

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**AMERICAN CONCRETE PRODUCTS
CO.,

Plaintiff,

v.

WEST AMERICAN RUBBER
COMPANY, LLC, d/b/a WARCO, and
GT SALES & MANUFACTURING, INC.,

Defendants.**

CASE NO. 8:07CV289

ORDER

This matter is before the Court on two Joint Motions to Dismiss (Filing Nos. 39 and 40) filed by the parties. In Filing No. 39, the Plaintiff American Concrete Products Co. (“American Concrete”) and Defendant GT Sales & Manufacturing, Inc. (“GT”) jointly move the Court for an order dismissing American Concrete’s claims against GT, and GT’s counterclaims against American Concrete with prejudice. In Filing No. 40, the Defendants GT and West American Rubber Company, LLC (“WARCO”) jointly move the Court for an order dismissing GT’s claims against WARCO, and WARCO’s claims against GT with prejudice. The Court finds that the joint motions should be granted. Accordingly,

IT IS ORDERED:

- 1. The Joint Motions to Dismiss (Filing Nos. 39 and 40) are granted;
- 2. The Plaintiff American Concrete Products Co.’s claims against Defendant GT Sales & Manufacturing, Inc. are dismissed with prejudice;
- 3. The Defendant GT Sales & Manufacturing, Inc.’s counterclaims against Plaintiff American Concrete Products Co. are dismissed with prejudice;
- 4. The Defendant GT Sales & Manufacturing, Inc.’s claims against Defendant West American Rubber Company, LLC are dismissed with prejudice;

5. The Defendant West American Rubber Company, LLC's claims against GT Sales & Manufacturing, Inc.'s are dismissed with prejudice;
6. The parties shall pay their own costs and attorneys' fees;
7. The case shall proceed as to the Plaintiff American Concrete Products Co.'s claims against Defendant West American Rubber Company, LLC; and
8. The Clerk of the Court is directed to amend the caption in this case by terminating GT Sales & Manufacturing, Inc., as a party.

DATED this 24th day of March, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge