

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

<p>SUA, L.C.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>MAXAM EQUIPMENT, INC., and MIKE HAWKINS,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">ORDER AND MEMORANDUM DECISION</p>   <p style="text-align: center;">Case No. 2:08 CV 595 (TC)</p>
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SUA filed suit against Maxam Equipment Company, Inc., (Maxam) and Mike Hawkins for breach of contract, breach of express warranty, breach of implied warranty, and breach of personal guarantee related to the functioning of hot mix cement plant in Washington County, Utah. This court has jurisdiction pursuant to 28 U.S.C. § 1332.

Maxam and Mr. Hawkins moved this court to dismiss or stay its proceedings in light of an action pending in Missouri state court. (Docket No. 7.) The court heard argument on the Maxam's motion and took the matter under advisement. (Docket No. 22.)

Because the state court has dismissed the case pending in Missouri for lack of personal jurisdiction and considerations of forum non conveniens (Docket No. 23), Maxam's motion is DISMISSED as moot.

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DATED this 10th day of April 2009.

BY THE COURT:

A handwritten signature in black ink, reading "Tena Campbell". The signature is written in a cursive, flowing style with a large initial 'T' and 'C'.

TENA CAMPBELL  
Chief Judge