

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

CIVIL ACTION NO. 5:09-46-KKC

BOYD MACHINE & REPAIR, INC.,

PLAINTIFF

v.

OPINION AND ORDER

QUANTUM METAL BUILDING SYSTEMS, INC.,

DEFENDANT

This matter is before the Court on the Motion for Summary Judgment (DE 19) filed by the Plaintiff Boyd Machine & Repair, Inc. (“BMR”).

BMR asserts that there are no genuine issues of material fact as to whether the Defendant Quantum Metal Building Systems, Inc. (“Quantum”) materially breached two contracts to provide metal buildings to BMR. The contracts required Quantum to build two metal buildings for a price of approximately \$167,000. BMR asserts that it prepaid for the buildings but that Quantum never built them.

The Defendant Quantum has not responded to BMR’s Motion for Summary Judgment. Accordingly, the Court hereby ORDERS that the motion (DE 19) is GRANTED.

Dated this 19th day of May, 2010.



Signed By:

Karen K. Caldwell

United States District Judge