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

IN THE CIRCUIT COURT OF CLINTON COUNTY, MISSOURI

WILLIAM KEMPER, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	**Case No. 09CN-CV00333**
	)	
PRIME TANNING CORP., et al.,	)	
	)	
Defendants.	)	

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 June 8, 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. 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,

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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:

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