

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

IN RE: IOWA READY-MIX,  
CONCRETE ANTITRUST  
LITIGATION

No. 5:10-cv-04038-MWB  
(CONSOLIDATED CASES)

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**DEFENDANTS TRI-STATE READY MIX, INC.'S AND CHAD VAN ZEE'S**  
**MOTION TO DISMISS**  
**PLAINTIFFS' SECOND AMENDED CONSOLIDATED COMPLAINT**

Defendants Tri-State Ready Mix, Inc. and Chad Van Zee (collectively "Tri-State Defendants"), hereby move the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing the claims against the Tri-State Defendants asserted in Plaintiffs' Second Amended Consolidated Complaint (Document #236).

In support of this Motion, the Tri-State Defendants join in the following filings and incorporate by reference the arguments set forth more fully in said documents:

1. Defendant GCC Alliance Concrete, Inc.'s ("Defendant GCC") Motion to Dismiss Plaintiffs' Second Amended Consolidated Complaint (Document #242); and
2. Defendant GCC's Brief in Support of Its Motion to Dismiss Plaintiffs' Second Amended Consolidated Complaint (Document #242-1).

The arguments and positions contained therein are equally applicable to the claims asserted against the Tri-State Defendants.

WHEREFORE, the Tri-State Defendants hereby request an Order from this Court dismissing the claims asserted against them, with prejudice, and for any such other and further relief the Court deems just and proper.

DATED this 16th day of May, 2011.

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed electronically with the United States District Court for the Northern District of Iowa, with notice of case activity generated and sent electronically this 16th day of May, 2011, to all counsel of record.

/s/ Joshua C. Dickinson  
Attorney for Tri-State Defendants