Subject: Extrinsic fraud in your court: Lipari v. GE et al, Docket No. 08-3115
Date: Monday, December 14, 2009 7:45 AM
From: Samuel Lipari <Saml@MedicalSupplyChain.com>
To: <thaglin@ce8.uscourts.gov>, <wsuter@scus.gov>

Please forward the attached letter to The Honorable Chief Judge James B. Loken and The Honorable Supreme Court Justice Mr. Samuel A. Alito Jr.
Thank you!

http://www.medicalsupplychain.com/pdf/Lipari%20v%20GE%20et%20al%20Federal.pdf
http://www.medicalsupplychain.com/pdf/Unpublished%20Order%200849-3115.pdf
http://www.medicalsupplychain.com/pdf/En%20Banc%20Petition%200849-3115.pdf

Samuel K. Lipari
Medical Supply Chain
803 S. Lake Drive
Independence, Missouri 64053
Saml@MedicalSupplyChain.com
http://www.MedicalSupplyChain.com/news.htm

December 13, 2009

The Honorable Chief Judge James B. Loken
United States Court of Appeals
300 South Fourth Street, Suite 11W
Minneapolis, MN 55415

RE: *Lipari v. GE et al*, Docket No. 08-3115

Dear Honorable Chief Judge James B. Loken:

I am writing to you because there appears to be serious misconduct arising to extrinsic fraud in your court. I have previously encountered the fixing of cases in the Tenth Circuit US Court of Appeals, which I believe led to the firing of Patrick Fisher, Clerk of the Tenth Circuit and later resulted in Hon. Tenth Circuit Justice Michael W. McConnell leaving the bench.

The fraud resulted in rulings that were contrary to the controlling law of the circuit. Ethics complaints were futile and I will seek redress in the form of prospective injunctive relief to enjoin the Judicial Conference of the United States from its current unconstitutional judicial misconduct procedures. While I exhaust the existing futile administrative procedures I will alert you to the crime in your Eighth Circuit court.

The law clerks acting for The Honorable Judge Roger L. Wollman, The Honorable Judge Riley, and The Honorable Judge Lavenski R. Smith have issued a one paragraph opinion that covers up serious criminal racketeering conduct and felonies by court officers and officials in the Western District of Missouri with a finding of law that I did not meet the tangible injury requirement of *Regions Bank v. J.R. Oil Co., LLC*, 387 F.3d 721 at 729 (8th Cir., 2004) when in fact I cited the case as the basis for reversing dismissal of my racketeering claims. See attached excerpt from my opening brief.

Hon, Chief Judge James B. Loken, when your court betrays its own published determinations of law to help law firms commit crimes, it ceases to be a court. The people your court is participating in racketeering with have rewarded your favor with even more emboldened felonies against the public interest of US citizens while this appeal has been pending. My eight years of litigation repeatedly demonstrates this effect. Eventually the wrongdoers law enforcement officers must prosecute with the highest priority are the court officials that manage and control the pattern of racketeering violating the public policy legislated by Congress.

I have sought a timely *en banc* review of the ruling in question (which has not been docketed). My experience has been that Circuit court judges will be forced to cover for their peers when the officials responsible for policing against corruption in our courts have negligently failed to perform their duties. This letter however gives you notice and the chance to investigate what is taking place in your circuit.

Sincerely,
Samuel K. Lipari
Medical Supply Chain
803 S. Lake Drive
Independence, Missouri 64053
Saml@MedicalSupplyChain.com
http://www.MedicalSupplyChain.com/news.htm

cc:

Honorable Supreme Court Justice Mr. Samuel A. Alito, Jr.

