

**BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**FILED**

**FEB 18 2010**

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

IN THE MATTER OF: )  
Mullinax Concrete Services Co. )  
Limited Mining Operation Application )  
TFN 5 4/123 )

**DOCKET NO. 09-4602**

IN THE MATTER OF: )  
Mullinax Concrete Services Co. )  
Limited Mining Operation Application )  
TFN 5 4/117 )

**DOCKET NO. 10-4601**

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**MOTION FOR CONSOLIDATION**

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Petitioner, Mullinax Concrete Services Company, Inc. ("Mullinax"), by and through its undersigned attorneys, respectfully hereby moves the Council to consolidate the two cases captioned above. Consolidation is warranted in this matter for the following reasons:

1. Both cases involve identical parties and nearly identical issues.
2. Both cases have commenced close in time with each other and can most efficiently be handled by one EQC Hearing Examiner in one contested case proceeding.
3. Discovery and expert witness development has not commenced in either case yet and can be handled most efficiently in one consolidated contested proceeding.
4. Consolidation before any discovery commences will not prejudice either party in any way.

Wherefore, Mullinax respectfully moves the Council to consolidate its Docket Nos. 09-4602 and 10-4601 for hearing in one contested case hearing dealing with all claims and issues pending in both cases.

DATED this 18th day of February, 2010.

**WENDTLAND & WENDTLAND, LLP**



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## CERTIFICATE OF SERVICE

I, Anthony T. Wendtland, attorney for the Petitioner in the above-entitled and numbered cases do hereby certify that on the 18<sup>th</sup> day of February, 2010, I caused a true and correct copy of the foregoing Motion for Consolidation to be served by U.S. First Class Mail and by electronic mail to the following:

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Anthony Wendtland