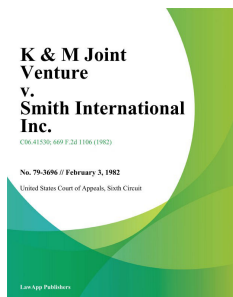


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## K M JOINT VENTURE V SMITH INTERNATIONAL INC EBOOKS 2019



Author: Sixth Circuit. United States Court Of Appeals

Realese Date: Expected @@expectedReleaseDate@@

In this diversity action the district court awarded damages of \$1,492,230 to an Ohio purchaser of equipment from a California seller for breach of an implied warranty of merchantability. The plaintiff-appellee is K u0026amp; M Joint Venture (Ku0026amp;M) which was formed for the purpose of bidding on a sewer project of the City of Cleveland. After being awarded the contract for the project a principal of Ku0026amp;M contacted an officer of the Calweld Division of defendant-appellant Smith International, Inc. (Calweld) by telephone to learn if he knew of a 12-foot diameter tunnel boring machine (TBM) which Ku0026amp;M might buy for the Cleveland project. Ku0026amp;M eventually bought a 12-foot TBM from Calweld and this lawsuit resulted from that transaction.

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