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 6 Attorney for Exeter Trinity Properties

7 **IN THE UNITED STATES DISTRICT COURT**  
 8 **DISTRICT OF ARIZONA**

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| 7 UNITED STATES OF AMERICA,<br>8 Plaintiffs,<br>9 vs.<br>10 JOSEPH J. LIPARI, EILEEN H. LIPARI<br>11 and EXETER TRINITY PROPERTIES,<br>12 L.L.C.,<br>Defendants. | No. 3:10-CV-08142 JWS<br><br>MOTION FOR LEAVE TO FILE<br>SUPPLEMENTAL<br>STATEMENT OF FACTS<br><br>Honorable John W. Sedwick |
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13 The Defendant Exeter Trinity Properties, L.L.C., respectfully requests leave to  
 14 file a Supplemental Statement of Facts in support of its Reply to its Motion for Summary  
 15 Judgment. Because February 15, 2012, was the deadline for filing Exeter's Reply, the  
 16 Supplemental Statement of Facts has already been submitted.

17 The reason for this request is that the Plaintiff's Response to Exeter's Motion  
 18 for Summary Judgment required that additional facts be brought to the Court's attention.  
 19 However, Exeter is not attempting to enlarge the record, only to reference additional portions.  
 20 All materials identified in the Supplement are already subject to this Court's review.

21 This Motion is filed solely to promote the interests of justice, because the facts  
 22 referenced in the Supplement are necessary for a proper understanding of the Plaintiff's  
 23 Response and Exeter's Reply. However, the interests of justice would also be served by  
 24 granting the Plaintiff the opportunity to respond to Exeter's Supplement. It is submitted that  
 25 through a thorough presentation of the facts, the Court will be in the best position to examine  
 26 each party's Motion for Summary Judgment.

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1 A proposed form of Order is lodged concurrently herewith and a copy has been  
2 provided to the Plaintiff and to Dr. Lipari, together with a copy of this Motion.

3 Dated: February 15, 2012.

4 RESPECTFULLY SUBMITTED,

5  
6 John Friedeman  
7 5103 E. Thomas Road  
8 Phoenix, AZ 85018  
9 Attorney for Exeter Trinity Properties, LLC

10 CERTIFICATE OF SERVICE

11 I HEREBY CERTIFY that on this February 15, 2012, I electronically filed the foregoing with  
12 the Clerk of Court and served the following attorney of record using the CM/ECF system:

13 Charles M. Duffy  
14 P.O. Box 683  
15 Ben Franklin Station  
16 Washington, D.C. 20044-0683

17 I further certify that on the same day I mailed by U.S. Postal Service the foregoing to the  
18 following party who is not represented by counsel.

19 Eileen Lipari  
20 156 Johnson Hill Drive  
21 Waynesville, NC 28786  
22 Defendant, pro per

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John Friedeman