

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)

**MOTION TO DISMISS SECOND
AMENDED CONSOLIDATED
COMPLAINT BY VS HOLDING
COMPANY**

NOW COMES Defendant VS Holding Company, pursuant to Federal Rule of Civil Procedure 12(b)(6), and respectfully requests that Plaintiffs' Second Amended Consolidated Complaint be dismissed for failure to state a claim upon which relief may be granted because it does not allege facts reasonably to show VS Holding's involvement in any illegal agreements with Tri-State after January 14, 2008 (Count I) or with Great Lakes at any time (Count II), and Plaintiffs have conceded they have no claim against VS Holding for any alleged illegal agreement with Siouxland at any time (Count III). VS Holding Company hereby also joins in the Motion to Dismiss being filed by Defendant GCC Alliance Concrete, Inc. VS Holding Company incorporates here by reference its Brief in Support of Motion to Dismiss the Second Amended Complaint.

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CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2011, I presented the foregoing to the Clerk of the Court for filing and uploading into the ECF system. Notice of this filing will be sent to counsel of record by operation of the Court's ECF system.

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