John K. Power
Leonard L. Wagner
Michael S. Hargens
Husch Blackwell Sanders, LLP
Attorneys for the GE Defendants

J. Nick Badgerow
Spencer Fane Britt & Browne, LLP
Attorney for Seyfarth Shaw LLP

Jeffrey P. Ray
Office of the United States Attorney
Attorney for Bradley J. Schlozman

claim..."*Alexander Grant and Co. v. Tiffany Industries, Inc*., 770 F.2d 717 at 718 (C.A.8 (Mo.), 1985). The trial court was required to follow Eighth Circuit precedent or guidance on standing pleading requirements even in the face of doubts. See *Bowman v. Western Auto Supply Co*., 773 F.Supp. 174 at 177 (W.D. Mo., 1991). The plaintiff's complaint however met the pleading stage showing of RICO standing required under Eighth Circuit controlling precedent:

> "Taking the facts in a light most favorable to Regions Bank, we must assume that Steven Jones, perhaps with the assistance of his accountant, Edward Bonner, committed fraud in the procurement of the $400,000 loan from Regions Bank. Regions Bank's own failure to adequately research the status of prior liens against J.R. Oil's assets, coupled with this presumed fraud, clearly caused injury to Regions Bank, both factually and proximately. **Further, the $400,000 that Regions Bank actually gave to J.R. Oil under the loan cannot be viewed as an "intangible property interest."** [Emphasis added]

Regions Bank v. J.R. Oil Co., LLC, 387 F.3d 721 at 729 (8th Cir., 2004)

The loss of value from the contract to purchase the building at 1600 Coronado and the loss of the $350,00.00 averred in the plaintiff's complaint meets the property standing requirement maintained by the Eighth Circuit. However the trial court's memorandum and order overturns this circuit's stare decisis precedent in *Bennett v. Berg*, 685 F.2d 1053 (C.A.8 (Mo.), 1981) upheld by the *en banc* court in *Bennett v. Berg*, 710 F.2d 1361 (C.A.8 (Mo.), 1983) regarding the loss of value in the occupancy of the office building as another benefit of the bargain made with General Electric and GE Transportation clearly pled by the plaintiff in the complaint:

"Appellants' complaints alleged several forms of monetary loss. Appellants'

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-3115

Samuel K. Lipari, as Assignee of Dissolved Medical Supply Chain, Inc.,	*	
Appellant,	*	
v.	*	Appeal from the United States District Court for the Western District of Missouri.
General Electric Company; General Electric Capital Business Asset Funding Corporation; GE Transportation Systems Globaling Signaling, LLC; Stewart Foster; Jeffrey R. Immelt; Seyfarth Shaw, LLP; Heartland Financial Group, Inc.; Christopher M. McDaniel; Bradley J. Schlozman,	*	[UNPUBLISHED]
Appellees.	*	

Submitted: November 27, 2009
Filed: December 4, 2009

Before WOLLMAN, RILEY, and SMITH, Circuit Judges.

PER CURIAM.

Samuel Lipari appeals the district court's[1] orders granting defendants' motions to dismiss his civil Racketeer Influenced and Corrupt Organizations Act (RICO) claims, denying his motion to amend his complaint, and denying his post-judgment request for the district court judge's recusal. Following careful review, we find no basis for reversal. See Charles Brooks Co. v. Georgia-Pacific, LLC, 552 F.3d 718, 721-23 (8th Cir. 2009) (recognizing de novo review of a dismissal and affirming the dismissal of one plaintiff's individual claims because he failed to allege an injury to confer standing); Regions Bank v. J.R. Oil Co., 387 F.3d 721, 728-29 (8th Cir. 2004) (explaining, to have standing to bring a civil RICO claim, plaintiff must have suffered an injury "by reason of" a RICO violation and the showing of an injury requires proof of a concrete financial loss, and not mere injury to a valuable intangible property interest); see also United States ex rel. Joshi v. St. Luke's Hosp., 441 F.3d 552, 555 (8th Cir. 2006) (stating abuse of discretion review for denial of a motion to amend a complaint, but de novo review of the underlying legal conclusion that a proposed amendment to the complaint would have been futile); Hooker v. Story, 159 F.3d 1139, 1140 (8th Cir. 1998) (per curiam) (declaring the abuse of discretion standard of review for recusal motions).

We affirm. See 8th Cir. R. 47B.

---

[1]The Honorable Fernando J. Gaitan, Jr., Chief Judge, United States District Court for the Western District of Missouri.