

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HEATH ERBERT, and TOPP'S )  
MECHANICAL, INC., a domestic )  
corporation, )

Plaintiffs, )

v. )

KONECRANES STANDARD LIFTING )  
CORP., a foreign corporation, MORRIS )  
MATERIAL HANDLING, INC., a foreign )  
corporation, KONECRANES, INC., a )  
foreign corporation, BLACK AND )  
VEATCH CONSTRUCTION, INC., a )  
foreign corporation, and CASEY )  
INDUSTRIAL, INC., a foreign corporation, )

Defendants. )

4:10CV3196

MEMORANDUM AND ORDER

IT IS ORDERED:

- 1) Defendant Konecranes' Motion for Leave, (filing no. 63), is granted.
- 2) On or before June 25, 2012, Konecranes shall file its third party complaint, a copy of which is attached to its motion.
- 3) The clerk shall sign, seal, and return the attached summons to Konecranes counsel for service upon the Third Party Defendants Miron Construction Co. and Industrial Electrical Services, Inc., d/b/a Kayton Electric, Inc..

DATED this 18th day of June, 2012.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HEATH ERBERT and TOPP'S )  
MECHANICAL, INC., a domestic )  
corporation, )

Plaintiffs, )

-vs- )

BLACK AND VEATCH CONSTRUCTION, )  
INC., a foreign corporation; and CASEY )  
INDUSTRIAL INC., a foreign corporation, )

Defendants, )

KONECRANES STANDARD LIFTING )  
CORP., a foreign corporation; MORRIS )  
MATERIAL HANDLING, INC., d/b/a )  
Konecranes Americas, a foreign )  
corporation; KONECRANES, INC., d/b/a )  
Crane Pro Services, a foreign corporation; )

Defendants/Third-Party Plaintiffs )

-vs- )

PUBLIC POWER GENERATION )  
AGENCY, MIRON CONSTRUCTION, )  
CO., AND INTEGRATED ELECTRIC )  
SYSTEMS, INC., d/b/a Kayton Electric Inc.)

CASE NO. 4:10 CV-3196

**SUMMONS ON A THIRD-PARTY  
COMPLAINT**

TO: Miron Construction Co.  
Registered Agent: National Corporation Research, Ltd.  
6003 Old Cheney Road  
P. O. Box 6169  
Lincoln, Nebraska 68501-0169

A lawsuit has been filed against Defendants, Konecranes Standard Lifting Corp., a foreign corporation; Morris Material Handling, Inc., d/b/a Konecranes Americas, a foreign

corporation; and Konecranes, Inc., d/b/a Crane Pro Services, a foreign corporation, who as Third-Party Plaintiffs are making a claim against you to pay part or all of what Defendants may owe to the Plaintiff, Heath Erbert.

Within 21 days after services of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) – you must serve on the Plaintiff and on the Defendant an Answer to the attached Third-Party Complaint or a Motion under Rule 12 of the Federal Rules of Civil Procedure. The Answer or Motion must be served on the Defendants or Defendants’ attorney, who names and address are:

Stephen G. Olson, II  
Kristina J. Kamler  
ENGLES, KETCHAM, OLSON & KEITH, P.C.  
1350 Woodmen Tower  
Omaha, Nebraska 68102

It must also be served on the Plaintiffs’ attorneys and the other Defendants’ attorney, whose names and addresses are:

Kelly K. Brandon  
Michael J. Dyer  
10730 Pacific Street, Suite 111  
Omaha, Nebraska 68114  
**Attorney for Plaintiff, Heath Erbert**

Brett D. Chardavoyne  
The Law Offices of Brett D. Chardavoyne, LLC  
1660 Lincoln Street  
Suite 1700  
Denver, CO 80264  
Email: [chardavoyne@bdclawfirm.com](mailto:chardavoyne@bdclawfirm.com)

And

Matthew J. Buckley  
HANSEN, LAUTENBAUGH LAW FIRM  
1905 Harney Street  
Suite 224  
Omaha, NE 68102  
**Attorney for Plaintiff, Topp’s Mechanical, Inc.**

Bruce A. Smith  
Woods & Aitken LLP  
301 South 13<sup>th</sup> Street, Suite 500  
Lincoln, Nebraska 68508  
Email: BSmith@woodsaitken.com  
**Attorney for Defendants, Black and Veatch Corporation, Inc. and Casey Industrial, Inc.**

If you fail to respond, judgment by default will be entered against you for the relief demanded in the Third-Party Complaint. You also must file the Answer or Motion with the Court and serve it on any other parties.

A copy of the Plaintiff's First Amended Complaint is also attached. You may – but are not required to – respond to it.

Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

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FOR THE DISTRICT OF NEBRASKA

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Plaintiffs, )

-vs- )

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INC., a foreign corporation; and CASEY )  
INDUSTRIAL INC., a foreign corporation, )

Defendants, )

KONECRANES STANDARD LIFTING )  
CORP., a foreign corporation; MORRIS )  
MATERIAL HANDLING, INC., d/b/a )  
Konecranes Americas, a foreign )  
corporation; KONECRANES, INC., d/b/a )  
Crane Pro Services, a foreign corporation; )

Defendants/Third-Party Plaintiffs )

-vs- )

PUBLIC POWER GENERATION )  
AGENCY, MIRON CONSTRUCTION, )  
CO., AND INTEGRATED ELECTRIC )  
SYSTEMS, INC., d/b/a Kayton Electric Inc. )

CASE NO. 4:10 CV-3196

**SUMMONS ON A THIRD-PARTY  
COMPLAINT**

TO: Industrial Electrical Services, Inc., d/b/a Kayton Electric, Inc.  
Registered Agent: CT Corporation System  
1024 "K" Street  
Lincoln, NE 68508

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Kristina J. Kamler  
ENGLES, KETCHAM, OLSON & KEITH, P.C.  
1350 Woodmen Tower  
Omaha, Nebraska 68102

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Kelly K. Brandon  
Michael J. Dyer  
10730 Pacific Street, Suite 111  
Omaha, Nebraska 68114  
**Attorney for Plaintiff, Heath Erbert**

Brett D. Chardavoyne  
The Law Offices of Brett D. Chardavoyne, LLC  
1660 Lincoln Street  
Suite 1700  
Denver, CO 80264  
Email: [chardavoyne@bdclawfirm.com](mailto:chardavoyne@bdclawfirm.com)

And

Matthew J. Buckley  
HANSEN, LAUTENBAUGH LAW FIRM  
1905 Harney Street  
Suite 224  
Omaha, NE 68102  
**Attorney for Plaintiff, Topp’s Mechanical, Inc.**

Bruce A. Smith  
Woods & Aitken LLP  
301 South 13<sup>th</sup> Street, Suite 500  
Lincoln, Nebraska 68508  
Email: BSmith@woodsaitken.com  
**Attorney for Defendants, Black and Veatch Corporation, Inc. and Casey Industrial, Inc.**

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Date: \_\_\_\_\_

CLERK OF COURT

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*