

IN THE CIRCUIT COURT OF CLINTON COUNTY, MISSOURI

FILED
APR 30 2010

MOLLY LIVINGSTON
Clerk of Clinton Co. Circuit Court

JANNETTE MEYER,)
)
 Plaintiff,)
)
 v.)
)
 PRIME TANNING CORP., et al.,)
)
 Defendants.)

Case No. 09CN-CV00541

**DEFENDANT NATIONAL BEEF LEATHERS, LLC'S
WITHDRAWAL OF ITS APPLICATION FOR CHANGE OF VENUE**

Defendant National Beef Leathers, LLC ("NBL") hereby respectfully withdraws its Application for Change of Venue. In connection with this withdrawal, NBL states:

1. Pursuant to Mo. R. Civ. P. 51.03, NBL filed its Joint Application For Change Of Venue And Change Of Judge on October 13, 2009. The Court has not yet ruled on this application.
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. Ct. 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 NBL's withdrawal of its application for change of venue is proper and should be recognized by the Court.

Date: April 29, 2010

Respectfully submitted,



W.C. Blanton #54125

Stephen J. Torline #49483

Derek Teeter #59031

4801 Main Street, Suite 1000

Kansas City, MO 64112

Telephone: (816) 983-8000

Facsimile: (816) 983-8080

wc.blanton@huschblackwell.com

stephen.torline@huschblackwell.com

derek.teeter@huschblackwell.com

**ATTORNEYS FOR DEFENDANT NATIONAL
BEEF LEATHERS, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **DEFENDANT NATIONAL BEEF LEATHERS, LLC'S WITHDRAWAL OF ITS APPLICATION FOR CHANGE OF VENUE** has been deposited in the U.S. Mail, first class postage prepaid, this 29th day of April, 2010, to the following:

Grant L. Davis
Scott S. Bethune
Thomas C. Jones
Wes Shumate
Davis Bethune & Jones, LLC
1100 Main St., Ste. 2930
P.O. Box 26250
Kansas City, MO 64196

David M. Peterson
Nicholas S. Clevenger
Thomas H. Rolwing, Jr.
Brett A. Williams
Peterson & Associates, P.C.
Park Plaza Building
801 W. 47th Street, Suite 107
Kansas City, MO 64112

ATTORNEYS FOR PLAINTIFF



W.C. Blanton
HUSCH BLACKWELL SANDERS LLP
4801 Main Street, Suite 1000
Kansas City, MO 64112