



2. Livingston County is the venue most convenient to the parties because it is in the same circuit as the current venue and, therefore, is proximately located to the Plaintiffs, parties and potential witnesses.

Upon timely application by a party, Rule 51.03(c) mandates that the Court shall immediately order the transfer, after giving the parties an opportunity to make suggestions to the court for the new venue, based on convenience to the parties. M.R.C.P. 51.03(c) (2008). As to what is convenient to the parties, the Missouri Supreme Court requires a venue that will provide a logical and orderly forum for the litigation. State ex rel. Lebanon School District R-III v. Winfrey, 183 S.W.3d 232, 237 (Mo. banc 2006).

In this case, Livingston County is the most convenient alternative venue for the parties. Livingston County is in the 43rd Judicial Circuit, the same circuit as DeKalb County. Also, many of the potential witnesses in this case are likely to be located in proximity to Chillicothe, given Plaintiffs' allegations that Defendants' actions occurred in and around Buchanan, DeKalb, Andrew and Clinton Counties, all of which are proximately located and within a reasonable driving distance from Chillicothe, where those witnesses may be called to testify at trial. Livingston County will, therefore, provide a convenient, logical and orderly forum for the trial of this lawsuit.

WHEREFORE, NBL respectfully requests this Court to grant its application for change of venue, to transfer this action to Livingston County, and to grant it such other relief as this Court deems proper.

Date: 7/20/09

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that copies of the foregoing **SUGGESTIONS IN SUPPORT OF APPLICATION FOR CHANGE OF VENUE** have been deposited in the U.S. Mail, first class postage prepaid, this 20th day of July, 2009, to the following:

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