

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
KANSAS CITY, MISSOURI**

SAMUEL K. LIPARI	)	
(Statutory Trustee of Dissolved	)	
Medical Supply Chain, Inc.)	)	
<i>Plaintiff,</i>	)	
v.	)	Case No. 06-0573-CV-W-FJG
	)	
GENERAL ELECTRIC COMPANY	)	
GENERAL ELECTRIC CAPITAL BUSINESS	)	
ASSET FUNDING CORPORATION,	)	
GE TRANSPORTATION SYSTEMS GLOBAL	)	
SIGNALLING, LLC.	)	
CARPETS n, MORE and	)	
STEWART FOSTER	)	
<i>Defendants.</i>	)	

**MOTION FOR EMERGENCY HEARING**  
**ON PLAINTIFF’S REMAND MOTION**

Comes now the plaintiff Samuel K. Lipari appearing pro se and respectfully requests the court grant an emergency hearing over the plaintiff’s Motion to Remand. The plaintiff has filed a timely motion for removal and supporting suggestion giving notice that the case has been improperly removed to this court.

1. The action was filed in state court on March, 2006 and served on the defendants April 4, 2006.
2. The removal fraudulently states that it meets the thirty day requirement to remove the action for diversity jurisdiction under Section 1446(b). See Exb. 1 (Notice of Removal).
3. The defendant omitted pages of the appearance docket clearly showing the absence of any order, motion or paper reopening a window for removal. See Exb. 2 (Defendants’ Attached Partial Appearance Docket).

4. This court docketed the removal and exerted jurisdiction over the plaintiff by ordering mediation and that the defendant prepare a case management plan on the *ex parte* misrepresentations of the defense counsel that this court had jurisdiction from a timely removal. See Exb 3. (CM-ECF Western District of Missouri - Docket Report) as of July 24, 2006.

5. The plaintiff filed a timely motion under Section 1447(c) for remand of this action back to state court. See Exb 4 (Motion to Remand). The motion was supported by a suggestion containing controlling case law and demonstrating the requirement that this court remand the action for the procedural failure of meeting the thirty day requirement under Section 1446(b). See Exb. 5 (Suggestion to Remand).

6. The suggestion supporting the remand was served on the defendants, the state court and this court's security officers Thursday Morning July 20 contained as an attachment the complete appearance docket from the state court action revealing the absence of any order, motion or other paper reopening the window for federal jurisdiction. See Exb 6 (Complete State Case Appearance Docket).

7. On May 31, the remaining Missouri domiciled defendants were dismissed from the case. Two other defendants were unable to be served by Jackson County Sheriff's deputies and the summonses expired on April 28, 2006 under Missouri State Rule 54.21. See Exb. 6 at pg.1 (Complete State Case Appearance Docket).

#### **HARDSHIP AND IMPENDING FURTHER INJURY**

8. The plaintiff has been repeatedly injured in his business and property by the GE Defendants and their agents. A pattern and practice of fraud, extortion and obstruction of justice has been nakedly employed to prevent the plaintiff from obtaining relief or even

protection against future injury.

9. On August 24<sup>th</sup> 2005, Jonathan L. Glecken, *pro hac vice* counsel admitted under John Power to represent the GE defendants Jeffrey R. Immelt, General Electric Company, General Electric Capital Business Asset Funding Corporation, GE Transportation Systems Global Signaling, L.L.C. in *Medical Supply Chain, Inc. v. General Electric et al.*, Kansas District Court Case No. 03-2324-CM threatened the plaintiff's counsel with the loss of his home if he did not withdraw the plaintiff's claims including the valid Missouri state contract based claims the defendants have fraudulently removed to this court. See Exb. 7 (Motion to Require Pleadings on the Record).
10. On July 26, 2006, the GE Defendants will take the house of the plaintiff's partner for a third attempt to bring the plaintiff's Medical Supply Chain business into the hospital supply market. See Exb. 8 (Forbes Article).
11. The General Electric Company is using its influence over federal courts to retaliate against Michael Lynch for prevailing in a European Union Antitrust enforcement action against Alcoa and to maintain GE's artificial inflation of defense aerospace aluminum prices through a monopoly GE obtained for Alcoa. See Exb. 9 (Order Granting The Sale of Lynch Property).
12. The action addressing this misconduct by the defendants and the documentary evidence supporting the GE's use of fraud on the court is under seal in this court entitled *United States ex rel Michael W. Lynch v Seyfarth Shaw et al.* Case no. 06-0316-CV-W-SOW.
13. The plaintiff has suffered from the fraud committed by the GE defendants' counsel John Power in fraudulently transferring the plaintiff's action *Medical Supply*

*Chain v Neoforma, Novation et al*, Western District of Missouri Case No. 05-0210 to the Kansas District court where John Power fraudulently misrepresented to the Kansas District Court that the plaintiff's complaint did not state the required elements of its federal antitrust and RICO claims despite the complaints' clear recitation of each required element accompanied by supporting detailed averments of facts arranged according to a table of contents and repeated under each count, delaying redress by two years in a case this court had ordered to arbitration.

14. The plaintiff has obtained an order from the Missouri state court requiring mediation to be completed by September 1, 2006, trial has been set for March 5, 2007 at 9:30 A.M. The GE defendants having lost the issues of law they raised in a motion to dismiss which improperly raised facts outside of the petition and failed to meet the standard for summary judgment. See Exb. 6 at Pg. 3 (Complete State Case Appearance Docket)

15. Permitting the GE Defendants to remove this action outside of the thirty day limit under Section 1446(b) unjustly burdens the plaintiff with rearguing issues that have already been resolved and have varying degrees of preclusive effect over this court, adding years before this simple contract claim can be resolved.

16. The plaintiff is without business income and risks further injury resulting from unmet commitments including a \$1.7 million dollar software contract, the loss of which would create many millions of dollars more in injury.

Whereas the GE defendants' use of fraudulently obtained jurisdiction in this court to further their racketeering and antitrust misconduct designed to destroy the plaintiff's

business should not be permitted. The plaintiff respectfully requests that this court remand this action back to the Circuit Court of Jackson County Missouri at Independence.

Respectfully submitted,

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Samuel K. Lipari *Pro se*

**Certificate of Service**

This is to certify that a copy of the foregoing notice was mailed postage pre-paid along with a copy of the Proposed Judgment, this 24<sup>th</sup> day of July, 2006, to the following:

John K. Power, Esq.  
Husch & Eppenberger, LLC  
One Kansas City Place 23rd Floor  
1200 Main Street Kansas City, MO  
64105-2122

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Samuel K. Lipari *Pro se*

Verification

I, Samuel K. Lipari being of lawful age and being first duly sworn upon my oath, state that I have read the above and foregoing and find the statements herein to be true and correct to the best of my information, knowledge and belief.

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Samuel K. Lipari

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2006