circuit (Jackson County)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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0916-CV29828 - WACHOVIA DEALER SERVICES INC V SAMUEL K LIPARI

This information is provided as a service and is not considered an official court record.

Displaying 1 thru 25 of 25 records for all dockets returned for case 0916-CV29828.

- 09/28/2009** **Docket Entry:** Motion Special Process Server
 Filing Party: ACKERMAN , NICHOLAS L
Docket Entry: Pet Filed in Circuit Ct
Docket Entry: Judge Assigned
- 09/30/2009** **Docket Entry:** Order - Special Process Server
 Filing Party: ACKERMAN , NICHOLAS L
- 10/16/2009** **Docket Entry:** Hearing Scheduled
 Associated Events: 12/16/2009 , 09:00:00 - Hearing
 Docket Entry: Summons Issued-Associate
 Text: Document ID: 09-SMCC-11307, for LIPARI, SAMUEL K.
Docket Entry: Affidavit Filed
- 11/17/2009** **Docket Entry:** Member of Family Served
 Text: Document ID - 09-SMCC-11307; Served To - LIPARI, SAMUEL K; Server - ; Served Date - 06-NOV-09; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served; Service Text - SERVED: JIM LIPARI
- 12/15/2009** **Docket Entry:** Answer Filed
 Filing Party: LIPARI , SAMUEL K
- 12/16/2009** **Docket Entry:** Hearing Scheduled
 Associated Events: 01/27/2010 , 09:00:00 - Hearing
- 01/27/2010** **Docket Entry:** Hearing Scheduled
 Associated Events: 03/24/2010 , 09:00:00 - Hearing
- 03/24/2010** **Docket Entry:** Hearing Scheduled
 Associated Events: 05/26/2010 , 09:00:00 - Hearing
- 05/26/2010** **Docket Entry:** Motion to File Amended Pet
 Filing Party: WACHOVIA DEALER SERVICES INC
Associated Docket Entries: 06/15/2010 - Motion Granted/Sustained

to file amended petition

Associated Docket Entries: 06/15/2010 - Ord Allowing Amended Petition

On 5-26-2010, the Court calls this cause for hearing. Plaintiff files Motion For Leave to File Amended Petition. The Court grants said Motion in open court. It is therefore ordered and adjudged that the Plaintiff's Motion for Leave to File Amended Petition is sustained and Plaintiff's Amended Petition on Contract / Deficiency is deemed filed as of 5-26-2010.

Docket Entry: Amended Motion/Petition Filed

Filing Party: WACHOVIA DEALER SERVICES INC

Docket Entry: Hearing Scheduled

Associated Docket Entries: 05/26/2010 - Hearing Continued/Rescheduled

Associated Events: 08/25/2010 , 09:00:00 - Hearing

Docket Entry: Hearing Continued/Rescheduled

Associated Docket Entries: 05/26/2010 - Hearing Scheduled

Associated Events: 08/25/2010 , 09:00:00 - Hearing

05/28/2010 Docket Entry: Motion Filed

Text: MOTION FOR INTERPLEADER

Filing Party: WACHOVIA DEALER SERVICES INC

Associated Docket Entries: 06/15/2010 - Motion Denied
for Interpleader for Change of Venue

Associated Docket Entries: 06/15/2010 - Order
The Court hereby denies said Motion and Application.

06/07/2010 Docket Entry: Reply

Text: and objection to Def's motion for interpleader

Filing Party: WACHOVIA DEALER SERVICES INC

06/10/2010 Docket Entry: Motion for Change of Venue

Filing Party: LIPARI , SAMUEL K

Associated Docket Entries: 06/15/2010 - Motion Denied
for Interpleader for Change of Venue

Associated Docket Entries: 06/15/2010 - Order
The Court hereby denies said Motion and Application.

Docket Entry: Suggestions in Opposition

Text: to amendment and answer to plaintiff's proposed amended petition and notice

Filing Party: LIPARI , SAMUEL K

06/15/2010 Docket Entry: Certificate of Service

Text: of discovery documents

Filing Party: WACHOVIA DEALER SERVICES INC

Docket Entry: Motion Granted/Sustained

Text: to file amended petition

Associated Docket Entries: 05/26/2010 - Motion to File Amended Pet

Docket Entry: Ord Allowing Amended Petition

Text: On 5-26-2010, the Court calls this cause for hearing. Plaintiff files Motion For Leave to File Amended Petition. The Court grants said Motion in open court. It is therefore ordered and adjudged that the Plaintiff's Motion for Leave to File Amended Petition is sustained and

Plaintiff's Amended Petition on Contract / Deficiency is deemed filed as of 5-26-2010.

Associated Docket Entries: 05/26/2010 - Motion to File Amended Pet

Docket Entry: Motion Denied

Text: for Interpleader for Change of Venue

Associated Docket Entries: 05/28/2010 - Motion Filed

MOTION FOR INTERPLEADER

Associated Docket Entries: 06/10/2010 - Motion for Change of Venue

Docket Entry: Order

Text: The Court hereby denies said Motion and Application.

Associated Docket Entries: 05/28/2010 - Motion Filed

MOTION FOR INTERPLEADER

Associated Docket Entries: 06/10/2010 - Motion for Change of Venue

Displaying 1 thru 25 of 25 records for all dockets returned for case 0916-CV29828.

IN THE STATE OF MISSOURI
JACKSON COUNTY SIXTEENTH CIRCUIT COURT
AT INDEPENDENCE

WACHOVIA DEALER SERVICES, INC.)
 Plaintiff,)
)
v.)
)
SAMUEL K. LIPARI,)
)
 Defendant,)

Case No. 0916-CV29828

and

SAMUEL K. LIPARI,)
)
 Plaintiff,)
)
v.)
)
CHAPEL RIDGE MULTIFAMILY LLC, *et al.*,)
)
 Defendants.)

Case No. 0916-CV38273

**PLAINTIFF'S MOTION
FOR INTERPLEADER UNDER MISSOURI CIVIL PROCEDURE RULE 52.07**

COMES NOW plaintiff/defendant Samuel K. Lipari appearing *pro se* and makes the following motion for Interpleader under Missouri Rule 52.07.

I. STATEMENT OF FACTS

1. In the concurrent case 0916-CV29828 - *WACHOVIA DEALER SERVICES INC v SAMUEL K LIPARI* that is a subject of the plaintiff's RICO action had a hearing on May 26th, 2010 where the 16th Circuit Judge the Hon. Robert L. Trout was 20 minutes late, appearing to have been receiving ex parte instructions from other persons before taking up the matter involving the plaintiff, WELLS FARGO, WACHOVIA DEALER SERVICES INC, TROPBITO & MILLER LLC, CHRIS M. TROPBITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER, in the plaintiff's RICO action Case No. 0916-CV38273.
2. The Hon. Judge Robert L. Trout appeared to participate in a pre-planned exercise with his clerk and the Missouri licensed attorney TONY R. MILLER that had TONY R. MILLER reaching into the court file and removing the plaintiff's exhibits in the plaintiff's answer to the petition of WACHOVIA DEALER

FILED-CIRCUIT COURT
JACKSON CO., MO-1
2010 MAY 28 PM 3:57

**IN THE STATE OF MISSOURI
JACKSON COUNTY SIXTEENTH CIRCUIT COURT
AT INDEPENDENCE**

WACHOVIA DEALER SERVICES, INC.)	
Plaintiff,)	
)	
)	
v.	)	Case No. 0916-CV29828
)	
SAMUEL K. LIPARI,)	
)	
Defendant,)	

and

SAMUEL K. LIPARI,)	
)	
Plaintiff,)	
)	
v.	)	Case No. 0916-CV38273
)	
CHAPEL RIDGE MULTIFAMILY LLC, <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFF'S MOTION
FOR INTERPLEADER UNDER MISSOURI CIVIL PROCEDURE RULE 52.07**

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I. STATEMENT OF FACTS

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2. The Hon. Judge Robert L. Trout appeared to participate in a pre-planned exercise with his clerk and the Missouri licensed attorney TONY R. MILLER that had TONY R. MILLER reaching into the court file and removing the plaintiff's exhibits in the plaintiff's answer to the petition of WACHOVIA DEALER

SERVICES INC. brought by TROPPITO & MILLER LLC.

3. The plaintiff's exhibits in the plaintiff's answer were evidence of fraudulent statements to the court made by the Missouri licensed attorneys TONY R. MILLER, CHRIS M. TROPPITO, and NICHOLAS L. ACKERMAN to procure the business property of the plaintiff through fraud in violation of statutory notice requirements.

4. The hearing on May 26th was scheduled on March 24, 2010 when the 16th Circuit Judge the Hon. Robert L. Trout repeatedly tried without success to have the plaintiff voluntarily withdraw his answer to the petition of WACHOVIA DEALER SERVICES INC. detailing the frauds and statutory violations of TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER in their petition and representations to the court on behalf of WACHOVIA DEALER SERVICES INC.

5. The initial hearing took place before the Hon. Judge Robert L. Trout on Dec. 16, 2009 when a similar 20 minute delayed appearance of Hon. Judge Robert L. Trout gave the appearance Hon. Judge Robert L. Trout had been surprised and confused by ex parte instructions from other persons before taking up the matter involving the plaintiff, WELLS FARGO, WACHOVIA DEALER SERVICES INC, TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER.

6. During the Dec. 16, 2009 hearing, Hon. Judge Robert L. Trout appeared unfamiliar with the plaintiff's filed answer and had the plaintiff explain the exhibits showing the fraud on the court of TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER in their attempt to procure a judgment through fraud to convert the plaintiff's business property in violation of statutory notice requirements.

7. The frauds on the 16th Circuit Court by TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER as agents on behalf WELLS FARGO and WACHOVIA DEALER SERVICES INC are detailed at in the plaintiff's petition in the plaintiff's RICO action and at in the plaintiff's amended petition.

8. Hon. Judge Robert L. Trout scheduled a **fifth hearing** and **another approximately 90 day delay** in 0916-CV29828 - *WACHOVIA DEALER SERVICES INC v SAMUEL K LIPARI* on March 24, 2010, a hearing which itself was delayed approximately 60 days because of CHRIS M. TROPPITO of TROPPITO

& MILLER LLC misrepresentations to Hon. Judge Robert L. Trout that the plaintiff's RICO action was baseless and would be dismissed.

9. The court in 0916-CV29828 - *WACHOVIA DEALER SERVICES INC v SAMUEL K LIPARI* now states it has no shelf space for exhibits documenting frauds of attorneys practicing before it.

10. CHRIS M. TROPITO of TROPITO & MILLER LLC has appeared in person several times representing WACHOVIA DEALER SERVICES INC in the 16th Circuit Court while evading service of process by 16th Circuit Court at his last registered address as a Missouri licensed attorney.

11. The court in 0916-CV29828 - *WACHOVIA DEALER SERVICES INC v SAMUEL K LIPARI* appeared to have granted a motion for leave to amend WACHOVIA DEALER SERVICES INC petition and causes of action in their entirety without requiring the plaintiff WACHOVIA DEALER SERVICES INC and its attorney TONY R. MILLER of TROPITO & MILLER LLC to file the motion for leave to amend with the court or serve it on the plaintiff/defendant SAMUEL K. LIPARI and allow him the days provided under the Missouri Rules of Civil Procedure to respond in opposition to the WACHOVIA DEALER SERVICES INC motion for leave to amend.

12. The Missouri Case Net appearance docket on May 27th, 2010 however contained the notation that the hearing had been rescheduled and gave the appearance that the May 26th, 2010 hearing had not resulted in any order by on any motion of WACHOVIA DEALER SERVICES INC.

13. The plaintiff believes he is under a present and likely threat to his rights to Procedural and Substantive Due Process resulting from persons exercising ex parte influence over 16th Circuit Court personnel in order to corruptly obtain an outcome in the case 0916-CV29828 - *WACHOVIA DEALER SERVICES INC v SAMUEL K LIPARI* for the purpose of obstructing justice in the plaintiff's RICO action Case No. 0916-CV38273.

14. The plaintiff believes he is under a present and likely threat of damages, attorneys' fees and sanctions (a favored tactic of Novation LLC cartel members attorneys to cause a plaintiff to be sanctioned for being correct at law in order to demonstrate their corrupt control over a court) that will be inappropriately duplicated if both actions proceed separately.

15. WELLS FARGO, WACHOVIA DEALER SERVICES INC, TROPITO & MILLER LLC, CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER completed their RICO predicate acts

and cemented their liability as Novation LLC cartel RICO co-conspirators for the purposes of the plaintiff's RICO action Case No. 0916-CV38273 when CHRIS M. TROPITO of TROPITO & MILLER LLC obtained the plaintiff's Audi business car (tangible business property giving standing for a RICO claim) at the hearing on Dec. 16, 2009 through the mail and wire frauds of WELLS FARGO, WACHOVIA DEALER SERVICES INC, TROPITO & MILLER LLC, CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER.

16. No outcome in 0916-CV29828 - *WACHOVIA DEALER SERVICES INC v SAMUEL K LIPARI* has the potential to alter WELLS FARGO, WACHOVIA DEALER SERVICES INC, TROPITO & MILLER LLC, CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER's liability in the plaintiff's RICO action Case No. 0916-CV38273 under the plaintiff/defendant SAMUEL K LIPARI's Amended Petition.

II. SUGGESTION IN SUPPORT

The plaintiff/defendant SAMUEL K LIPARI wishes to join the above captioned actions to facilitate adjudication of the matters on the merits. Discovery will be needlessly duplicative and burdensome to all parties if joinder is not permitted. Interpleading appears to be appropriate to accomplish this goal. All claims arose in Jackson County, Missouri so venue questions that have become an issue in similar motions seeking permissive joinder under Rule 52.05(a) should be satisfied.

Missouri Rule 52.07 Interpleader states:

“Persons having claims against the plaintiff may be joined as defendants and required to interplead when their claims are such that the plaintiff is or may be exposed to double or multiple liability. It is not ground for objection to the joinder that the claims of the several claimants or the titles on which their claims depend do not have a common origin or are not identical but are adverse to and independent of one another, or that the plaintiff avers no liability in whole or in part to any or all of the claimants. A defendant exposed to similar liability may obtain such interpleader by way of cross-claim or counterclaim. The provisions of this Rule 52.07 supplement and do not in any way limit the joinder of parties permitted in Rule 52.05.”

Rule 52.05(a) permits permissive joinder of defendants in separate cases “aris [ing] out of the same transaction, occurrences or series of transactions or occurrences and if any question of law or fact common to all of them will arise in the action.” (emphasis added).

This rule permits permissive joinder of defendants in separate cases arising out of a series of transactions or occurrences if any question of law or fact common to them will arise in the action. This Court's holding in *State ex rel. Jinkerson v. Koehr*, 826 S.W.2d 346 (Mo. banc 1992), is distinguished. There, the accidents occurred in different counties and neither defendant lived where the plaintiff brought suit, so venue there was not proper as to both defendants. As such, permissive joinder was barred, but only as it pertained to venue. Here, however, venue is not an issue, as the accidents occurred in the same county, making venue proper as to both defendants. *Jinkerson* should not be read as overruling the allowance of permissive joinder in *Hager v. McGlynn*, 518 S.W.2d 173 (Mo. App. 1974). Additionally, *Sims v. Sanders*, 886 S.W.2d 718 (Mo. App. 1994), is incorrect to the extent it recognizes only a "transaction or occurrence" but not the "series of transactions or occurrences" that Rule 52.05(a) includes. The two discrete accidents involved in Nixon's claim constitute a "series of occurrences" as described in the rule. They were in temporal succession, and they are related by the common factual question as to the origin of Nixon's injuries. This is consistent with federal courts' interpretation of the same permissive joinder language in the federal rules of civil procedure. Although the permissive joinder rule does not always require defendants to be tried together, doing so here prevents multiple, duplicative trials and increases the jury's ability to apportion liability and damages accurately.

CONCLUSION

Whereas for the above reasons, plaintiff/defendant SAMUEL K LIPARI respectfully requests the court join the above captioned actions to facilitate adjudication of the matters on the merits.

Respectfully submitted,

S/ Samuel K. Lipari

SAMUEL K. LIPARI
PLAINTIFF *PRO SE*.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 28th day of May 2010 by hand delivery, by first class mail postage prepaid, or by email to:

IN THE STATE OF MISSOURI
JACKSON COUNTY ASSOCIATE CIRCUIT AT INDEPENDENCE

WACHOVIA DEALER SERVICES, INC.
Plaintiff,

v.

SAMUEL K. LIPARI,
Defendant,

Case No. 0916-CV29828

**DEFENDANT'S APPLICATION FOR CHANGE OF VENUE FROM INHABITANTS FOR
CAUSE UNDER MISSOURI CIVIL PROCEDURE RULE 51.**

Comes now the plaintiff Samuel K. Lipari appearing *pro se* and makes the following Application For Change of Venue From Inhabitants for Cause under Missouri Civil Procedure Rule 51.04 to remove the present action from the 16th Circuit and the Western District of Missouri Appellate District for cause. The defendant respectfully requests the court grant the Motion for change of venue for the following reasons documented in the attached application filed by the defendant in the concurrent 16th Circuit action , *Lipari v. Chapel Ridge Multifamily, et al.* Case No. 0916-CV38273. See **Attachment 1**, Application For Change Of Venue.

Respectfully submitted,

S/ Samuel K. Lipari

SAMUEL K. LIPARI
Plaintiff, *Pro Se*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 10th day of June 2010 by hand delivery, by first class mail postage prepaid, or by email to:

Marrow, Willnauer & Klosterman, LLC
James C. Morrow #32658
Abagil L. Pierpoint #59997
Executive Hills East, Bldg. A
10401 Holmes Suite 300
Kansas City, MO 64131; (816) 382-1382
jmorrow@mwklaw.com
apierpoint@mwklaw.com

FILED
JACKSON COUNTY MO-1
10 JUN 10 PM 4:15

**IN THE STATE OF MISSOURI
JACKSON COUNTY ASSOCIATE CIRCUIT AT INDEPENDENCE**

WACHOVIA DEALER SERVICES, INC.)	
Plaintiff,)	
)	
)	
v.	)	Case No. 0916-CV29828
)	
SAMUEL K. LIPARI,)	
)	
Defendant,)	

**DEFENDANT’S APPLICATION FOR CHANGE OF VENUE FROM INHABITANTS FOR
CAUSE UNDER MISSOURI CIVIL PROCEDURE RULE 51.**

Comes now the plaintiff Samuel K. Lipari appearing *pro se* and makes the following Application For Change of Venue From Inhabitants for Cause under Missouri Civil Procedure Rule 51.04 to remove the present action from the 16th Circuit and the Western District of Missouri Appellate District for cause. The defendant respectfully requests the court grant the Motion for change of venue for the following reasons documented in the attached application filed by the defendant in the concurrent 16th Circuit action , *Lipari v. Chapel Ridge Multifamily, et al.* Case No. 0916-CV38273. See **Attachment 1**, Application For Change Of Venue.

Respectfully submitted,

S/ Samuel K. Lipari

SAMUEL K. LIPARI
Plaintiff, *Pro Se*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 10th day of June 2010 by hand delivery, by first class mail postage prepaid, or by email to:

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Kansas City, MO 64131; (816) 382-1382
jmorrow@mwklaw.com
apierpoint@mwklaw.com

IN THE STATE OF MISSOURI
JACKSON COUNTY SIXTEENTH CIRCUIT COURT
AT INDEPENDENCE

SAMUEL K. LIPARI,)	
)	
Plaintiff,)	
)	
v.	)	Case No. 0916-CV38273
	)	Division 15
CHAPEL RIDGE MULTIFAMILY LLC, <i>et al.</i> ,)	
)	
Defendants.)	

FILED-CIRCUIT COURT
JACKSON CO., MO-1
2010 MAY 28 PM 3:57

**PLAINTIFF'S APPLICATION FOR CHANGE OF VENUE
FROM INHABITANTS FOR CAUSE UNDER MISSOURI CIVIL PROCEDURE RULE 51.04**

COMES NOW Plaintiff Samuel K. Lipari appearing *pro se* and makes the following Application For Change of Venue From Inhabitants for Cause under Missouri Civil Procedure Rule 51.04 to remove the present action from the 16th Circuit and the Western District of Missouri Appellate District for cause. The plaintiff respectfully requests the court grant the Motion for change of venue for the following reasons:

INTRODUCTION

The inhabitants of Jackson County, Missouri and the Western District of Missouri have repeatedly demonstrated a strong prejudice against the plaintiff in their exercise of ministerial duties as non judge employees of the 16th Circuit Court and Western District of Missouri Appellate District Court and as public officials with governmental units within Jackson County that are not parties and without a legal interest in this present action. The inhabitants have therefore demonstrated an insurmountable prejudice in the deviation of rules, the lack of observance or enforcement of Missouri Supreme Rules including attorney ethics and in the violation of even Missouri criminal statutes which has not discontinued even with repeated notices to those same officials within Jackson County governmental offices who represent the inhabitants of Jackson County in the implementation of policy and conduct against the plaintiff, threatening injury to his procedural and substantive Due Process rights guaranteed under the Constitution of the State of Missouri. Whereas for the following reasons the plaintiff respectfully requests that this court automatically grant his request for a change of Venue From Inhabitants for Cause under Missouri Civil Procedure Rule 51.04.

I. STATEMENT OF FACTS

The plaintiff gives notice of the following conduct in cases before the 16th Circuit and the Western District of Missouri Appellate District which gives evidence of the prejudice of the inhabitants of Jackson County, Missouri and provide a present danger that the plaintiff's Procedural and Substantive Due Process rights under the Missouri Constitution are at risk:

0916-CV29828 - *WACHOVIA DEALER SERVICES INC v. SAMUEL K LIPARI*

1. An underlying case 0916-CV29828 - *WACHOVIA DEALER SERVICES INC v. SAMUEL K LIPARI* that is a subject of this action had a hearing on May 26th, 2010 where the 16th Circuit Judge the Hon. Robert L. Trout was 20 minutes late, appearing to have been receiving ex parte instructions from other persons before taking up the matter involving the plaintiff, WELLS FARGO, WACHOVIA DEALER SERVICES INC, TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER, in the present action.

2. The Hon. Judge Robert L. Trout appeared to participate in a pre-planned exercise with his clerk and the Missouri licensed attorney TONY R. MILLER that had TONY R. MILLER reaching into the court file and removing the plaintiff's exhibits in the plaintiff's answer to the petition of WACHOVIA DEALER SERVICES INC. brought by TROPPITO & MILLER LLC.

3. The plaintiff's exhibits in the plaintiff's answer were evidence of fraudulent statements to the court made by the Missouri licensed attorneys TONY R. MILLER, CHRIS M. TROPPITO, and NICHOLAS L. ACKERMAN to procure the business property of the plaintiff through fraud in violation of statutory notice requirements.

4. The hearing on May 26th was scheduled on March 24, 2010 when the 16th Circuit Judge the Hon. Robert L. Trout repeatedly tried without success to have the plaintiff voluntarily withdraw his answer to the petition of WACHOVIA DEALER SERVICES INC. detailing the frauds and statutory violations of TROPPITO & MILLER LLC, CHRIS M. TROPPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER in their petition and representations to the court on behalf of WACHOVIA DEALER SERVICES INC.

5. The initial hearing took place before the Hon. Judge Robert L. Trout on Dec. 16, 2009 when a similar 20

minute delayed appearance of Hon. Judge Robert L. Trout gave the appearance Hon. Judge Robert L. Trout had been surprised and confused by ex parte instructions from other persons before taking up the matter involving the plaintiff, WELLS FARGO, WACHOVIA DEALER SERVICES INC, TROPITO & MILLER LLC, CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER.

6. During the Dec. 16, 2009 hearing, Hon. Judge Robert L. Trout appeared unfamiliar with the plaintiff's filed answer and had the plaintiff explain the exhibits showing the fraud on the court of TROPITO & MILLER LLC, CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER in their attempt to procure a judgment through fraud to convert the plaintiff's business property in violation of statutory notice requirements.

7. The frauds on the 16th Circuit Court by TROPITO & MILLER LLC, CHRIS M. TROPITO, NICHOLAS L. ACKERMAN, and TONY R. MILLER as agents on behalf WELLS FARGO and WACHOVIA DEALER SERVICES INC are detailed at in the plaintiff's petition in the present action and in the plaintiff's amended petition.

8. The plaintiff believes he is under a present and likely threat to his rights to Procedural and Substantive Due Process resulting from persons exercising ex parte influence over 16th Circuit Court personnel for the purpose of corruptly obtaining an outcome in underlying case 0916-CV29828 - *WACHOVIA DEALER SERVICES INC v SAMUEL K LIPARI* for the purpose of obstructing justice in the present action.

9. The present petition and amended petition alleges with supporting averments of fact that the Western District of Missouri Office of the U.S. Department of Justice through Assistant US Attorneys and members of the Federal Bureau of Investigation put the latecomer RICO conspiracy defendants up to the charged RICO predicate acts against the plaintiff as part of an under Color of Official Right extortion scheme to prevent the plaintiff from competing in the state and national markets for hospital supplies.

10. The plaintiff witnessed the same suspicious 20 minute delay with Western District US Bankruptcy Hon. Judge Jerry W. Venters in *In Re: Dustin R. Sherwood and Jennifer Sherwood, Debtors*, No. 07-50584-JWV11, whose staff was confused and embarrassed by the unplanned delay and then the entry of Hon. Judge Jerry W. Venters who appeared to have been receiving ex parte instructions from other persons before taking up the matter involving the plaintiff's witnesses Dustin and Jennifer Sherwood of Edgerton, Missouri.

11. The controversy over the unusual conduct of the Missouri creditor law firms and the court in the Dustin Sherwood Case which originated in the 7th Judicial Circuit of Clay County Missouri through the misconduct of Missouri attorneys Joel Pelofsky and Janice Stanton (the 7th Judicial Circuit is also in the Western District Court of Appeals). See

www.themilkweed.com/MW%20Aug-Sep%2008%20Sherwood%20Story.pdf

and www.themilkweed.com/Sherwood_Update_08_Dec.pdf

12. The hearing witnessed by the plaintiff appears to have cast the die for the plaintiff's racketeering conduct witness Dustin Sherwood to be renditioned to a secret pretrial imprisonment and for the plaintiff's racketeering conduct witness Jennifer Sherwood to be threatened with imprisonment during the life of her adolescent children by the Western District of Missouri Office of the U.S. Department of Justice to extort Dustin Sherwood's confession to a non-crime.

13. The current Western District of Missouri Office of the U.S. Department of Justice chief policy-making official US Attorney Beth Phillips is the wife of a 16th Circuit Missouri State Court judge.

0916-CV-22818 - *CHAPEL RIDGE MULTIFAMILY LLC v SAMUEL LIPARI*

14. The plaintiff's petition and amended petition in the present action detail how extrinsic fraud on the 16th Circuit Court by the defendants SWANSON MIDGLEY LLC, and Missouri licensed attorneys CHRISTOPHER BARHORST, and HOLLY L. FISHER on behalf of CHAPEL RIDGE MULTIFAMILY LLC resulted in 16th Circuit Court Judge Hon. Charles L. Stitt being deceived by a false affidavit and document created by the Missouri licensed attorneys CHRISTOPHER BARHORST. See Amended Petition pgs. 20-23.

15. The plaintiff's petition also details how 16th Circuit Court removed the plaintiff's notice of the fraud filed into the proceeding and how even when the notice was again file stamped and placed in the record, 16th Circuit Court Judge Hon. Charles L. Stitt willingly participated in CHRISTOPHER BARHORST, and HOLLY L. FISHER's crime on behalf of CHAPEL RIDGE MULTIFAMILY LLC (the 16th Circuit's own sample unlawful detainer form cautions a false affidavit to mislead a public official to obtain an eviction is a Class A Misdemeanor, see <http://www.16thcircuit.org/Forms/CVL/Landlord.pdf>) and subsequently granted a garnishment obtained through the fraud. See Amended Petition pgs. 21-22.

16. The plaintiff has no knowledge that any disciplinary proceedings have been initiated against 16th

Circuit Court Judge Hon. Charles L. Stitt and Hon. Judge Charles L. Stitt still appears to be a sitting judge on the 16th Circuit Court

17. The current favored way by members of the Kansas City Metropolitan Bar Association ("KCMBBA") for concealing public corruption in state courts is to remove evidentiary documents from the court record extra-judicially with the belief that the lack of a motion, pleading or oral request on the record can purge the legal file of incriminating evidence that would expose judicial misconduct in furtherance of the corruption in appellate review.

0616-CV-07421 SAMUEL K. LIPARI v. GENERAL ELECTRIC COMPANY, et al.

18. In an earlier styled proceeding in the current matter or controversy, the 16th Circuit Court appears to have taken action against now Senior Presiding Judge Hon. Stephen W. Nixon for following the controlling law and denying the present defendants GENERAL ELECTRIC COMPANY, GENERAL ELECTRIC CAPITAL BUSINESS ASSET FUNDING CORPORATION AND GE TRANSPORTATION SYSTEM'S GLOBAL SIGNALING, LLC'S Motion to Dismiss filed May 4, 2006.

19. After Senior Presiding Judge Hon. Stephen W. Nixon on 05/31/2006 ruled consistently with the federal Electronic Signatures in Global and National Commerce Act, widely known as "E- SIGN" 15 USC §7001, and denied the GENERAL ELECTRIC defendants' un-researched motion to dismiss on grounds conforming to how other Missouri courts have subsequently ruled on email created contracts, the 16th Circuit Court replaced Senior Presiding Judge Hon. Stephen W. Nixon with Hon. Judge Michael W. Manners.

0916-CV-38273 SAMUEL K. LIPARI v. CHAPEL RIDGE MULTIFAMILY LLC, et al.

20. In the present case 0916-CV38273, the plaintiff attended two hearings April 2nd and 4th 2010 which were on the official 16th Circuit Court appearance docket and appeared electronically online at Missouri Case Net but where the defendants did not attend and 16th Circuit Court judge presiding over the action, Hon. Judge Robert Schieber were absent.

21. One 16th Circuit Court hearing April 4th 2010 was actually a hearing rescheduled by Hon. Judge Robert Schieber himself.

22. During the last hearing that the plaintiff alone attended, the 16th Circuit Court clerk Mr. Elliott Nickell for Hon. Judge Robert Schieber answered the plaintiff's question about how the defendants all knew the hearing had been canceled but the plaintiff had not been given notice and neither the 16th Circuit Court docket had the hearings canceled or the online version of the appearance docket reflected any cancellations, the 16th Circuit Court clerk for Hon. Judge Robert Schieber conceded there had been ex parte communications.

23. When all parties attended the next scheduled hearing April 8th 2010 through their retained legal counsel (approximately 10 attorneys), the 16th Circuit Court Judge Hon. Robert Schieber stated he was required to recuse himself because of a conflict resulting from a Mandamus action brought by an attorney for one of the defendants.

24. The hearing was cancelled and the plaintiff went home to research the case referred to by the 16th Circuit Court Judge Hon. Robert Schieber and discovered any active case had been concluded over a year prior, giving the appearance that the reason given by the 16th Circuit Court Judge Hon. Robert Schieber was false.

25. From the filing of the present action, the 16th Circuit Court has avoided making any rulings over numerous motions and even requests for extensions brought by all parties in the action except conspicuously granting an extension for the GENERAL ELECTRIC COMPANY defendants on March 3, 2010.

26. The result of the 16th Circuit Court's inactivity has been to embolden the defendants' Novation LLC cartel with openly committing additional RICO predicate acts and crimes against the plaintiff, the plaintiff's family and associates to obstruct justice in the present action.

27. The plaintiff was forced to write letters to government offices in Jackson County to attempt to stop state entities like the Blue Springs School District and the City of Blue Springs from participating in the defendants' RICO conspiracy through for misconduct under Color of Official Right via threats of economic harm described in *U.S. v. Kelley*, 461 F.3d 817 at 826 (6th Cir. 2006) and through the Coercive Nature of Official Office described in *U.S. v. Antico*, 275 F.3d 245 at 256 (3rd Cir., 2001) to obstruct justice in the present action.

28. When the defendants' Novation LLC cartel continued to have the plaintiff's nephew and sister targeted

even though they are not involved in the plaintiff's Medical Supply Chain or Medical Supply Line businesses, the plaintiff was forced to write a letter to the 16th Circuit Court Judge Hon. Robert Schieber. See exhibit 1 attached April 1, 2010 letter.

29. The 16th Circuit Court has continued to fail to make rulings over numerous motions mounting in this action or set a case management conference, forcing the plaintiff to write letters seeking relief from extortion by governmental entities within Jackson County and their officials including the City of Blue Springs from continued predicate RICO acts and deprivations of constitutional rights against the plaintiff, his family and associates to obstruct justice in the present action. See exhibit 2 attached May 22, 2010 letter.

30. The 16th Circuit Court has continued to fail to make rulings over numerous motions mounting in this action or set a case management conference, forcing the plaintiff to write letters seeking relief from extortion by governmental entities within Jackson County and their officials including the City of Blue Springs from continued predicate RICO acts and deprivations of constitutional rights against the plaintiff, his family and associates to obstruct justice in the present action. See exhibit 2 attached May 25th, 2010 letters sent to City of Blue Springs councilmen.

31. The 16th Circuit Court Independence Annex Court Clerk's office has repeatedly delayed service of process on defendants in this action even though the plaintiff provided copies of the appropriate petitions and paid the service fees.

32. When weeks went by without process being issued or serve, the plaintiff visited and telephoned the 16th Circuit Court Independence Annex Court Clerk's office only to be repeatedly told that the case file was "in chambers" even when no judge was assigned to this action after 16th Circuit Court Judge Hon. Robert Schieber recused himself.

0816-CV-04217 SAMUEL K. LIPARI v. NOVATION LLC, et al.

32. The Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis fraudulently concealed the lack of jurisdiction of the Western District of Missouri trial court to unlawfully remove the petitioner's claims in the concurrent Missouri State Court Case *Lipari v General Electric et al.*, Case No. 0616-CV32307.

33. The Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis through Mark A. Olthoff (Mo. Lic. # 38572) omitted notice to Ms. Patricia L. Brune the Clerk for the U.S. District Court for the Western District of Missouri in Olthoff's Notice of Removal dated 12/13/2006 that the petitioner's claims were already under federal jurisdiction in the first filed in *MSC v. Neoforma, Inc. et al* Kansas District Court Case No. 05-CV-2299-CM whose trial judge Hon. Judge Carlos Murguia had dismissed without prejudice.

34. At the time of removal of *Lipari v General Electric et al.*, 16th Circuit Case No. 0616-CV32307 to the Western District of Missouri, the same claims in the same case or controversy Kansas District Court Case No. 05-CV-2299-CM were in an appeal in Tenth Circuit Case No. 06-3331 initiated on September 8, 2006 which had exclusive federal jurisdiction.

35. The petitioner in a letter notified the Clerk of the Court of her error resulting from Mark A. Olthoff's (Mo. Lic. # 38572) facial misrepresentation of the existence of federal jurisdiction but no action was taken by the Western District Court Clerk.

36. At the time of removal there was no federal diversity jurisdiction over the concurrent Missouri State Court *Lipari v General Electric et al.*, 16th Circuit Case No. 0616-CV32307 because the same case or controversy Kansas District Court case no. 05-CV-2299-CM which was on appeal as Tenth Circuit Case No. 06-3331 and (currently) again as Tenth Circuit Case No. 08-3187 both contained the defendant Shughart, Thompson & Kilroy (Polsinelli Shughart PC) domiciled in Missouri, the same state of residence as the petitioner.

37. The petitioner made a timely objection to removal and motion to remand raising the lack of federal diversity jurisdiction, the exclusive federal jurisdiction in *MSC v. Neoforma, Inc. et al*, Tenth Circuit Case No. 06-3331 and the violation of the federal "First to File Doctrine" against Kansas District Court Case No. 05-CV-2299-CM ; and Hon. Judge Fernando J. Gaitan, Jr.'s position on the board of directors of a defendant in the same case or controversy and the existence of an open motion for recusal.

38. The Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis through Mark A. Olthoff (Mo. Lic. # 38572) deliberately did not brief Hon. Judge Fernando J. Gaitan, Jr. on the applicability of these prohibitions to federal jurisdiction in the present underlying action W.D. of MO. Case No. 06-1012-W- FJG stating merely:

“Defendants, while denying that petitioner has any viable claims, admit that subject matter jurisdiction exists in this Court as alleged in their Notice of Removal. Otherwise, defendants deny the allegations in Paragraphs 1-5 of petitioner’s Complaint.”

Answer of US Bank and US Bancorp to Motion for Remand page 2 in ¶ 1.

39. On February 9, 2005 the Hon. Judge Nanette K. Laughrey of US District Court for the Western District of Missouri ruled an electronic signature and emails form an enforceable contract satisfying the Statute of Frauds under Missouri State law and 15 USC §7001 in a fact pattern materially the same as the petitioner had pled his contract based claims against US Bank and US Bancorp since the petitioner first initiated a litigation in 2002.

40. On August 8, 2006, the Missouri State Court of Appeals opinion of Hon. Robert G. Ulrich, Hon. Joseph M. Ellis, and Hon. Ronald R. Holliger in *Crestwood Shops, L.L.C. v. Hilken*, No. WD 65694 (Mo. App. 8/8/2006) confirmed the US District court’s resolution in *Intern. Casings Group* of the Missouri Statute of Fraud’s application to contracts formed or modified through e-mail.

41. On January 19, 2007 the Jackson County Missouri based attorneys for the Novation LLC cartel Mark A. Olthoff (Mo. Lic. # 38572), Andrew M. DeMarea (Mo. Lic. #45217), and Jay E. Heidrick (Mo. Lic. # 54699) sought to escape a law based outcome on the petitioner contract based claims and filed a motion to transfer the action to Kansas District court while federal jurisdiction was exclusively in *MSC v. Neoforma, Inc. et al*, Tenth Circuit Case No. 06-3331 and again without addressing or briefing Hon. Judge Fernando J. Gaitan, Jr. on the lack of federal jurisdiction in his court.

42. On April 4, 2007 Hon. Judge Fernando J. Gaitan, Jr. declined to grant Olthoff, DeMarea, and Heidrick’s motions to dismiss or strike the petitioner’s claims but granted their motion to transfer them to Kansas District Court where the new action was styled *Lipari vs. US Bancorp, Inc. et al*. KS Dist. Court Case No.07-02146.

43. On December 10, 2007 The Tenth Circuit issued its mandate in *MSC v. Neoforma, Inc. et al*, Case No. 06-3331, returning federal jurisdiction over the underlying state contract claims of the petitioner to Kansas District Court case no. 05-CV-2299-CM.

44. At no time from 2007 Mark A. Olthoff’s (Mo. Lic. # 38572) Notice of Removal dated 12/13/2006 (which deceived Ms. Patricia L. Brune Clerk of the U.S. District Court for the Western District of Missouri over the existence of federal jurisdiction through omission of notice of the Kansas District Court and Tenth

Circuit ongoing litigation in the same case or controversy) until the order transferring the underlying action to the Kansas District Court on April 4, 2007 did Hon. Judge Fernando J. Gaitan, Jr. ever have lawful jurisdiction over the petitioner's concurrent Missouri state contract based claims which lacked diversity and were exclusively under the jurisdiction of the Tenth Circuit Court of Appeals in *MSC v. Neoforma, Inc. et al*, Case No. 06-3331 having been appealed from Kansas District Court case no. 05-CV-2299-CM on September 8, 2006.

45. The petitioner learned that the Jackson County, Missouri based Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis were continuing with a scheme to defraud the Kansas District Court Magistrate Judge Hon. David J. Waxse through a false and bad faith motion to compel production of discoverable documents signed by Jay E. Heidrick even though the documents had been repeatedly produced.

46. The copying cost to the petitioner for reproducing the discovery already served in order to defend against the defendants Polsinelli Shughart PC and Richard K. Davis's motion to compel was over \$5000.00.

47. The defendants Polsinelli Shughart PC and Richard K. Davis' scheme depended on no rulings being made by a cooperating or participating judge on the defendants Polsinelli Shughart PC and Richard K. Davis' frivolous and fraudulent "automatic" blanket protective orders under local Kansas District Court Rules.

48. The Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis' scheme also depended on a cooperating or participating judge fraudulently dismissing the petitioner's claims as a sanction.

49. The Hon. Judge Carlos Murguia refused to complete the judgment of sanction started by Magistrate Judge Hon. David J. Waxse that Polsinelli Shughart PC and Richard K. Davis had planned to obtain by fraud and did not throw out the petitioners' case.

50. When the petitioner successfully proved the fraud on the court by the agents of Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis, the Kansas District Court instead partially granted a second dismissal including all Missouri state law based contract claims in violation of the Federal Rules of Civil Procedure as a prohibited second Rule 12 motion to dismiss.

51. Instead of accomplishing dismissal through the defendants Polsinelli Shughart PC and Richard K. Davis,' fraud scheme, the Kansas District Court impugned the e-mail based contract decisions of Hon. Judge Nanette K. Laughrey of the US District Court for the Western District of Missouri and the Missouri State Court of Appeals opinion of Justices Hon. Robert G. Ulrich, Hon. Joseph M. Ellis, and Hon. Ronald R. Holliger as violating the “ plausibility ” standard of *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955 (2007) and failing to state a claim for contract under Missouri state law.

52. The Novation LLC cartel defendants and the Kansas District Court having been given notice of controlling law contradicting the lawfulness of the dismissal of all Missouri state law contract based claims under the Federal Rules of Civil Procedure, the express language of E-Sign Act, resulting interpretations of the act as it applies to materially identical fact situations in Missouri courts and the resulting inappropriateness of the “plausibility” based dismissal sought to keep a matter or controversy alive in the Kansas District Court solely for the bad faith purpose of avoiding review.

53. The petitioner then filed in the US District Court for the Western District of Missouri at Kansas City, Missouri a timely second amended Notice of Appeal designating the voluntary dismissal with prejudice of the remaining Kansas District Court claims.

54. The Western District court did not file the Second Amended Notice of Appeal or forward it to the Eighth Circuit. See Docket Notation of Assistant Western District Clerk Lori Carr stating “chambers” had instructed her to send it to Kansas District Court:

“***Remark: Petitioner's Second Amended Notice of Appeal was received by this court and then forwarded this date to the District of Kansas for processing at the instruction of chambers. (Carr, Lori) (Entered: 12/05/2008)”

Appearance Docket of W.D. of Missouri Case No. 4:06-cv-01012-FJG

55. On December 9, 2008 the Chief Clerk of the Eighth Circuit wrote a letter to the Kansas City, Missouri Clerk Ms. Patricia L. Brune instructing her to file the Second Amended Notice of Appeal in her court, the U.S. District Court for the Western District of Missouri.

56. Ms. Patricia L. Brune never complied with the order.

57. In Kansas District Court to manufacture a basis for continuing trial jurisdiction, the defendants Polsinelli Shughart PC and Richard K. Davis through Jay E. Heidrick (Mo. Lic. # 54699) filed a conditional stipulation to dismissal with prejudice providing attorney’s fees were awarded despite the

contrary controlling authorities applying to dismissals with prejudice.

58. When the Kansas trial Court granted the petitioner's voluntary dismissal, the court awarded attorneys fees but (or to manufacture a lawful reason for awarding attorneys' fees) the court changed the stipulation of dismissal with prejudice into a dismissal *without* prejudice.

59. When the Kansas District Court received the extrajudicial communication from Western District Clerk Lori Carr , the Hon. Judge Carlos Murguia ordered the petitioner to show cause why sanctions should not be ordered against the petitioner for appealing the dismissal:

“ORDER TO SHOW CAUSE. Petitioner did not respond to the court's order 159 requiring Petitioner to withdraw the petitioner's 147 stipulation of dismissal by December 1, 2008. Petitioner instead filed 163 amended notice of appeal with the 10th Circuit. Petitioner is hereby ordered to show cause to this court by 12/12/2008 why this case should not be dismissed for failure to withdraw the 147 stipulation of dismissal. Show Cause Response due by 12/12/2008. Signed by District Judge Carlos Murguia on 12/5/2008. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (jw) (Entered: 12/05/2008)”

Kansas District Court December 5, 2008 Order to Show Cause.

60. The parties were under a November 14, 2008 order by the Tenth Circuit Court of Appeals to give status reports on the proceedings in Kansas District Court after the petitioner's Kansas District Court Notice of Appeal filed simultaneously with his Second Amended Notice of appeal in Western District of Missouri.

61. The petitioner complied with the order filing a timely status report on December 10 2008 that included the November 26th, 2008 order by the Kansas District Court that on pg. 4 expressly gave the Petitioner until “December 10, 2008 to withdraw his stipulation for dismissal” .

62. To continue the manufactured Kansas District Court jurisdiction following the petitioner's voluntary dismissal of all remaining claims with prejudice and to discredit the petitioner, the defendants Polsinelli Shughart PC and Richard K. Davis through Mark A. Olthoff (Ks. Lic. # 70339) signed and filed a fraudulent status report in the Tenth Circuit contradicting the petitioner and the November 26 court order the petitioner attached in evidence by falsely stating that the petitioner had been ordered to withdraw his stipulation of dismissal by December first.

63. On December 18th , 2008 the Novation LLC cartel defendants Polsinelli Shughart PC and Richard K. Davis through Jay E. Heidrick (Mo. Lic. # 54699) filed a fraudulent status report in the Tenth Circuit US Court of Appeals for the purpose of misrepresenting the Kansas District Court order on the stipulated

dismissal as an order with prejudice, an order the Kansas District court appeared it recognized it lacked jurisdiction to award defendants' attorneys fees for, the whole device employed in bad faith by Jay E. Heidrick to postpone or defeat appellate review of the inappropriate dismissal of the petitioner's Missouri State law based contract claims.

64. The defendants Polsinelli Shughart PC and Richard K. Davis through Jay E. Heidrick (Mo. Lic. # 54699) falsely stated in the defendants' December 18th, 2008 Status Report to the Tenth Circuit that "...the United States District Court, District of Kansas entered a final Order dismissing petitioner's suit with prejudice."

65. The petitioner was forced to enter subsequent amended notices of appeal when the Kansas District Court continued to exercise substantive jurisdiction over issues subject to appeal in the Tenth Circuit in participation with the defendants Polsinelli Shughart PC and Richard K. Davis's scheme to manufacture jurisdiction.

66. On December 12, 2008 the trial court judge, the Hon. Carlos Murguia entered a final judgment declining to sanction the petitioner and clarifying that the deadline to withdraw the stipulation of dismissal had been December 10, 2008.

67. On December 19, 2008 Chief Deputy Clerk Douglas E. Cressler of The Tenth Circuit US Court of Appeals issued an order consolidating the appellate case numbers the clerk had earlier assigned: 08-3287, 08-3338, and 08-3345, all arising out of the same proceeding before the U.S. District Court of Kansas in *Lipari v. US Bancorp NA*, No. 2:07-CV-02146-CM-DJW.

68. The petitioner had been originally ordered by the Tenth Circuit to brief the court on its appellate jurisdiction after the petitioner had filed his notice of appeal on October 16, 2008 following the petitioner's October 15, 2008 stipulation of dismissal with prejudice of all remaining claims.

69. The petitioner briefed the Tenth Circuit Court of Appeals that their jurisdiction was merely the jurisdiction to review the appellate court's jurisdiction or lack thereof and that the Kansas District Court never obtained jurisdiction from the April 4, 2007 transfer order of Hon. Judge Fernando J. Gaitan, Jr. transferring the concurrent state claims case to Kansas District Court while the Tenth Circuit still had exclusive jurisdiction in in *MSC v. Neoforma, Inc. et al*, Case No. 06-3331 over the same matter or controversy.

70. Neither the Abeyance Order of Chief Deputy Clerk Douglas E. Cressler of The Tenth Circuit Case No. 08-3287 or the Tenth Circuit Consolidation Order resolved or made a finding of law on the presence or absence of Tenth Circuit Appellate Court jurisdiction over the petitioner's concurrent state law claims.

16th Circuit Extra Judicial Influence From Corrupt Kansas Officials

71. The petitioner amended his complaint to include Gene E Schroer, Rex A. Sharp, and Isaac L. Diel who caused misrepresentations to be fraudulently made in concert with Kansas Attorney Discipline Administrator Stanton Hazlett and the Novation LLC cartel defendant hospital supply cartel members to deprive the petitioner of representation throughout his litigation in Kansas and Missouri courts. See Appendix Eight Affidavit of Samuel K. Lipari.

72. Gene E Schroer, and Rex A. Sharp misled the petitioner to think they were going to represent the petitioner when in reality they were receiving pay or other benefits from the State of Kansas to elicit confidential information related to the petitioner's prosecution of his claims.

73. Rex A. Sharp was recorded by the petitioner after it seemed Sharp had dishonestly stated he was considering representing the petitioner at the time the petitioner's father had died and an extension in the Novation LLC cartel defendant General Electric hospital supply case before this court was sought on the basis of Sharp's representations. The audiotape is online at

<http://www.medicalsupplychain.com/pdf/Rex%20Sharp%20Conversion.wav>

74. Rex A. Sharp and Isaac L. Diel were jointly working on an unrelated tire compound antitrust action when Rex A. Sharp on behalf of the Kansas Office of Attorney Discipline caused misrepresentations to be made during the first week of April 2007 to Michelle Hersh, Justin West and the Missouri office of Accountemps where the petitioner's former counsel Bret D. Landrith was registered for work.

75. The misrepresentations were that Diel had a temporary job reviewing scientific articles related to the chemical compounds and that he was qualified even though he was not a licensed attorney.

76. Landrith doubted their client's requirements and wrote a letter on April 11, 2007 to Justin West at Accountemps informing them that they had likely misunderstood their client's requirements.

77. The scheme was for Isaac L. Diel to trick Landrith into saying he was an attorney in the Overland Park office of Diel and thereby criminally prosecute the petitioner's witness to further the obstruction of the petitioner's litigation.

78. Lathrop & Gage LLP is liable for fraud and deceit, not only for William G. Beck (Mo. Lic. # 26849); Peter F. Daniel (Mo. Lic.# 33798); and J. Alison Auxter's (Mo. Lic. # 59079) misrepresentation to this court that the petition did not aver injury and claims of the petitioner as an unincorporated individual in Lathrop & Gage LLP's present motion in support of judgment on the pleadings; The petition describes many misrepresentations related to the Insure Missouri scheme to first cut off Medicaid to what became 90,000 Missouri citizens then to supply the Missouri hospitals through electronic marketplace for hospital supplies.

79. The Jackson County based Novation LLC cartel defendant Shughart, Thomson & Kilroy, P.C.'s frauds against the petitioner include fraudulent removal of the petitioner's contract based claims against US Bank and US Bancorp to federal court; fraudulent transfer of the US Bank and US Bancorp contract claims to Kansas District Court; fraudulent participation in a Kansas District Court joint case management order without any intent to produce discoverable documents to the petitioner; fraudulent destruction of discoverable electronic documents by in the possession of US Bank of US Bancorp despite notice to their agent Shughart, Thomson & Kilroy, P.C. to preserve them; fraudulent representation that the petitioner had failed to produce requested discovery documents by Shughart, Thomson & Kilroy, P.C.; fraudulent representation to the Hon. Judge Michael W. Manners to procure dismissal by unlawfully using the Kansas District Court interim decisions that were not final judgments with knowledge that they had been procured with John K. Power of Jackson County based Novation LLC cartel defendant Hush Blackwell Sanders, through the cartel's own fraud.

Extrinsic Fraud Through Extra-Judicial Influence Through Communications between Courts

80. The Novation LLC cartel members have been aided by non-defendant conspirators communicating extra-judicially to judges including the trial judge in 16th Circuit Court actions.

Temporal Relationship of Hon. Judge Michael Manners' dismissal with other courts

81. Hon. Judge Michael Manners's adoption of the previously dismissed cartel members' motions for dismissal violated the controlling law of this jurisdiction on claim and issue preclusion and the other legal basis advocated by the defendants including *Noerr-Pennington* based Immunity and the statute of limitations.

82. The Hon. Judge Michael Manners's Order dismissing with prejudice the previously dismissed cartel members was temporally related to similar decisions contradicting the controlling precedent of the respective jurisdictions by the Hon. Judge Carlos Murguia and the Hon. Magistrate David Waxse of Kansas District Court and the Hon. Fernando J. Gaitan, Jr. of the Western District of Missouri. See KS. Dist. Court case No. 2007cv02146; KS. Dist. Court case No. 2005cv02299 and W.D. of MO. Dist. Court case No. 2007cv00849.

83. The Hon. Judge Michael Manners's order adopting judgment on the pleadings by the Novation LLC cartel defendant Lathrop & Gage is temporally related to the ten day extension on discovery granted by the petitioner after the Novation LLC cartel Lathrop & Gage attorneys had adopted the modus operandi of the other cartel members in stating frivolous objections to production of discoverable documents as a sham petition to delay the petitioner's entry into the market for hospital supplies.

Hon. Fernando J. Gaitan, Jr. and St. Luke's Health System, Novation LLC

84. Before being appointed the federal bench by President George H.W. Bush, the Hon. Fernando J. Gaitan, Jr. was on the bench of the 16th Circuit Court.

85. The appearance of a fiduciary interest of the Hon. Fernando J. Gaitan, Jr. in the defendants St. Luke's Health System and Novation LLC as a director or corporate officer of St. Luke's Health System is given by the Hon. Fernando J. Gaitan, Jr.'s disclosure to the Judicial Conference.

86. The defendant St. Luke's Health System asserts it is an owner of the defendant Novation LLC and does over \$90,000,000.00 (ninety million dollars) of purchases exclusively through Novation LLC each year.

The Hon. Judge Carlos Murguia and the District of Kansas

87. The Hon. Judge Carlos Murguia has repeatedly made adverse rulings contrary to controlling precedent and against only the plaintiff in the present action that are temporally related with adverse rulings against the plaintiff made by Hon. Judge Fernando J. Gaitan, Jr. and Hon. Judge Michael W. Manners contrary to the controlling precedents of the Western District of Missouri and the State of Missouri respectively. See *Lipari v. General Electric Company, et al* W. D. of MO Case no 07-0849 and Appearance Docket of *Lipari v. Novation LLC, et al* 16th Cir. Missouri State Court Case No. 0816-04217.

88. On July 8, 2008 the Kansas District Court made a show cause order initiating the scheme to fraudulently procure dismissal of the plaintiff's claims on the false accusation by Novation LLC cartel defendants US Bank NA and US Bancorp that the plaintiff failed to produce documents and answers requested by the defendants that led instead to the partial dismissal on September 4, 2008 of the plaintiff's contract, tortious interference and fiduciary duty claims against US Bancorp.

89. The temporal relationship of rulings adverse to the plaintiff and involving adoption of extrajudicial interim orders and communications includes the dismissal of racketeering claims against the cartel members involved in extrinsic fraud to interfere in the plaintiff's ongoing antitrust litigation by Hon. Judge Fernando J. Gaitan, Jr. (a case Hon. Judge Gaitan had assigned to himself even though an open § 455 Motion for recusal based on his directorship of a defendant was on the record in the previous removal of the same action W. D. of MO Case no. 06-0573) on July 30, 2008. See *Lipari v. General Electric Company, et al* W. D. of MO Case no 07-0849.

90. The July 7, 2008 order of the Kansas District court in the same case or controversy dismissing the plaintiff's motion to reopen his federal antitrust and racketeering claims in KS Dist. Court case no. 05-2299-CM.

91. And also, the partial dismissal of August 8, 2008 Hon. Judge Michael W. Manners that Hon. Judge Michael W. Manners had in error requested on July 3, 2008. See *Lipari v. Novation LLC, et al* 16th Cir. Missouri State Court Case No. 0816-04217.

j. The Defendants Use Of Foreign Jurisdiction Attorney Discipline As An Instrument Of Criminality

92. The petitioner attempted to "cover" or remediate the breaches of contract by the Novation LLC antitrust cartel members US Bank NA and the General Electric Company a third time.

93. The petitioner had an agreement with Michael W. Lynch to obtain and use his services, connections and reputation in locating a publicly traded company to merge with to underwrite the costs of entering the hospital supply market.

94. The Novation LLC cartel General Electric defendants through their agents Seyfarth Shaw and Alcoa's use of wire tapping, private investigators, breaking and entry, government sourced intelligence and the internal court information obtained through Arizona operatives.

95. The Novation LLC cartel General Electric defendants through their agents Seyfarth Shaw and Alcoa

intentionally interfered with Michael W. Lynch by destroying his reputation by causing him to be jailed, terrorizing Lynch's wife and putting Lynch in fear for the safety of his family, trying to seize the property of Lynch's family home and the property of his brother and interfering with the payroll of Lynch's brother's plastics factory all for the purpose of inducing or causing a breach of Michael W. Lynch's contracts and relationships with the petitioner.

