

IN THE CIRCUIT COURT OF CLINTON COUNTY, MISSOURI

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

Case No. 09CN-CV00333

FILED
APR 28 2009
MOLLY BRISTON
Clerk of Clinton Co. Circuit Court

**MOTION FOR *EX PARTE* TEMPORARY RESTRAINING ORDER
AGAINST THIRD PARTY FOR PRESERVATION OF EVIDENCE
WITH SUGGESTIONS IN SUPPORT**

Motion

Plaintiffs William Kemper and Janet Lasher, by and through counsel, hereby move for a temporary restraining order against third party Brown Transfer & Storage (Brown Storage) in St. Joseph, Missouri. Plaintiffs request that Brown Storage be ordered to retain and not destroy any documents in its possession from Prime Tanning Corp. or its related companies for the reasons stated below.

Suggestions In Support

Plaintiffs filed suit against Prime Tanning Corp. and National Beef Leathers Co., LLC on April 22, 2009 for personal injury and wrongful death due to chemical waste exposure. On April 24, 2009, undersigned counsel (Brian Madden) sent correspondence to Defendants indicating that all relevant documents must be retained and not destroyed.

Brown Storage in St. Joseph, Missouri is in possession of approximately eighty pallets of documents from Prime Tanning Corp. The undersigned (Brian Madden) received information on April 28, 2009 that Prime Tanning Corp.'s successor, National Beef Leathers, has as recently as yesterday requested the destruction of all the Prime Tanning Corp. documents in Brown

Storage's possession despite this lawsuit and despite a document preservation letter that has been sent to both Prime Tanning and National Beef Leathers. National Beef Leathers began making requests for destruction of all Prime Tanning Corp. documents on or about March 25, 2009. (see e-mail produced *in camera*)

A temporary restraining order is necessary to preserve document evidence that may be relevant to the issues in this case and other cases against Prime Tanning Corp. and National Beef Leathers. Plaintiffs' counsel will pay for the continued storage of the Prime Tanning Corp. documents until they can be reviewed and copied, so there will be no prejudice to Brown Storage in retaining the documents.

WHEREFORE, plaintiffs William Kemper and Janet Lasher hereby request that this Court enter a temporary restraining order against Brown Storage that Brown Storage retain and store any and all documents from Prime Tanning Corp. or its related companies and that Brown Storage refrain from destroying any documents from Prime Tanning Corp. or its related companies.

Respectfully submitted,

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