

DJW/bh

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

SAMUEL K. LIPARI,

Plaintiff,

CIVIL ACTION

v.

No. 07-2146-CM-DJW

U.S. BANCORP, N.A., et al.,

Defendants.

NOTICE AND ORDER TO SHOW CAUSE

TO THE PLAINTIFF SAMUEL K. LIPARI:

On July 22, 2008, the Court issued a Memorandum and Order (doc. 103) granting in part Defendants' Motion to Compel Compliance with Rule 26(a)(1) (doc. 68). In that Order, the Court directed Plaintiff to serve on Defendants an amended Rule 26(a)(1)(A)(i) witness disclosure statement on or before July 30, 2008. In addition, the Court directed Plaintiff to serve a supplemental Rule 26(a)(1)(A)(ii) document disclosure statement or amended Rule 26(a)(1)(A)(ii) document disclosures by that same date. Defendants have informed the Court through a pleading filed on August 18, 2008 (doc. 111) that Plaintiff has not served any such disclosures or disclosure statements on Defendants.

IT IS HEREBY ORDERED that Plaintiff Samuel K. Lipari is required to show cause to United States District Judge Carlos Murguia in a pleading filed by **August 27, 2008**, why this case should not be dismissed with prejudice pursuant to Federal Rule of Civile Procedure 37(b)(2)(A) for failing to comply with the Court's July 22, 2008 Order (doc. 103).

IT IS SO ORDERED.

A copy of this Order shall be sent to Plaintiff Samuel K. Lipari by regular mail and certified mail, return receipt requested.

Dated in Kansas City, Kansas on this 18th day of August 2008.

s/ David J. Waxse
David J. Waxse
U.S. Magistrate Judge

cc: All counsel and pro se parties