96. The evidence of this conduct by the Novation LLC cartel General Electric defendants was delivered to Bradley J. Schlozman under seal in *United States ex rel Michael W. Lynch v Seyfarth Shaw et al.* Case no. 06-0316-CV-W- SOW who was then acting as the interim US Attorney for the Western District of Missouri.

97. The relator Michael W. Lynch provided evidence to Western District US Attorney Bradley J. Schlozman discovered in April 2006 that a \$39,000,000.00 bribery fund was being used to secure outcomes in court cases including the shift of unfunded pension obligations of McCook Metals, Inc. to the Pension Benefit Guaranty Board (PBGC) at the expense of US taxpayers despite the obligation of Alcoa Aluminum financed and controlled by General Electric.

98. On information and belief Jerome Larkin, the Administrator The Illinois Attorney Registration and Disciplinary Commission is using his Illinois state agency to retaliate against the witnesses that came forward with evidence of judicial misconduct and reported it to the appropriate authorities.

99. This retaliation by Jerome Larkin in support of criminal norms including "pay to play" judicial corruption contrary to the public policy, rules of ethics and statutes of the State of Illinois has impacted Missouri citizens.

100. On information and belief the petitioner's witness Dustin Sherwood and his wife 's legal representation in defense of their \$9 million dollar estate was compromised by The Illinois Attorney Registration and Disciplinary Commission's extortion over the Sherwood's bankruptcy attorney Craig Collins.

101. On information and belief the Novation LLC cartel defendants Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP were able to communicate directions to the Sherwood's bankruptcy attorney Craig Collins and have him act and fail to act for the purposes of compromising Craig Collins' representation of Dustin Sherwood and his wife.

102. On information and belief this power of the defendants Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP is so well known among members of the Kansas City and Missouri Bar associations that Dustin Sherwood and his wife documented the refusal of representation by over 40 Missouri licensed attorneys in and around Jackson County, Missouri and could not obtain the services of a Missouri licensed attorney during the bankruptcy.

103. Dustin Sherwood provided the firms Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP that the circumstances of their corrupt extortion over members of the Missouri bar was so egregious that it would lead to the need to file for injunctive relief against the Missouri Board of Bar Governors.

104. In response, the Novation LLC cartel firms Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP had Dustin Sherwood jailed for reciting to an agent of the former Shughart Thompson & Kilroy, Inc. trustee what he believed to be his property rights under the law of the State of Missouri, preventing Sherwood from meeting the conditions set by the bankruptcy judge to stop the sell of his farm.

105. Dustin Sherwood's Kansas licensed attorney Craig Collins on information and belief was not permitted by the power of Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP to enter an appearance in the bankruptcy case filed in the US Distric Court sited in Jackson County until after Sherwood had been jailed.

106. Through Jerome Larkin, the defendants including Polsinelli Shughart PC, Husch Blackwell Sanders LLP and Lathrop & Gage LLP are using The Illinois Attorney Registration and Disciplinary Commission to threaten Craig Collins with disbarment if he works with the Sherwood witnesses Sidney J. Perceful or Bill Christianson or cooperates with Dustin Sherwood's criminal defense attorney.

107. On information and belief Craig Collins has been compromised by the Kansas Attorney Discipline Administrator Stanton Hazlett and extorted from providing representation in the interests of the petitioner's witnesses Donna L. Huffman and David M. Price who Collins claimed to represent in Kansas state courts and with Kansas state officials respectively.

108. The petitioner has been injured in his Missouri state court causes through the misrepresentations of the Kansas licensed attorneys Gene E Schroer, Rex A. Sharp of Gunderson Sharp & Rhein PC and Isaac L.

Diel, Sharp McQueen, P.A who misrepresented to the petitioner or his witnesses their false intent to perform legal tasks when in reality they were acting as agents of the Kansas Attorney Discipline Administrator Stanton Hazlett to intentionally interfere in the petitioner's Missouri state court litigation.

109. The petitioner was injured by Kansas Attorney Discipline Administrator Stanton Hazlett's Kansas licensed attorney agents Randall D. Grisell Sally Harris, and Michael Schmitt concerning Randall D. Grisell's fraud on the Kansas Supreme Court in presenting a facially false report signed by Randall D. Grisell, Sally Harris, and Michael Schmitt to that court on the plaintiff's counsel to procure the disbarment through fraud.

The Novation LLC cartel defendants Joel B. Voran, Lathrop & Gage LLP's open use of racketeering acts and RICO conspiracy to further the hospital supply cartel's conspiracy to defraud Medicare, Medicaid and Private Health Insurers by keeping the plaintiff out of the market.

110. The Jackson County based Novation LLC cartel defendants Joel B. Voran and Lathrop & Gage LLP, have been identified as RICO co-conspirators but not previously named as defendants in the plaintiff's ongoing RICO complaint that is concurrently in the U.S. District Court for the Western District of Missouri. See <http://www.medicalsupplychain.com/pdf/Lipari%20v%20GE%20et%20al%20Federal.pdf>

111. The defendants Joel B. Voran and Lathrop & Gage LLP are members of the Republican National Committee "RNC" conspiracy spoke that included former federal government officials in the previous Presidential administration of President George W. Bush.

112. The Novation LLC cartel defendants Joel B. Voran and Lathrop & Gage LLP helped to corruptly maintain the power of the conspiracy over the 16th Circuit and the Western District of Missouri Appellate and US District Courts by:

- providing support for voter suppression schemes in Jackson County;
- assisting in the reduction of the US Department of Justice to a protection racket controlled by Karl Rove;
- participating in the obstruction of justice by providing legal support in opposition to public records disclosure of emails in the Jefferson City and Washington D.C. Capitols;
- securing the wrongful firing of US Attorney Budd Cummings in Arkansas; and
- securing the wrongful firing of the US Attorney Todd Graves in the Western District of Missouri, sited in Jackson County.

- The defendants Joel B. Voran and Lathrop & Gage LLP helped to prevent news media from covering the news related to the wrongful firings of US Attorneys; and
- discouraged regional newspapers from covering the plaintiff's litigation with false warnings of liability.

113. The Novation LLC cartel defendants defendants Joel B. Voran and Lathrop & Gage LLP are part of an enterprise in fact that has now been joined by the latecomer defendats in the present action.

114. The Jackson County based conspiracy defendants Joel B. Voran, Lathrop & Gage LLP and the RNC were a spoke of the General Electric and Karl Rove conspiracy to defraud Medicare, Medicaid, Champus and private health insurers through artificial inflation of healthcare and hospital supply costs via the Novation LLC cartel scheme.

Ministerial Misconduct in related cases before the Western District Court of Appeals

116. The Western District Court of Appeals is mere blocks from the 16th Circuit Court and its non-judge personnel have repeatedly deviated from the Western District Court of Appeals' published rules, the Western District Court of Appeals controlling case law interpreting those rules, the Missouri Supreme Court Rules applying to All Appellate Courts, the requirements that orders be signed and through the issuance of orders signed and made by non-judge and non-clerk of the court staff.

117. The inhabitants of Jackson County working in the Western District Court of Appeals share the disposition toward the plaintiff expressed by other inhabitants of Jackson County through their officials and Western District Court of Appeals personnel have repeatedly prejudiced the plaintiff.

118. No change of ministerial policy was ever effected by the plaintiff's repeated calls, notice and complaints.

119. The inhabitants of Jackson County working in the Western District Court of Appeals gave no more than a few hours consideration to the plaintiff's Mandamus action against 16th Circuit Judge Hon. Michael W. Manners seeking to cause discovery to be enforced.

120. As a consequence of the failure to uphold discovery, the plaintiff was forced to proceed toward trial without any document production requests being honored or any interrogatory questions being honored by the GENERAL ELECTRIC defendants.

121. The inhabitants of Jackson County working in the Western District Court of Appeals prevented the plaintiff's prehearing request for transfer of an appeal to the Missouri Supreme Court from being ruled on by a judge for the purpose of disobeying the Missouri State Legislature's statutory provision for appeal upon the complete termination of claims against fewer than all defendants.

II. SUGGESTION IN SUPPORT

Substantive due process protects certain liberties that may not be restrained even if basic procedural steps are taken in error.

The right to life, liberty and the pursuit of happiness is expressed not only in Missouri's due process clause, but also as a "natural right" of all persons in Article I, Section 2. That section also provides that "to give security to these [natural rights] is the principal office of government, and that when government does not confer this security, it fails in its chief design."

This presence of different and more explicit expression of rights in the Missouri Constitution gives rise to more protection of those rights in the Missouri Constitution than the federal constitution. See, e.g., *Right to Choose v. Byrne*, 91 N.J. 287, 299-310 (N.J. 1982) (state constitutional provision guaranteeing right to life, liberty and happiness affords more protection to the right to choose than is afforded by the United States Constitution).

Due Process requires legal proceedings carried out fairly and in accord with established rules and principles. Due process standards are sometimes referred to as either substantive or procedural. Substantive due process refers to a requirement that laws and regulations be related to a legitimate government interest (e.g., crime prevention) and not contain provisions that result in the unfair or arbitrary treatment of an individual. Virtually no one challenges the general value of due process of law as a guarantee of procedural consistency and fairness.

Justice Felix Frankfurter expressed a commonly held view about procedural due process in *Malinski v. New York* (1945): "The history of American freedom is, in no small measure, the history of procedure." And in *Shaughnessy v. United States* (1953), Justice Robert Jackson stressed that controversy about substantive due process does not change the most fundamental and general agreement about procedural fairness, which "is what it [due process] most uncompromisingly requires."

To ensure Due Process fairness, the Missouri Rules of Civil Procedure provide for change of venue. Rule 51.04. Change of Venue From Inhabitants for Cause – Procedure states:

“(a) A change of venue may be ordered in any civil action triable by jury for the following causes:

- (1) That the inhabitants of the county are prejudiced against the applicant; or
- (2) That the opposite party has an undue influence over the inhabitants of the county.

(b) The application for change of venue must be filed at least thirty days before the trial date or within ten days after a trial date is fixed, whichever date is later.

(c) A copy of the application and a notice of the time when it will be presented to the court must be served on all parties.

(d) The application shall set forth the cause or causes for the change of venue. It need not be verified and may be signed by the party or by an agent or attorney.

(e) The adverse party, within ten days after the filing of the application for change of venue, may file a denial of the cause or causes alleged in the application. Such denial may be signed by the party, an agent or attorney, and need not be verified. If a denial is filed, the court shall hear evidence and determine the issues. If they are determined in favor of applicant, or if no denial is filed, a change of venue shall be ordered to some other county convenient to the parties and where the cause or causes do not exist. The court may enlarge the time for filing a denial as provided in Rule 44.01(b).

(f) Application for change of venue may be made by one or more parties in any of the following classes: (1) plaintiffs; (2) defendants; (3) third-party plaintiffs (where a separate trial has been ordered); (4) third-party defendants; (5) intervenors.

Each of the foregoing classes is limited to one change of venue and any such change granted any one or more members of a class, including changes granted under Rules 51.02, 51.03 or 51.04, exhausts the right of all members of the class to a change of venue, with this exception: in condemnation cases involving multiple defendants, as to which separate trials are to be held, each such separate trial to determine damages shall be treated as a separate case for purposes of change of venue.

(g) When a change of venue is ordered, the entire civil action shall be removed, unless a separate trial has been ordered, in which event the court shall order removed only that part of the civil action in which applicant is involved.”

The plaintiff is seeking change of venue because of the manifestation of prejudice of the inhabitants of Jackson County effecting proceedings involving the plaintiff’s claims in the 16th Circuit Court and consequently the Western District Court of Appeals which is also in Jackson County. Change of venue will be granted only for prejudice between inhabitant and movant (not between judge and movant).

The change of venue is automatic after a motion has been filed:

"Missouri's statutes have long expressly permitted transfer of suits to counties where they could not initially have been commenced...

Allowing an automatic change of venue upon timely application thus saves judicial resources that would otherwise be spent in determining whether a party could get a fair trial in the county in light of the prejudice that may have arisen in a particular case due to publicity or familiarity with the

parties or the issues involved. See *id.* at 513-14. This avoids any potential unfairness yet protects the convenience of the remaining parties by expressly providing that the new venue must be convenient and by giving the parties input into the new location for trial. "

STATE LEBANON SCHOOL DISTRICT III v. WINFREY STATE ex rel. LEBANON SCHOOL DISTRICT R-III, v. The Honorable Larry WINFREY, Case No. SC 86873.(January 31, 2006).

The plaintiff's motion is automatic because it is timely where there are open motions to dismiss filed by the defendants. Timeliness of Motion for Change of Venue:

"The school district also argues in its briefs that plaintiffs' motion for change of venue was untimely because it was not filed within 10 days of when Lebanon's answer originally was due. But, Rule 51.03 does not require that a motion for change of venue be filed within 10 days of when an answer hypothetically would have been due if no motions to dismiss had been filed or extensions of time sought. It provides that written application for a change of venue shall be made, "not later than ten days after answer is due to be filed; ." Under Rule 55.25(c), if a defendant files a motion to dismiss or other motion provided for in Rule 55.27, this "alters the time fixed for filing any required responsive pleadings." In the case of a motion to dismiss, "the responsive pleading shall be filed within ten days after notice of the court's action." Rule 55.25(c). Defendant Lackey filed a motion to dismiss; his answer was not due to be filed until 10 days after that motion was ruled on. The answer had not yet been filed at the time plaintiffs filed their motion for change of venue. Their motion, therefore, was timely under Rule 51.03."

STATE LEBANON SCHOOL DISTRICT III v. WINFREY STATE ex rel. LEBANON SCHOOL DISTRICT R-III, v. The Honorable Larry WINFREY, Case No. SC 86873.(January 31, 2006).

CONCLUSION

Whereas for the above reasons, the plaintiff respectfully requests the court automatically grant the plaintiff's motion for change of venue and halt responses due and proceedings on existing motions until change of venue is accomplished.

Respectfully submitted,

S/ Samuel K. Lipari

SAMUEL K. LIPARI
PLAINTIFF *PRO SE*.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 22nd day of February 2010 by hand delivery, by first class mail postage prepaid, or

IN THE STATE OF MISSOURI
JACKSON COUNTY ASSOCIATE CIRCUIT AT INDEPENDENCE

WACHOVIA DEALER SERVICES, INC.
Plaintiff,

v.

