

IN THE CIRCUIT COURT OF CLINTON COUNTY, MISSOURI

BEVERLY LONG, et al.,

Plaintiffs,

v.

PRIME TANNING CORP., et al.,

Defendants.

Case No. 09CN-CV00422

FILED
APR 30 2010
MOLLY LIVINGSTON
Clerk of Clinton Co. Circuit Court.

**DEFENDANTS PRIME TANNING CORP. AND PRIME TANNING CO., INC.'S
WITHDRAWAL OF THEIR APPLICATION FOR CHANGE OF VENUE**

Defendant Prime Tanning Corp. and Prime Tanning Co., Inc. ("Defendants Prime")
hereby withdraw their Application for Change of Venue. In connection with this withdrawal,
Defendants Prime state:

1. Pursuant to Mo. R. Civ. P. 51.03, Defendants Prime filed their Application For Change Of Judge And Change Of Venue on July 9, 2009. The Court has not yet ruled on the application for change of venue.
2. Nothing in the Missouri Rules of Civil Procedure prohibits a party from withdrawing an application to change venue.
3. Missouri courts have held that parties may waive their statutory privilege to a change of venue either before or after requesting such a change. See State v. Smith, 293 S.W.3d 149, 152 (Mo. Cl. App. 2009); State ex rel. Dilliner v. Cummins, 92 S.W.2d 605, 607 (Mo. 1936) (interpreting the virtually identical criminal change of venue rule).
4. Accordingly, Defendants Prime's withdrawal of their application for change of venue is proper and should be recognized by the Court.

Dated: April 29, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 29th day of April, 2010, copies of the foregoing were transmitted via first class U.S. mail, postage prepaid, to:

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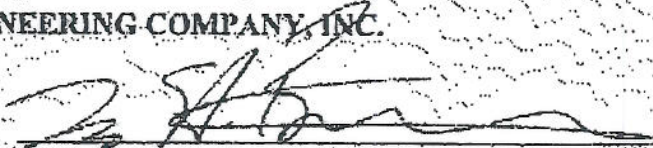
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A handwritten signature in dark ink, appearing to be "G. E. Wolf", is written over a horizontal line.

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