

IN THE CIRCUIT COURT OF CLINTON COUNTY, MISSOURI

FILED
APR 19 2010

MOLLY LIVINGSTON
Clerk of Clinton Co. Circuit Court

WILLIAM KEMPER, et al.)
)
Plaintiffs)
)
v.)
)
PRIME TANNING CORP., et al.)
)
Defendants.)

Case No. 09CVCN-CV00333

**PLAINTIFFS' SUGGESTIONS IN OPPOSITION TO
DEFENDANTS BURNS & MCDONNELL AND
ELEMENTIS, LTP's MOTION TO TRANSFER VENUE**

Defendants Prime Tanning Corp. and National Beef Leathers LLC have moved for change of venue of this case from Clinton County, as a matter of right, under Mo. Ct. Rule 51.03 because Clinton County has less than 75,000 residents. Plaintiffs filed responses agreeing that defendants are entitled to move the case from Clinton County, as a matter of right, pursuant to Mo. Ct. Rule 51.03. Subsequently, plaintiffs added defendants Burns & McDonnell Engineering Company, Inc. and Elementis LTP, L.P. to the case, and they have now filed a separate change of venue motion as to plaintiff Janet Lasher only.

The motion to transfer venue filed by Burns & McDonnell and Elementis, LTP is moot – plaintiffs concede that defendants are entitled to move the case from Clinton County as a matter of right under Mo. Ct. Rule 51.03. Plaintiffs respectfully suggest that the case be transferred to Jackson County, Missouri, as has been fully briefed and argued to this Court. In the alternative, plaintiffs respectfully suggest that the case be transferred to Judge Frank Conley in Boone County, Missouri, who is handling many of these cases being transferred from counties with less than 75,000 people.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on this 16 day of April, 2010, copies of the foregoing were transmitted
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