SAMUEL K. LIPARI,

Defendant,

Case No. 0916-CV29828

**DEFENDANT'S SUGGESTION IN OPPOSITION TO AMENDMENT AND ANSWER TO
PLAINTIFF'S PROPOSED AMENDED PETITION AND NOTICE**

Comes now the plaintiff Samuel K. Lipari appearing *pro se* and makes the following suggestion in opposition to amending the petition and an answer to the amended petition giving notice to the court of the frauds by the plaintiff:

STATEMENT OF FACTS

1. The plaintiff's claims are an abuse of process based on false affidavit and altered evidence designed to commit fraud on the court.
2. The defendant incorporates his affidavit contained in a separate petition initiating a RICO mail and wire fraud action against the plaintiff's filed on December 15th, 2009 in Jackson County Circuit court under a new case number, *Lipari v. Chapel Ridge Multifamily, et al.* Case No. 0916-CV38273.
3. The *Lipari v. Chapel Ridge Multifamily, et al.* Case No. 0916-CV38273 petition and its supporting affidavit with evidentiary exhibits showing the Wachovia Dealer and its agents have committed fraud on this court were attached to the defendant's original answer to WACHOVIA DEALER SERVICES and notice to the court in the present action and are incorporated by reference to this amended answer.
4. The defendant brought the car and the keys to this action for surrender to the plaintiff's fraud on the court committed extrinsically through false written statements and a false sworn affidavit by an officer of this court which were designed to deprive the defendant of an opportunity to assert his consumer rights that the plaintiff knew the defendant possesses has made the assertion of the defendant's consumer rights.

FILED-CIRCUIT COURT
JACKSON COUNTY MO-1
10 JUN 10 PM 4:15

**IN THE STATE OF MISSOURI
JACKSON COUNTY ASSOCIATE CIRCUIT AT INDEPENDENCE**

WACHOVIA DEALER SERVICES, INC.)	
Plaintiff,)	
)	
)	
v.)	Case No. 0916-CV29828
)	
SAMUEL K. LIPARI,)	
)	
Defendant,)	

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4. The defendant brought the car and the keys to this action for surrender to the plaintiff’s fraud on the court committed extrinsically through false written statements and a false sworn affidavit by an officer of this court which were designed to deprive the defendant of an opportunity to assert his consumer rights that the plaintiff knew the defendant possesses has made the assertion of the defendant’s consumer rights.

5. The plaintiff falsely stated the defendant received required notices to defend those rights when the plaintiff did not send them and altered evidence through backdating detectable on the face of the plaintiff's documentation showing the defendant did not receive the required notices.
6. The plaintiff committed these frauds on this court to injure the defendant's business in a way fully set out in the attached separate action petition and the plaintiff's co-conspirators.
7. The plaintiff's proposed amended petition changes and replaces the original petition with a different cause of action and is therefore an impermissible amendment under the Missouri Rules of Civil Procedure.
8. The plaintiff's proposed amended petition for breach of contract fails to state a claim for relief at law because the plaintiff's seizure of the plaintiff's car through fraud repudiated the contract between the plaintiff and the defendant, having the effect of relieving the plaintiff of all further duties under the contract.

SUGGESTION IN OPPOSITION

The court cannot further the crimes including federal felonies of Mail Fraud and Wire Fraud committed by the plaintiff as detailed in evidentiary exhibits furnished in the plaintiff's original answer, without itself being party to violations of 18 USC § 1341 Mail Fraud or 18 USC § 1343 Wire Fraud.

The proposed amendment improperly replaces the original cause of action in entirety and substitutes a new cause of action based on contract.

The proposed amendment fails to state a claim at law. Missouri courts have noted that "[a] trial court does not err when it denies a motion to amend a pleading to assert a claim that possesses no merit." *Stewart Title Guar. Co. v. WKC Restaurants Venture Co.*, 961 S.W.2d 874, 888 (Mo. App. 1998).

The amended petition for breach of contract was brought after the plaintiff repudiated its contract with the defendant through its actions and statements to obtain the automobile through fraud and to convert the property of the defendant in violation of consumer protection laws and WACHOVIA DEALER SERVICES duty to not make misrepresentations to the court. The plaintiff has not yet retracted its repudiation or anticipatory breach against the defendant to procure the defendant's property through fraud, therefore the plaintiff cannot at law make any claim for breach of contract.

WACHOVIA DEALER SERVICES's procurement of the defendant's automobile through fraud on the court, 18 USC § 1341 Mail Fraud and 18 USC § 1343 Wire Fraud was an act of repudiation also

referred to as anticipatory breach (which the defendant is vigorously opposing in a separate action) by WACHOVIA DEALER SERVICES that renders the plaintiff, not the defendant liable under *Upland Ind. Corp. v. Pacific Gamble Robinson Co.*, 684 P.2d 638, 643 (Utah 1984) ;RESTATEMENT § 250; and *Becker v. Hsa/Wexford Bancgroup, L.L.C.*, 157 F.Supp.2d 1243 at 1252-1253 (D. Utah, 2001).

“An anticipatory repudiation can be made orally. See *Upland Ind. Corp. v. Pacific Gamble Robinson Co.*, 684 P.2d 638, 643 (Utah 1984) (anticipatory breach "is the outcome of words or acts evincing an intention to refuse performance in the future"); accord RESTATEMENT § 250 (indicating that anticipatory repudiation is typically made by way of a "statement").”

Becker v. Hsa/Wexford Bancgroup, L.L.C., 157 F.Supp.2d 1243 at 1252-1253 (D. Utah, 2001).

By repudiating the contract, WACHOVIA DEALER SERVICES voluntarily accepted liability for the defendant’s loss of the use of the automobile:

“It is settled law in this state that either party to a contract has the right to repudiate the contract on the usual terms of compensating the other for the damages, and that a repudiation of the contract amounts to a breach. When defendant repudiated the contract on April 6th, the contract was breached, and a right of action then accrued to the plaintiff to sue for and recover damages caused by the breach. It was not within plaintiff’s power thereafter to publish the advertisement in its catalogue, and sue upon the contract as for a performance, and recover the contract price. Plaintiff’s remedy, having expended labor and incurred expense in a part performance of the contract before its repudiation, was by **suit to recover the money expended, the value of the labor bestowed in part performance of the contract, plus the profit that would have accrued had not the performance of the contract been prevented by the defendant.**” See, also, *Frederick v. Willoughby*, 136 Mo. App. 244, 116 S. W. 1109.” [Emphasis added]

Western Advertising Co. v. Midwest Laundries, 61 S.W.2d 251 (Mo. App., 1933). Federal courts are consistent in recognizing the long established principle of anticipatory breach under Missouri law:

“Medcon clearly stated its intent not to perform under the contract at that time or any other time. Medcon lacked a valid legal basis for reaching this extreme conclusion. Engel exercised its statutory rights when it continued to perform and then resold the goods when Medcon failed to retract its repudiation. See Mo.Rev.Stat. §§ 400.2-610, 400.2-703. Engel is therefore entitled to damages.”

Engel Industries v. First American Bank, 798 F.Supp. 9 at 12 (D.C., 1992).

WACHOVIA DEALER SERVICES has not retracted their anticipatory breach before the plaintiff brought his action. Therefore the plaintiff can state no claim against the defendant for breach of contract:

“Because a party injured by another party’s anticipatory repudiation may elect to immediately sue for damages, a retraction of an anticipatory repudiation must be made before suit is brought to be effective. See Restatement (Second) of Contracts Sec. 256(1) (1981).”

Glatt v. Bank of Kirkwood Plaza, 383 N.W.2d 473 at 479 (N.D., 1986).

WACHOVIA DEALER SERVICES can state no claim for breach of contract against the defendant

because WACHOVIA DEALER SERVICES assumed liability for the natural damages in contemplation of the parties:

“FARNSWORTH ON CONTRACTS, § 8.21, at 542-43. "As soon as the injured party has materially changed its position in reliance on the repudiation, ... it is too late for the repudiating party to retract." Id. at 543. If the injured party notifies the repudiating party that it considers the repudiation final, either by statements to that effect or by filing a lawsuit, then it need not show reliance on the repudiation to prevent revocation. Id. at 543, n. 15. However, if there has been no material change in reliance on the repudiation, and **no notice that the repudiation is considered final, such as by the filing of a lawsuit**, then revocation is possible. If the repudiation was by words, then "the repudiating party can nullify it by giving notice of retraction to the injured party." Id. at 542. If the repudiation was by deeds, then "the repudiating party can nullify it by correcting the situation that amounted to the repudiation." Id. at 543.” [Emphasis added]

Kinesoft Development Corp. v. Softbank Holdings, 139 F.Supp.2d 869 at 898 (N.D. Ill., 2001).

Respectfully submitted,

S/ Samuel K. Lipari

SAMUEL K. LIPARI
Plaintiff, *Pro Se*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 10th day of June 2010 by hand delivery, by first class mail postage prepaid, or by email to:

Marrow, Willnauer & Klosterman, LLC
James C. Morrow #32658
Abagil L. Pierpoint #59997
Executive Hills East, Bldg. A
10401 Holmes Suite 300
Kansas City, MO 64131; (816) 382-1382
jmorrow@mwklaw.com
apierpoint@mwklaw.com

ATTORNEY FOR DEFENDANT
SWANSON & MIDGLEY LLC,
CHRISTOPHER BARHORST
HOLLY L FISHER
4600 MADISON STE 1100
KANSAS CITY, MO 64112; (816) 842-
6100
cbarhorst@swansonmidgley.com
hfisher@swansonmidgley.com

Phone: () _____

3. List documents that help support your information that the judge or court commissioner has engaged in misconduct or has a disability, noting which ones you have attached:

See attached exhibits:

4. Identify, if you can, any other witnesses to the conduct of the judge or court commissioner:

Name(s): _____

Addresses: _____

Phone: (____) _____ (____) _____

5. Specify below the details of what the judge or court commissioner did that you think constitutes misconduct or indicates disability. [PLEASE TYPE OR PRINT LEGIBLY; ATTACH ADDITIONAL PAPER IF NECESSARY].

I filed a Motion for change of venue at 3:57 pm on May 28, 2010 with two other motions that were docketed; before Judge Torrence accelerated his dismissal w/prejudice on 10 or more open motions; including claims that were never answered or disputed by the defendants. In addition, all parties were not served for which I filed a complaint against the two attorneys that refused to accept service (Chris Troppitto #51219 & Nicholas Ackerman #54761). By not posting or docketing my motion for a change of venue I am unable to include it in my appeal, therefore no review for change of venue. Another convenient trick to protect the ongoing greylord misconduct.

Judge Newton has failed miserable to protect my civil rights, property and right to due process in a constant and continuing disregard for Missouri rules and controlling Missouri law.

PURSUANT TO SUPREME COURT 12, THE IDENTITY OF INFORMANTS IS KEPT CONFIDENTIAL.
YOU MAY CHOOSE TO WAIVE THIS CONFIDENTIALITY.

_____ I choose to waive the confidentiality of Supreme Court Rule 12 and request that a copy of my complaint be sent to the judge or court commissioner.

 X I do not waive the confidentiality provided by Supreme Court Rule 12 and request that the Commission not disclose my identity to the judge or court commissioner.

Signature: S/Samuel K. Lipari Date: June 18, 2010

COMMISSION ON RETIREMENT, REMOVAL AND DISCIPLINE

2190 S. Mason Road, Suite 201

St. Louis, Missouri 63131

E-mail: jim.smith@courts.mo.gov

(314) 966-1007

Facsimile: (314) 966-0076

COMPLAINT ABOUT A MISSOURI JUDGE OR COURT COMMISSIONER

[PLEASE TYPE OR PRINT ALL INFORMATION]

Name: Samuel Kevin Lipari

Address: 803 South Lake Drive
Independence, Missouri 64053

Phone: Daytime: (816) 507-1328 Evening: ()

I have information of possible misconduct or disability on the part of

Hon. Judge Manners, of the 16th Circuit Court
(name of judge or court commissioner)

in Independence, Jackson Missouri.
(city) (county)

1. When and where did this happen?

Date(s): Began February 2008 Time: Location: Court Room

2. If your information arises out of a court case, please answer these questions:

(a) What is the name and number of the case?

Case name: Samuel K. Lipari v. Novation LLC. Case no: 0916-CV04217

(b) What kind of case is it?

criminal domestic relations small claims traffic
 probate X civil juvenile contempt
 other [specify]:

(c) What is your relationship to this case?

X plaintiff/petitioner defendant/respondent
 attorney for witness for
 other [specify]:

(d) If you were represented by an attorney at the time of the conduct of the judge or court commissioner, please identify the attorney:

Name: I am unable to obtain an attorney due to the misconduct.

Address:

Phone: ()

3. List documents that help support your information that the judge or court commissioner has engaged in misconduct or has a disability, noting which ones you have attached:

Please see attachment:

4. Identify, if you can, any other witnesses to the conduct of the judge or court commissioner:

Name(s): _____

Addresses: _____

Phone: () _____ () _____

5. Specify below the details of what the judge or court commissioner did that you think constitutes misconduct or indicates disability. [PLEASE TYPE OR PRINT LEGIBLY; ATTACH ADDITIONAL PAPER IF NECESSARY].

Please see attachment:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

PURSUANT TO SUPREME COURT 12, THE IDENTITY OF INFORMANTS IS KEPT CONFIDENTIAL.
YOU MAY CHOOSE TO WAIVE THIS CONFIDENTIALITY.

_____ I choose to waive the confidentiality of Supreme Court Rule 12 and request that a copy of my complaint be sent to the judge or court commissioner.

 X I do not waive the confidentiality provided by Supreme Court Rule 12 and request that the Commission not disclose my identity to the judge or court commissioner.

Signature: S/Samuel K. Lipari Date: June 29, 2010

ETHICS COMPLAINT AGAINST THE HONORABLE JUDGE MICHAEL W. MANNERS

The Honorable Judge Michael W. Manners has violated the Rules Governing the Missouri Bar and the Judiciary Rule 2.03; including Canon 1 - A Judge Shall Uphold the Integrity and Independence of the Judiciary, and Canon 3 - A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently.

RULE 2.03 CANON 1 VIOLATION OF INTEGRITY AND INDEPENDENCE

The Honorable Judge Michael W. Manners committed the following violations of his duty under Canon 1 to Uphold the Integrity and Independence of the Judiciary.

