

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  
VS HOLDING COMPANY**

NOW COMES Defendant VS Holding Company, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and respectfully requests that Plaintiffs' claims against it be dismissed for failure to state a claim because of Plaintiffs' inadequate pleading of a claim as to VS Holding Company. VS Holding Company hereby joins in the Motion to Dismiss being filed by GCC Alliance Concrete Inc. The arguments set forth for dismissal of GCC in that motion apply with special force as to Defendant VS Holding Company because VS Holding Company does not even operate a ready-mix concrete business, public record showing that its predecessor (Alliance Concrete Inc.) transferred all its assets (including its name) to GCC back on January 14, 2008.

/s/ HAYWARD L. DRAPER  
/s/ THOMAS H. WALTON  
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ATTORNEYS FOR DEFENDANT  
VS HOLDING COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2010, 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.

/s/Hayward L. Draper  
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