

IN THE CIRCUIT COURT OF CLINTON COUNTY
FORTY THIRD JUDICIAL CIRCUIT
STATE OF MISSOURI

F I L E D
OCT 7 - 2008

MOLLY LIVINGSTON
CLERK OF CIRCUIT COURT

MICHAEL O'LOUGHLIN)

v.)

ETEROUTREMER S.A., et. Al.)
Belgium)

Cause No. 08CN-CV00705

Division: McElwain

EMERGENCY MOTION FOR LEAVE OF COURT
TO TAKE THE DEPOSITION OF EDWIN HIGH

COMES NOW Plaintiff by and through his attorneys of record and in support of this Emergency Motion for Leave to Take the Deposition of Edwin High states as follows:

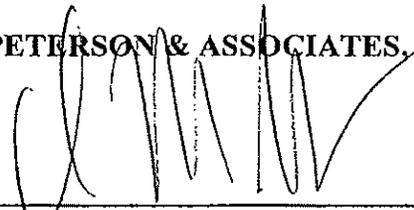
1. This motion is filed pursuant to Mo. Rule of Civ. Pro. 57.03.
2. This matter was filed with the court on August 26, 2008.
3. Some but not all of the Defendants have been served in this matter.
4. One of the Defendants is an international company whose service will take several months to accomplish; an alias summons has already been issued by this court for that Defendant.
5. No entries of appearance or responses from the Defendants who have been served have been entered in this matter.
6. Pursuant to Mo. Rule Civ. Pro. 57.03 the court can grant leave of court without notice for the Plaintiff to take a deposition if said deposition is to occur within thirty (30) days of a defendant being served with the initial complaint.
7. The proposed deponent Edwin High has unique information that is necessary to this litigation.

8. Sadly, Mr. High suffers from a brain tumor and has been given only days to live. Therefore, it is imperative that this information be acquired.
9. Mr. High is more than willing to have this deposition taken as soon as possible.
10. The proposed deposition would be set for Monday October 13, 2008, 3:00 pm, at Mr. High's home located at 17170 County Road 290, Cosby, MO 64436.

WHEREFORE, Plaintiff prays to this court for an order granting leave for Plaintiff to take the deposition of Edwin High on the date, time and location indicated above.

Respectfully submitted,

PETERSON & ASSOCIATES, P.C.



David M. Peterson #32229

Nicholas S. Clevenger #57171

D. Todd Mathews #52502

Park Plaza Building

801 W. 47th Street, Suite 107

Kansas City, Missouri 64112

(816) 531-4440

(816) 531-0660 FAX

ATTORNEYS FOR PLAINTIFF