The Honorable Judge Michael W. Manners coordinated his state court proceeding with orders in two federal courts for the purpose of defeating the lawful rights of the plaintiff and denying him his redress and property. The Honorable Judge Michael W. Manners order dismissing with prejudice the previously dismissed cartel members was temporally related to similar decisions contradicting the controlling precedent of the respective jurisdictions by the Hon. Judge Carlos Murguia and the Hon. Magistrate David Waxse of Kansas District Court and the Hon. Fernando J. Gaitan, Jr. of the Western District of Missouri.

The misconduct of Honorable Judge Michael W. Manners is detailed in the proposed Third Amended Petition in *Lipari v. Novation LLC et al* 16th Cir. Case No. 0816-cv-04217 at ¶¶ 934-944 on pgs, 122-125:

“Extrinsic Fraud Through Extra-Judicial Influence Through Communications between Courts

934. The defendant hospital supply cartel members have been aided by non-defendant conspirators communicating extra-judicially to judges including the trial judge in this action. **Temporal Relationship of Hon. Judge Michael Manners’ dismissal with other courts**

935. Hon. Judge Michael Manners’s adoption of the previously dismissed cartel members’ motions for dismissal violated the controlling law of this jurisdiction on claim and issue preclusion and the other legal basis advocated by the defendants including *Noerr-Pennington* based Immunity and the statute of limitations.

936. The Hon. Judge Michael Manners’s Order dismissing with prejudice the previously dismissed cartel members was temporally related to similar decisions contradicting the controlling precedent of the respective jurisdictions by the Hon. Judge Carlos Murguia and the Hon. Magistrate David Waxse of Kansas District Court and the Hon. Fernando J. Gaitan, Jr. of the Western District of Missouri. See KS. Dist. Court case No. 2007cv02146; KS. Dist. Court case No. 2005cv02299 and W.D. of MO. Dist. Court case No. 2007cv00849.

937. The Hon. Judge Michael Manners’s order adopting judgment on the pleadings by the defendant Lathrop & Gage is temporally related to the ten day extension on discovery granted by the petitioner after the Lathrop & Gage attorneys had adopted the modus operandi of the other cartel members in stating frivolous objections to production of discoverable documents as a sham petition to delay the petitioner’s entry into the market for hospital supplies. **Hon. Fernando J. Gaitan, Jr. and St. Luke’s Health System, Novation LLC**

938. Before being appointed the federal bench by President George H.W. Bush, the Hon. Fernando J. Gaitan, Jr. was on the bench of the 16th Circuit Court. 939. The appearance of a fiduciary interest of the Hon. Fernando J. Gaitan, Jr. in the defendants St. Luke’s Health System and Novation LLC as a director or corporate officer of St. Luke’s Health System is given by the Hon. Fernando J. Gaitan, Jr.’s disclosure to the Judicial Conference.

940. The defendant St. Luke’s Health System asserts it is an owner of the defendant Novation LLC and does over \$90,000,000.00 (ninety million dollars) of purchases exclusively through Novation LLC each year. **The Hon. Judge Carlos Murguia and the District of Kansas**

941. The Hon. Judge Carlos Murguia has repeatedly made adverse rulings contrary to controlling precedent and against only the plaintiff in the present action that are temporally related with adverse rulings against the plaintiff made by Hon. Judge Fernando J. Gaitan, Jr. and Hon. Judge Michael W. Manners contrary to the controlling precedents of the Western District of Missouri and the State of Missouri respectively. See *Lipari v. General Electric Company, et al* W. D. of MO Case no 07-0849 and Appearance Docket of *Lipari v. Novation LLC, et al* 16th Cir. Missouri State Court Case No. 0816-04217.

942. On July 8, 2008 the Kansas District Court made a show cause order initiating the scheme to fraudulently procure dismissal of the plaintiff’s claims on the false accusation by US Bank NA and US Bancorp that the plaintiff failed to produce documents and answers requested by the defendants that led instead to the partial dismissal on September 4, 2008 of the plaintiff’s contract, tortious interference and

fiduciary duty claims against US Bancorp. 943. The temporal relationship of rulings adverse to the plaintiff and involving adoption of extrajudicial interim orders and communications includes the dismissal of racketeering claims against the cartel members involved in extrinsic fraud to interfere in the plaintiff's ongoing antitrust litigation by Hon. Judge Fernando J. Gaitan, Jr. (a case Hon. Judge Gaitan had assigned to himself even though an open § 455 Motion for recusal based on his directorship of a defendant was on the record in the previous removal of the same action W. D. of MO Case no. 06-0573) on July 30, 2008. See *Lipari v. General Electric Company, et al* W. D. of MO Case no 07-0849. 944. The July 7, 2008 order of the Kansas District court in the same case or controversy dismissing the plaintiff's motion to reopen his federal antitrust and racketeering claims in KS Dist. Court case no. 05-2299-CM. 945. And also, the partial dismissal of August 8, 2008 Hon. Judge Michael W. Manners that Hon. Judge Michael W. Manners had in error requested on July 3, 2008. See *Lipari v. Novation LLC, et al* 16th Cir. Missouri State Court Case No. 0816-04217.

Ex Parte Communications With the Western District of Missouri Appeals Court

The Honorable Judge Michael W. Manners exchanged communications with the Western District of Missouri Appeals Court to alter his rulings and evade appellate review over his violations of Missouri Rules of Civil Procedure and controlling precedent. Clerk Terrance Lord even telephoned The Honorable Judge Michael W. Manners to have him withdraw a ruling allowing amendment of the plaintiff's complaint.

The plaintiff was forced to make repeated futile and unnecessary appeals.

RULE 2.03 CANON 3 VIOLATION OF DISCIPLINARY RESPONSIBILITIES

The Honorable Judge Michael W. Manners committed the following violations of his duty under Canon 1 to Perform the Duties of Judicial Office Impartially and Diligently by failing to discipline or report ethics violations by attorneys that materially injured the parties in the actions before him and the State of Missouri.

Judge Michael W. Manners Did Not Act On Knowledge John K. Power MO Lic. #35312 and Leonard L. Wagner MO Lic. # 39783 Committed Violations Of Rule 4

The Honorable Judge Michael W. Manners did not refer for discipline the two attorneys representing General Electric in *Lipari v. GE*, 16th Cir. Case No. 0616-cv07421 who misrepresented to the court that they had attempted to schedule a court ordered mediation with the plaintiff. Neither did he sanction the defendants or otherwise prevent them from profiting from their frauds and continuing their deprivation of the plaintiff's property.

In *Lipari v. GE*, 16th Cir. Case No. 0616-cv07421 the defendants failed to initiate the mediation ordered by the court at the case management conference on February 09, 2007.

1. Mediation was ordered to be initiated by the defendants during the July 05, 2006 case management hearing attended by John K. Power MO Lic. #35312.
2. The plaintiff repeatedly contacted the defendants' to participate in mediation but the defendants' counsel would not return calls or initiate the mediation.
3. Mediation was again ordered by the court on February 09, 2007 and agreed to without objection by the defendants' attorney Leonard L. Wagner MO Lic. # 39783.
4. The plaintiff repeatedly contacted the defendants' law firm Husch & Eppenger, LLC (now Husch Blackwell Sanders LLP) but no mediation on the plaintiff's claims for redress was been scheduled.
5. The plaintiff brought the above to the attention of Honorable Judge Michael W. Manners in a Motion to Compel Mediation and that the plaintiff was being kept out of the market for hospital supplies in the State of Missouri by the defendants' continuing efforts to prevent the plaintiff from obtaining redress
6. The plaintiff was forced to make a Second Motion to Compel Mediation when the plaintiff repeatedly contacted the defendants' law firm Husch & Eppenger, LLC (now Husch Blackwell Sanders LLP) but no mediation on the plaintiff's claims for redress had been scheduled.
7. Instead of mediating the General Electric defendants, John K. Power MO Lic. #35312 and Leonard L. Wagner MO Lic. # 39783 through their agents Seyfarth and Shaw LLC used a false pretext to

have the plaintiff intimidated or placed in fear from being forced to travel to attend a deposition in Chicago Illinois, which has now been indefinitely postponed.

8. The GE defendants through their counsel failed to oppose the Second Motion to Compel Mediation which was granted by the court yet they still refused to participate in mediation as ordered:

“The Court this day takes up Plaintiff's Motion for Leave to File Amended Petition, filed October 10, 2007. Defendants filed Suggestions in Opposition to the Motion on October 23, 2007~ Now for good cause shown and being fully advised in the premises, the Court GRANTS the Motion [1, The Court also takes up Plaintiff's Second Motion to Compel Mediation, filed October 15, 2007. Defendants have not filed Suggestions in Opposition to the Motion. Now for good cause shown and being fully advised in the premises, the Court GRANTS the Motion. Plaintiff is ordered to contact Defendant and the mediator, to coordinate a mediation session.”

9. The defendants repeatedly showed that despite their representations through John K. Power MO Lic. #35312 and Leonard L. Wagner MO Lic. # 39783 to the court that they would participate in mediation, they had no real intention to engage in mediation but Honorable Judge Michael W. Manners refused to require them to honor their commitment.

10. John K. Power of Husch Blackwell Sanders LLP had earlier failed to show up or otherwise arrange for substitute counsel at a scheduling hearing before the Honorable Judge Michael W. Manners.

In failing to discipline or otherwise sanction John K. Power MO Lic. #35312 and Leonard L. Wagner MO Lic. # 39783, the Honorable Judge Michael W. Manners violated section D. Disciplinary Responsibilities sub-section (2) which states:

“(2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of Rule 4 should take appropriate action. A judge having knowledge that a lawyer has committed a violation of Rule 4 that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority.”

**Judge Michael W. Manners Did Not Act
On Knowledge of Kansas Disciplinary Attorney Rex Sharp's Misrepresentations
to the Plaintiff Which Resulted in the Trial Being Delayed and Ultimately Removed to Federal Court**

11. The plaintiff was continually seeking Missouri licensed counsel to represent him.

12. The former assistant prosecutor Rick D. Holtsclaw of Holtsclaw & Kendall Law Firm agreed to look into the possibility of representing the plaintiff but stated he needed to consult with a Kansas attorney Rex A. Sharp in Overland Park for expertise on the antitrust issues in the case.

13. Rick D. Holtsclaw and Rex A. Sharp of Gunderson, Sharp & Walke, LLP misled the plaintiff into thinking they were going to represent the petitioner when in reality Rex A. Sharp appears to have been receiving pay or other benefits from the State of Kansas to elicit confidential information related to the plaintiff's prosecution of his claims.

14. Rex A. Sharp was recorded by the plaintiff after it seemed Sharp had dishonestly stated he was considering representing the petitioner at the time the plaintiff's father had died and an extension in the Novation LLC cartel defendant General Electric hospital supply case before this court was sought on the basis of Sharp's representations. The audiotape is online at
<http://www.medicalsupplychain.com/pdf/Rex%20Sharp%20Conversion.wav>

See also Proposed Amended Complaint against GE at ¶¶ 173-181 pgs. 24-27
<http://www.medicalsupplychain.com/pdf/Corrected%20Lipari%20Proposed%20Amended%20Complaint%20State.pdf>

15. The plaintiff filed for a motion for extension of time for trial because of Kansas Disciplinary Attorney Rex Sharp's misrepresentations that he was considering undertaking the representation of the plaintiff and Honorable Judge Michael W. Manners, the General Electric defendants and the 16th Circuit Court were deceived in a foreseeable way by Kansas Disciplinary Attorney Rex Sharp's misrepresentations.

16. Ultimately, because Rex A. Sharp delayed meeting with the plaintiff under the false pretext of being out of town when in actuality Rex A. Sharp intended to have only a phone conference with the plaintiff in a location with a fixed landline outside of Rex A. Sharp's business office at Gunderson, Sharp & Walke, LLP for

the purpose of secretly having the telephone conference over the plaintiff's confidential theory of the case heard by parties without the consent of the plaintiff

In failing to discipline or otherwise sanction Kansas Disciplinary Attorney Rex Sharp's intentional misrepresentations, Honorable Judge Michael W. Manners violated section D. Disciplinary Responsibilities sub-section (2) which states:

"(2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of Rule 4 should take appropriate action. A judge having knowledge that a lawyer has committed a violation of Rule 4 that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the appropriate authority."

RULE 2.03 CANON 3 VIOLATION OF ADJUDICATIVE RESPONSIBILITIES

The Honorable Judge Michael W. Manners committed the following violations of his duty under Canon 3 to Perform the Duties of Judicial Office Impartially and Diligently by failing to follow the Missouri Rules of Civil Procedure and the Rules of the Missouri Supreme Court.

Judge Michael W. Manners Failed to Enforce Discovery Under Rule 56.01(b)(1)

The plaintiff was forced to file a mandamus against the Honorable Judge Michael W. Manners of the Circuit Court Of Jackson County, Missouri to afford relator discovery rights in the underlying action, *Lipari v. General Electric, et al*; 16th Cir. Case No. 0616-cv07421 under Supreme Court rule 94.

"On 03/14/2007, the respondent denied relator's first motion to compel production of discoverable documents from the defendants, including the defendant's lease of the building that is the subject of the contract action and the sales contract, ruling that the plaintiff had failed to conform to specific discovery rules, but not finding a duty of the defendant to produce relevant documents or witnesses.

3. On 05/11/2007, the respondent denied the relator's second request to compel production of documents which corrected the previous identified deficiencies. Again the respondent did not find a duty of the defendant to produce relevant documents or witnesses.

4. On 08/06/2007, the defendants served upon the relator a set of interrogatories to be answered by the respondent and a request for production of documents (which the relator had dutifully produced previously on 01/19/2007).

5. As of 08/10/2007, the defendants have not produced a single evidentiary document or information about witnesses related to the relator's claims or the General Electric defendants' affirmative defenses.

THIRD MOTION TO COMPEL PRODUCTION OF DISCOVERY REQUESTS

1. Plaintiff served notice of requests for production on the defendants on January 19, 2007. 2. On February 24th, 2007 the plaintiff received a late response from the defendants to his request for production of documents. 3. The response was a blanket objection to all three-production requests. 4. No documents were identified as be protected by privilege. 5. On April 7th, the plaintiff sent the following Golden Rule letter to the defendants:

1"April 7, 2007

John K. Power Re: Golden Rule Letter Dear John,

I have received none of the requested discovery documents from you. Furthermore I have received no documents relevant to my complaint from you and no documents from which any defense could be asserted. Instead I have received from you a frivolous blanket denial of discovery that obstructs justice in this matter and the related private and government proceedings.

