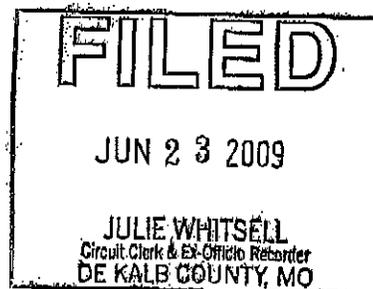


IN THE CIRCUIT COURT OF DEKALB COUNTY
43RD JUDICIAL CIRCUIT
STATE OF MISSOURI



MAYCEE GARDNER, a Minor,
By Her Mother and Next Friend,
CYNDEE GARDNER,

Plaintiff,

v.

PRIME TANNING CORP., et al.,

Defendants.

Cause No.: 09CN-CV00333

**PLAINTIFFS' SUGGESTIONS IN RESPONSE TO NATIONAL BEEF LEATHER'S
APPLICATION FOR CHANGE OF VENUE**

COMES NOW Plaintiff Cyndee Gardner, as Next Friend for Maycee Gardner, by and through her attorneys of record, and for response to Defendant National Beef Leather's Application for Change of Venue states as follows:

Plaintiff acknowledges that Defendant National Beef Leather (NBL) is entitled to an application for change of venue as a matter of right pursuant to Rule 51.03 of the Missouri Rules of Civil Procedure- Livingston County is in no way a convenient location which would warrant sending this case, or any other related case, to that venue. It is very likely that there will be more than one hundred (100) similar claims filed against Defendant NBL and its co-defendants. Jackson County is the most convenient and best equipped venue to handle such volume, and plaintiffs hereby incorporate their suggestions in response to Prime's Application for Change of Venue in support of moving this case to Jackson County.

In the event that the Court does not find Jackson County to be suitable venue for this case due to the reasons stated in Defendant's Application for Change of Venue, then Plaintiff would suggest that the next best venue capable of handling such a large volume of cases would be in the 22nd Judicial Circuit- St. Louis City. Like Jackson County, the 22nd Judicial Circuit is located in a large metropolitan area with a vast jury pool, an international airport for easy access for all parties, attorneys, and medical and other experts, and the capabilities to handle large volume of cases which will certainly be filed in this matter.

Livingston County, on the other hand, has absolutely no connection to this case whatsoever. Defendants Prime Tanning Corp. and NBL are headquartered in Buchanan County, Missouri. NBL's parent company National Beef is headquartered in Clay County, Missouri. None of the plaintiffs in any related lawsuit live in Livingston County. There is simply nothing convenient about Livingston County that would warrant sending this case to that venue. Jackson County is best equipped to handle a mass tort such as this case, and the 22nd Judicial Circuit- St. Louis City, is the next best choice for venue. Therefore, Plaintiff respectfully requests that the case be transferred to Jackson County, or in the alternative, to the 22nd Judicial Circuit- St. Louis City.

WHEREFORE, Plaintiff respectfully requests that the case be transferred to Jackson County, or in the alternative, to the 22nd Judicial Circuit- St. Louis City for further proceedings.

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CERTIFICATE OF SERVICE

I certify that on this 23rd day of June, 2009, copies of the foregoing were transmitted via facsimile and first class U.S. mail, with proper postage affixed, to:

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