

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

**IN RE: IOWA READY-MIX
CONCRETE ANTITRUST
LITIGATION**

**No. C10-4038-MWB
(CONSOLIDATED CASES)**

**DEFENDANT STEVEN KEITH VANDEBRAKE'S MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED CONSOLIDATED CLASS ACTION COMPLAINT**

Defendant Steven Keith VandeBrake ("VandeBrake"), by counsel, hereby moves to dismiss Plaintiffs' Second Amended Consolidated Class Action Complaint (Doc. 236) pursuant to Rule 12 of the Federal Rules of Civil Procedure, and in support of such Motion, states as follows:

1. VandeBrake incorporates by reference the arguments enumerated in Defendant GCC Alliance Concrete, Inc.'s Motion to Dismiss Plaintiffs' Second Amended Consolidated Complaint and Brief in Support thereof filed on May 16, 2011. (Docs. 242 & 242-1.)

WHEREFORE, Plaintiff Steve Keith VandeBrake respectfully requests that this Court grant this Motion to Dismiss Plaintiffs' Second Amended Consolidated Class Action Complaint and all other relief just and proper in the premises.

Respectfully submitted,

/s/ Bryan S. Strawbridge

Thomas J. Costakis, Ind. Attorney No. 4314-49

C. Joseph Russell, Ind. Attorney No. 6290-49

Bryan S. Strawbridge, Ind. Attorney No. 29076-49

KRIEG DeVAULT LLP

One Indiana Square, Suite 2800

Indianapolis, Indiana 46204-2079

T: (317) 636-4341

F: (317) 636-1507

tcostakis@kdlegal.com

crussell@kdlegal.com

bstrawbridge@kdlegal.com

(admitted pro hac vice)

Francis L. Goodwin
BARON, SAR, GOODWIN, GILL & LOHR
750 Pierce Street
P.O. Box 717
Sioux City, IA 51101
T: (712) 277-1015
F: (712) 277-3067
flgoodwin@baronsar.com

Attorneys for Defendant Steven Keith VandeBrake

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2011, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

/s/ Bryan S. Strawbridge
Bryan S. Strawbridge

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