Please understand that if any part of the State of Missouri court systems or any officers of the court mistakenly believe discovery no longer is permitted in a civil proceeding I will have to devote time and resources to disabuse them of that belief.

I will expect the evidence I have requested in the discovery served upon you to be delivered to me at 297 NE Bayview, Lee's Summit, MO 64064 by Friday April 13, 2007 at 3.00 pm.

Sincerely,

Samuel K. Lipari"

6. No documents have yet been produced by the defendants.

SUGGESTION IN SUPPORT OF SECOND MOTION TO COMPEL

The court may order any party to produce documents or papers, which contain evidence relevant to the subject matter involved in the pending action. Rule 56.01.

. ORDER

Case Number 0616-CV07421 Division 2

The Court also takes up Plaintiff's Third Motion to Compel Production of Discovery Requests, filed October 2~2007. Defendants filed Suggestions in Opposition to the Motion on October 15, 2007. Like Plaintiff's three previous Motions to Enforce Discovery this most recent Motion also fails to comply with Supreme Court Rule 61.01 and Local Rules 32.2.4, 32.2.5 and 33.5. Now for good cause shown and being fully advised in the premises, the Court DENIES the Motion.

The relator has a right guaranteed at law under Rule 56.01(b)(1) to obtain discovery related to the prosecution of his civil action:

"Rule 56.01(b)(1) plainly says that a party "may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action" (emphasis added)

State ex rel Svejda v. Roldan, 2002 MO 1420 at ¶21 (MOCA, 2002).

The Missouri Supreme Court in *State ex rel. Collins v. Edwards*, 652 S.W.2d 98 at 102 (Mo., 1983) has established that the respondent the Honorable Judge Michael W. Manners has the ministerial duty of fostering discovery as provided by the rules.

The Missouri Supreme Court in *State ex rel. Collins v. Edwards* also established that the factual substance behind claims of privilege should be reviewed by the trial judge for good faith. *State ex rel. Collins v. Edwards*, 652 S.W.2d 98 at 102 (Mo., 1983).

Missouri courts prohibit assertion of a blanket privilege upheld by the respondent:

"*Health Midwest Development v. Daugherty*, 965 S.W.2d 841 (Mo.banc 1998), the Supreme Court of Missouri equated the statutory peer review privilege to other privileges when, in analyzing section 537.035, it characterized all privileges as impediments to the truth and declared that, as such, they are to be strictly construed. *Id.* at 843[32]. In a similar vein, the *Daugherty* court held that "the general principles that govern [other] privileges[]" are to be used in interpreting section 537.035. *Id.* at 843. *Dixon v. Darnold*, 939 S.W.2d 66, 70-71 (Mo.App. 1997) (holding rule against blanket assertion of work product privilege sufficiently analogous to be applied when hospital attempts to make blanket assertion of peer review privilege)."

State ex rel St. John's Regional Medical Center v. Dally, 2002 MO 1367 at ¶31 (MOCA, 2002)

The Supreme Court of Missouri held in *Friedman*, 668 S.W.2d at 80, that "blanket assertions of privilege' will not suffice to invoke its protection."

The defendants have not identified any of the documents requested by the plaintiff that are privileged, nor have they described the circumstances leading to the documents being protected:

"Where the party opposing a discovery is in control of facts peculiarly within that party's knowledge, as was the case in the instant proceedings, and it is asserting a privilege or immunity from the discovery request, the burden of proof must necessarily shift from the proponent of discovery to the opponent of discovery. See 1 MO. CIVIL TRIAL PRACTICE, § 5.61 (MOBAR 2D ED.1988) ; see also discussion of blanket assertion of privilege *State ex rel. Friedman v. Provaznik*, 668 S.W.2d 76, 80 (Mo. banc 1984), *infra. State ex rel. Dixon v. Darnold*, 939 S.W.2d 66 at pg. 70 (Mo. App. S.D.,1997)."

Judge Michael W. Manners Missouri Supreme Court Rule 4-4.2

In the action *Lipari v. Novation, LLC* (16th Cir. Case No. 0816-04217), the Honorable Judge Michael W. Manners over ruled the Missouri Supreme Court and rescinded Missouri Supreme Court Rule for the express purpose of depriving the plaintiff of clearly established constitutional rights to Freedom of Speech under the First Amendment and the 14th Amendment as applied to the states.

The plaintiff was forced to appeal on this issue but the Appeals Court did not rule on whether Honorable Judge Michael W. Manners had the authority to suspend Missouri Supreme Court Rules. The appeal repeated the notice of controlling law that the plaintiff had furnished the Honorable Judge Michael W. Manners in trial court:

"Missouri Supreme Court Rule 4-4.2 (unrepresented party not barred from communication); *Smith v. Kansas City Southern Ry. Co.*, 87 S.W.3d 26 (Mo. App., 2002) (Missouri follows ABA

Rule 4.2); *E.E.O.C. v. McDonnell Douglas Corp.*, 948 F.Supp. 54 (E.D. Mo., 1996)(Direct contact permitted non-lawyers).

(C) Summary of why the legal reasons support reversible error.

Standard of Review: The Western District court will “review de novo the trial court's interpretation of Rule 4-4.2...” *Smith v Kansas City Southern Railway Co.* (W.D. of Mo. App., 2002).

Facts: The defendants represented by Husch Blackwell Sanders LLP and the law firm itself a defendant, filed a motion to enjoin the plaintiff/appellant from communicating directly to the defendants entitled Motion To Serve Papers On Counsel In Accordance With Missouri Rule Of Civil Procedure 43.01(B)

Husch Blackwell Sanders LLP motion was based on the plaintiff serving a courtesy copy of the discovery against Lathrop & Gage LLP to parties not represented by Lathrop & Gage including Robert H. Bezanson to give them notice that they may wish to contact Lathrop & Gage LLP or their own counsel to assert rights to prevent Lathrop & Gage LLP from failing to assert protections or privileges that may exist over the documents in Lathrop & Gage LLP's possession sought in the production.

The plaintiff responded with a suggestion in opposition that Rule 43.01(B) was inapplicable and that Missouri Supreme Court Rule 4-4.2 expressly provided an unrepresented party could communicate directly to opposing parties.

The plaintiff also showed that under the facts of the complaint the plaintiff was injured by not having a counsel, circumstances created by Husch Blackwell Sanders LLP and the other defendants to gain an unlawful advantage over the plaintiff and to prevent him from obtaining redress.

Missouri has adopted ABA model Rule 4.2. The Western District has observed that Missouri's Rule 4-4.2 is identical to the ABA model rule 4.2. See *Smith v. Kansas City Southern Ry. Co.*, 87 S.W.3d 266 at pg. 271 (Mo. App., 2002)

The Missouri rule states:

“RULE 4-4.2: COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.”

Rule 4-4.2: Communication With Person Represented By Counsel.

In Comment 4 to Rule 4-4.2: Communication With Person Represented By Counsel, the Missouri Supreme Court has expressly stated the following in order not to be an unconstitutional violation of protected speech against misconduct and violations of law: “Parties to a matter may communicate directly with each other”

A judge in the concurrent federal proceeding between the petitioner and the Novation LLC defendants ruled that: “Rule 4.2 generally does not prohibit a party from communicating directly with an opposing party. *Holdren v. General Motors Corp.*, 13 F.Supp.2d 1192, 1195-96 (D.Kan.1998)” *Hammond v. City of Junction City, Kansas*, 167 F.Supp.2d 1271 at 1293 (D. Kan., 2001).

A Texas court has observed that the rule does not effect the principal in his communications to a represented party: “Nor does the rule “impose a duty on a lawyer to affirmatively discourage communications between the lawyer's client and other represented persons, organizations, or entities of government.”” *News America Pub., Inc., In re*, 974 S.W.2d 97 at 101 (Tex.App.-San Antonio, 1998).

Missouri courts have adopted similar positions:

“*State ex rel. Atchison, Topeka & Santa Fe R.R. v. O'Malley*, 888 S.W.2d 760 (Mo. App.1994), supports the trial court's order excluding any testimony from House. That case involved an order from the circuit court permitting contact with any railroad employee upon the theory that 45 U.S.C. § 60 (applicable only to FELA cases) superseded Rule 4-4.2 in such type of cases.”

Smith v. Kansas City Southern Ry. Co., 87 S.W.3d 266 at 275 (Mo. App., 2002).

Missouri courts have observed a lack of prohibitions of communications under 4.2 between parties:

“Upon review of the rules of professional conduct, the Court concludes that there is nothing that prohibits one party to a litigation from making direct contact with another party to the same litigation. See e.g., Missouri Supreme Court Rules of Professional Conduct Rule 4.2 cmt. (“...

parties to a matter may communicate directly with each other...."). These rules are designed to regulate the conduct of lawyers, and simply do not apply to the conduct of nonlawyers. *Massiah v. United States*, 377 U.S. 201, 210-11, 84 S.Ct. 1199, 1205-06, 12 L.Ed.2d 246 (1964) (White, J., dissenting). Therefore, since the only evidence before the Court indicates that the direct communications were initiated by the Defendant, and not by its attorneys, the Court concludes that these communications are permissible under the rules of professional conduct."

E.E.O.C. v. McDonnell Douglas Corp., 948 F.Supp. 54 at 55 (E.D. Mo., 1996).

In order not to be an unconstitutional violation of protected speech against misconduct and violations of law, Missouri rules comment 4 specifically states:

"[4] Rule 4-4.2 does not prohibit communication with a represented person, or an employee or agent of such a person, concerning matters outside the representation. For example, the existence of a controversy between a government agency and a private party, or between two organizations, does not prohibit a lawyer for either from communicating with nonlawyer representatives of the other regarding a separate matter."

Rule 4-4.2: Communication With Person Represented By Counsel, Comment 4.

Serving a courtesy copy of the discovery against Lathrop & Gage LLP to parties not represented by Lathrop & Gage including Robert H. Bezanson was to give them notice that they may wish to contact Lathrop & Gage LLP or their own counsel to assert rights to prevent Lathrop & Gage LLP from failing to assert protections or privileges that may exist at law. This motive cannot be harassment or improper but instead advances the public policy interest even against the interest of the plaintiff in obtaining discovery of those same documents.

The public interest is in upholding the plaintiff's protected speech to stop continuing wrongdoing. The Novation LLC hospital supply antitrust conspiracy Sherman Act violations are punished as criminal felonies. The Department of Justice is empowered to bring criminal prosecutions under the Sherman Act.

Individual violators can be fined up to \$350,000 and sentenced to up to 3 years in federal prison for each offense; corporations can be fined up to \$10 million for each offense. The level of participation in a per se Sherman I conspiracy like Lathrop & Gage LLP and Husch Blackwell Sanders LLP's continuing participation in criminal acts with the Novation LLC to exclude the plaintiff/appellant from the Missouri hospital supply market is presumed as a known foreseeable consequence of the unlawful acts. See generally *U.S. v. Continental Group, Inc.*, 603 F.2d 444 (C.A.3 (Pa.), 1979).

There would be a natural tendency to want to use Missouri Rule Of Civil Procedure 43.01(B) to enlist the trial court into participating in further unlawful acts against the plaintiff for the purpose of preventing Husch Blackwell Sanders LLP and its clients' hospital supply monopoly from being exposed. However this is against the legislated public policy of the State of Missouri and the Supreme Court of Missouri.

The plaintiff's direct communications to parties serves an important public interest in facilitating the resolution of this matter:

"[I]n *Siguel v. Trustees of Tufts College*, No. 88-0626-Y, 1990 WL 29199, 1990 U.S. Dist. LEXIS 2775 (D.Mass. Mar. 12, 1990), Judge Young commented that "such contact among parties is generally encouraged as a means of facilitating settlement and of avoiding protracted litigation." *Id.* at 1990 WL 29199, at *2, 1990 U.S. Dist. LEXIS 2775" [Emphasis added]

Northwest Bypass v. U.S. Army Corps of Engineers, 488 F.Supp.2d 22 (D.N.H., 2007).

The sanctioning of the plaintiff to restrain his communications is actually obstruction of justice and against the public policy interest:

"the court of appeals concluded that 18 U.S.C. § 1513(b)(1), retaliation against witnesses, applies in both civil and criminal cases. The court recounted the facts as follows:

While in state prison, Jackie McLeod filed an action, pursuant to 42 U.S.C. § 1983, alleging that Houston County Deputy Sheriff Joe Watson and others had violated his civil rights. Watson testified at the ensuing trial. At the conclusion of the presentation of the evidence, the district judge granted a directed verdict in favor of Watson and the other defendants. Following the verdict, McLeod told Watson that as soon as he was released from prison, he was going to kill him. Watson reported this threat to the district judge and the Federal Bureau of Investigation. McLeod was charged with retaliating against a witness in violation of 18 U.S.C. § 1513(a)(1). *Id.* at 323."

Northwest Bypass v. U.S. Army Corps of Engineers, 488 F.Supp.2d 22 at 30-31 (D.N.H., 2007).

Sanctions such as the order against the plaintiff by Husch Blackwell Sanders LLP are inappropriate and in violation of the trial court's authority under the controlling law of the Western District. See Smith v. Kansas City Southern Ry. Co., 87 S.W.3d 266 at fn 8 (Mo. App., 2002).

The Western District recognizes the trial court was not at liberty to rule contrary to the Missouri Supreme Court:

"This court is constitutionally bound to follow the latest controlling decisions of the Missouri Supreme Court. Knorp v. Thompson, 175 S.W.2d 889, 894 (Mo. 1943) ...must control the outcome of the present case. St. Louis Sw. Ry. Co. of Tex. v. Spring River Stone Co., 154 S.W. 465, 467 (Mo. App. 1913) (Sturgis, J., concurring)."

State v. Aaron, No. WD 65362 at pg.1 (W.D. of Mo. App. 1/23/2007)."

The Honorable Judge Michael W. Manners' order preventing the pro se plaintiff/appellant from communicating to the parties was a violation of the Missouri Supreme Court's rules and the court's express finding that restricting communication between an unrepresented party and the other parties is an unconstitutional violation of protected speech.

The Honorable Judge Michael W. Manners violated Missouri Rule 2.03. Canon 3. A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently Section B which states:

"B. Adjudicative Responsibilities.

(2) A judge **shall be faithful to the law** and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor or fear of criticism." [Emphasis added]