

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

CHRISTINA SUTTON,

Plaintiff,

Case No. 0816-CV25216

v.

Division 13

HOWARD ROSENTHAL MD, et al.,

Defendants.

**ORDER**

Now, on this \_\_\_\_ day of March, 2009, the Court considers the Motion to Dismiss of Defendants Mid-America Sarcoma Institute, P.A. and Howard Rosenthal, M.D., filed October 7, 2008, Defendant Anew Home Health, L.C.'s Motion to Transfer Venue, filed October 7, 2008, and Defendant Lynn Williams' Motion to Transfer Venue, filed December 11, 2008, and being fully advised in the premises,

**IT IS HEREBY ORDERED** that the Motion to Dismiss of Defendants Mid-America Sarcoma Institute, P.A. and Howard Rosenthal, M.D. is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant Anew Home Health, L.C.'s Motion to Transfer Venue is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant Lynn Williams' Motion to Transfer Venue is **DENIED**. Defendants Lynn Williams, R.N. and Anew Home Health, L.C. assert that venue is not proper in Jackson County. The applicable venue statute is RSMo. §508.010(5) which provides:

Notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the plaintiff was first injured outside the state of Missouri, venue shall be determined as follows:

(1) If the defendant is a corporation, then venue shall be in any county where a defendant corporation's registered agent is located or, if the plaintiff's principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue may be in the county of the plaintiff's principal place of residence on the date the plaintiff was first injured;

(2) If the defendant is an individual, then venue shall be in any county of the individual defendant's principal place of residence in the state of Missouri or, if the plaintiff's principal place of residence was in the state of Missouri on the date the plaintiff was first injured, then venue may be in the county containing the plaintiff's principal place of residence on the date the plaintiff was first injured.

The statute directly addresses venue for suits involving individual defendants and suits involving corporate defendants, but does not specifically provide a venue when individual and corporate defendants are sued together. Upon review, this Court finds that venue is proper in Jackson County because Defendant Anew Home Health, L.C.'s registered agent is in Jackson County. This Court interprets section 508.010(5) to authorize venue in *any* county which was: (a) the location of the registered agent of at least one corporate defendant, (b) the principal residence of at least one individual defendant, or (c) the plaintiff's residence when first injured. Because Plaintiff chose to bring suit in Jackson County, and Jackson County is a proper venue under the statute, Defendants' Motion to Transfer is denied.

**IT IS SO ORDERED.**

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**JAY A. DAUGHERTY**

I hereby certify that copies  
of the above and foregoing  
were sent on this \_\_\_\_ day of  
March, 2009, to the following:

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