



IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

DON WHEELER, et al.,)
v.)
Plaintiffs,) CASE NO 1216-CV24406
v.) DIVISION 7
AMERICAN ECONOMY)
INSURANCECOMPNAY, et al.,)
Defendants.)

ORDER

Pending before the Court is Defendant American Economy Insurance Co.'s Motion to Transfer Venue, filed on November 13, 2012. Plaintiff argues that pursuant to Mo. Rev. Stat. § 508.010.4 this action should have been brought in Adair County, Missouri. For the reasons stated below, the Court will GRANT the Defendant's Motion.

When a plaintiff brings an action that alleges a tort in at least one count, and the plaintiff was first injured by that tort in the state of Missouri, the action shall be brought in the county where the injury first occurred. § 508.010.4. Although this motion has been pending over 15 days, the Plaintiff has not filed a response to the Defendant's motion.

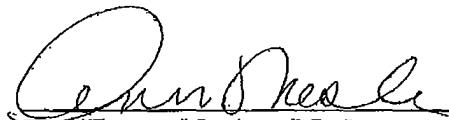
According to the allegations of Plaintiff's petition, the co-Defendants, Raul J. Walters and Raul Walters Properties, LLC, were negligent for failing to maintain the exterior of Plaintiffs' Sears store, which negligence resulted in property damage and economic loss. The Sears store is located in Kirksville, Adair County, Missouri. Under these allegations, there is a claim for a tort, which will cause § 508.010.4 to take effect. Pursuant to that section, venue shall be in the county in which the injury first occurred. In this case, the injury was allegedly sustained by Plaintiff in Kirksville, Adair County, Missouri. Therefore, venue in this action should be in Adair County. The Court will GRANT Defendant's motion.

WHEREFORE, IT IS HEREBY ORDERED that Defendant's Motion to Transfer Venue is GRANTED.

WHEREFORE, IT IS HEREBY FURTHER ORDERED that, as a result of this order, Defendants Raul J. Walters and Raul Walters Properties, LLC's Motion to Join Defendant American Economy Insurance Company's Motion to Transfer Venue is **NO LONGER AT ISSUE**.

IT IS SO ORDERED.

Dec 7, 2012
Date



The Honorable Ann Mesle
Circuit Court Judge

I certify that copies were distributed on
this _____ of _____, 20____ to:

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