

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

SAMUEL K. LIPARI)	
)	
<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.)	
)	
<i>Defendants.</i>)	

Suggestion Opposing GE Extension of Time

COMES NOW Samuel Lipari appearing *pro se* and objects to the General Electric Company (“GE”), General Electric Capital Business Asset Funding Corporation (“GE Capital”), and GE Transportation Systems Global Signaling, LLC (“GE Transportation”) (collectively the “GE defendants”) motion seeking that this Court grant an Order extending up to and including Friday, September 8, 2006 the deadline to file the proposed discovery plan and scheduling order.

The assertions made by the GE defendants in support of their motion are misleading.

The court’s original order tasking John Power to take the lead on preparing a case management report was based on the fraudulent representation by Mr. Power that this matter was timely removed.

The GE Defendants in point 3 state: “3. The parties have attempted to meet, but have been unable.” Only the plaintiff Samuel Lipari has attempted to meet and discuss this matter with GE’s counsel. Phone calls have never been returned. See Attachment 1.

Visits to Mr. Power's office to meet as required by Rule 16 have been met with Husch & Eppenger, LLC staff telling the plaintiff that Mr. Power is unavailable. A voice mail was received from Mr. Power on the day the plaintiff went to meet with him only after the plaintiff called Ms. Enss, this court's deputy. See Attachment 2.

Mr. Power was unavailable and without excuse neglected to appear for the GE Defendants who were left with out counsel at the case management meeting held before the Missouri state court.

This in person hearing was held after months of Mr. Power refusing to communicate with the plaintiff about case management and mediation matters or even to return calls or emails. See Attachment 3.

Mr. Power believed there was something more important than the current contract matter which is part of a controversy that ultimately forced the Missouri state legislature to cut off health care benefits to its poorest citizens despite expert testimony on the death and injury that would result. See Attachment 4.

Mr. Power did not contact the Plaintiff about this motion. In deed, no attorney from Husch & Eppenger, LLC contacted the Plaintiff or otherwise discussed this motion. Instead a secretary called and that seems to be related to the realization two hours earlier that a collateral action in the Eight Circuit related to this court retaining jurisdiction over this state matter is being prepared.

The GE Defendants are misrepresenting that this delay will not harm the plaintiff. The plaintiff cannot enter the market for healthcare supplies until it recovers the property violently taken by the GE Defendants. Both consumers including the citizens of the State

of Missouri and the plaintiff are irreparably harmed every day the GE Defendants felonious extortion and obstruction of hospital supply competition continues. See Attachment 5.

Wherefore this court has no jurisdiction over this matter which was not timely removed, the plaintiff respectfully requests that the case management order extension be denied and that this matter be remanded back to state court for the lack of timely removal and for the GE Defendants failure to timely prosecute their defense.

Respectfully Submitted,

Samuel K. Lipari *pro se*
297 NE Bayview
Lee's Summit, MO 64064
816-365-1306

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 Order, this 2nd day of September, 2006, to the following:

John K. Power, Esq. Husch & Eppenberger, LLC 1700 One
Kansas City Place 1200 Main Street Kansas City, MO
64105-2122

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