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| 1DISTRICT COURT, WELD COUNTY, COLORADO Court Address: P.O. Box 2038 Greeley, CO 80632 915 10 th Avenue1 Greeley, CO 80631 | |
| CRAIG D. BUCKLEY, an individual, [REDACTED] an individual, Plaintiffs, v. DREAM STONE, INC., a Colorado corporation, SCOTT MURPHY, an individual, and EVE MURPHY, an individual, RON MURPHY, an individual Defendants. | ▲ COURT USE ONLY ▲ |
| Attorneys for the Defendants: Daniel T. Goodwin, #2971 Blaine D. Bowne, #24481 Donelson Ciancio & Goodwin, PC 8001 Arista Place, Suite 400 Broomfield, Colorado 80021 Telephone: 303-450-1665 Fax: 303-457-1175 E-mail: dangoodwin@colo-law.com blainebowne@colo-law.com | Case No.: 2009 CV 991 Div.: 1 Courtroom: Judge Hartmann |
| DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR CONSOLIDATION OF CASES | |

COME NOW, the Defendants, by and through their counsel, Donelson Ciancio & Goodwin, PC, and, for their Response to Plaintiffs' Motion for Consolidation of Cases, state as follows:

1. Plaintiffs' motion is frivolous, groundless and vexatious.
2. Rule 42 consolidation requires the cases to have common questions of law or fact. The Coday v. Dream Stone, Inc., case does not have common questions of law or fact with this case.
3. Defendants have contacted counsel for Coday, Michael P. Matthews, Esq., and have been advised that neither he nor his client are interested in consolidation of the cases. An affidavit from Mr. Matthews is attached hereto.

4. Consolidation of the cases would not avoid inconvenience, prejudice and unnecessary costs or delay.

5. The case law cited by Plaintiffs in support of their motion is not germane to the circumstances herein.

WHEREFORE, Defendants move the Court to deny Plaintiffs' Motion to Consolidate and to enter an award for attorneys' fees to the Defendants as a result of their defense of the Motion.

Respectfully submitted this 18th day of December, 2009.

DONELSON CIANCIO & GOODWIN, P.C.

s/Daniel T. Goodwin

Daniel T. Goodwin, Esq. #2971

Blaine D. Bowne, Esq. #24481

Attorneys for Defendants

Pursuant to C.R.C.P. 121 §1-26(9), a printed copy of this electronically-filed document with original signatures is being maintained at the offices of Donelson Ciancio & Goodwin, P.C. and is available for inspection by other parties or the court upon request.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of December, 2009, a true and correct copy of the foregoing DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR CONSOLIDATION OF CASES was served via e-mail:

Craig Buckley

[REDACTED]
Longmont, CO 80501

[REDACTED]
Longmont, CO 80501

s/Janice Bennett

AFFIDAVIT OF MICHAEL P. MATTHEWS

I, Michael P. Matthews, Esq., the affiant, being duly sworn, state and affirm as follows:

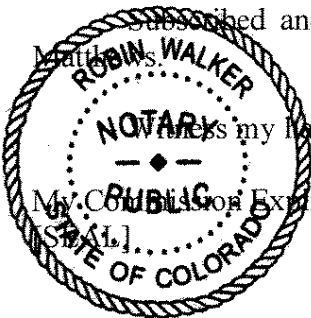
1. I am a lawyer duly qualified to practice in the State of Colorado.
2. I am a lawyer with the law firm of Jackson Kelly, PLLC.
3. My firm and I represent Todd Coday in a lawsuit identified as Todd Coday v. Dream Stone, Inc., Scott Murphy, Ron Murphy and Ida Murphy, Civil Action No. 2009CV334 filed in the Weld County District Court (the "Coday Case").
4. I am aware of the Motion for Consolidation of Cases which has been filed by Craig D. Buckley and [REDACTED] in Weld County District Court Case No. 2009CV991 (the "Buckley Case").
5. I have spoken with Daniel T. Goodwin, attorney for the Defendants in the Buckley Case.
6. Neither I nor my client are interested in consolidation of the cases.
7. The representations made by Mr. Buckley and [REDACTED] in their Motion that the cases "involve common questions of law and fact" are not true.
8. I have never spoken to Mr. Buckley or [REDACTED] concerning consolidation of these cases.
9. I am not interested in entering an appearance in the Buckley Case to oppose the Motion.
10. I have given Daniel T. Goodwin authority to represent to the Court that it is my desire that the Motion to Consolidate the Cases be denied.



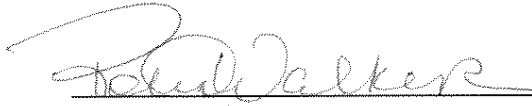
 Michael P. Matthews

STATE OF COLORADO)
) ss.
 COUNTY OF Denver)

Subscribed and sworn to before me this 17th day of December, 2009, by Michael P.



Witness my hand and official seal.
 My Commission Expires: 4/4/2013



 Notary Public