

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

IN RE: READY-MIXED CONCRETE ANTITRUST LITIGATION,	)	Master Docket No.
	)	1:05-cv-00979-SEB-VSS
	)	
	)	
THIS DOCUMENT RELATES TO: ALL ACTIONS	)	
	)	
	)	

**PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION**

The Plaintiffs, Kort Builders, Inc., Dan Grote, Cherokee Development, Inc., Wininger/Stolberg Group, Inc., Marmax Construction, LLC, Boyle Construction Management, Inc., and T&R Contractor, Inc. (collectively “Plaintiffs”), by Interim Co-Lead Counsel, respectfully move this Court for an Order certifying a Plaintiff Class for their claims under Section 1 of the Sherman Act, 15 U.S.C. § 1, and Sections 4 and 16 of the Clayton Act, 15 U.S.C. §§ 15, 26 (2002), against Defendants Irving Materials, Inc., American Concrete Company, Inc., Prairie Material Sales, Inc., Shelby Gravel, Inc. d/b/a Shelby Materials, Builder’s Concrete & Supply, Inc., Hughey, Inc. d/b/a Carmel Concrete Products Co., Beaver Materials Corporation, MA-RI-AL Corporation, Chris Beaver, Ricky (“Rick”) Beaver, Daniel C. Butler, John Huggins, Fred R. (“Pete”) Irving, Price Irving, Gus B. (“Butch”) Nuckols III, John Blatzheim, Scott D. Hughey, Richard Haehl, Philip Haehl, and Gary Matney (collectively “Defendants”).

The Plaintiffs seek certification pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3), and S.D.Ind.L.R. 23.1(b), of a Plaintiff Class defined as follows:

All individuals, partnerships, corporations, limited liability companies, or other business or legal entities who purchased ready-mixed concrete directly from any of the Defendants or any of their co-conspirators, which was delivered from a

facility within the Counties of Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Monroe, Morgan, or Shelby in the State of Indiana, at any time from July 1, 2000 through May 25, 2004, but excluding the Defendants, their co-conspirators, their respective parents, subsidiaries, and affiliates, and federal, state, and local government entities and political subdivisions.

The Plaintiffs further request that they be appointed as Class Representatives for the Plaintiff Class, and that Interim Co-Lead Counsel be appointed Class Counsel for the Plaintiff Class.

In support of this Motion, the Plaintiffs submit herewith their Memorandum in Support of Plaintiffs' Motion for Class Certification and Declaration of Irwin B. Levin in Support of Plaintiffs' Motion for Class Certification.

Dated: August 1, 2007

Respectfully submitted,

/s/ Irwin B. Levin

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## CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2007, a copy of the foregoing was filed electronically.

Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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