

DISTRICT COURT, WELD COUNTY, COLORADO 901 9 th Avenue Greeley, CO 80631-1113	FILED Document – District Court 2009CV991 CO Weld County District Court 19th JD Filing Date: Feb 16 2010 4:29PM MST Filing ID: 29589318
Plaintiff: CRAIG D. BUCKLEY v. Defendant: DREAM STONE, INC., SCOTT MURPHY, EVE MURPHY, and RON MURPHY	▲ COURT USE ONLY ▲ Case No.: 09CV991 Div. No. 1
ORDER DENYING PLAINTIFF'S MOTION TO CONSOLIDATE CASES	

This matter comes before the court on Plaintiff's Motion to Consolidate this case with case 09CV334, *Coday v. Dream Stone, Inc. et. al.* Plaintiff asserts that the issues presented in this case involve the same or similar acts as those raised in case 09CV332. Defendants have filed a response objecting to the relief requested by Plaintiff.

The court has reviewed both files and determines that the issues presented in this case are quite different than those raised in case 09CV334. The court finds that there would be a significant risk that the jury would confuse the issues if the cases were joined for trial and the Defendants would likely suffer prejudice if the cases were consolidated.

The Plaintiff's motion to consolidate cases is denied.

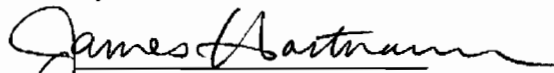
Counsel for the Defendants has requested that the court award attorney fees and costs incurred in filing the response to Plaintiffs' motion. C.R.S. 13-17-102(6) provides that "no party who is appearing without an attorney shall be assessed attorney fees unless the court finds that the party clearly knew or reasonably should have known that his action or defense, or any part thereof, was substantially frivolous, substantially groundless, or substantially vexatious..."

While the claims made in 09CV334 differ significantly from those raised by Plaintiff in this action, Plaintiff is correct in his assertion that the cases involve the same witnesses and there will likely be common facts raised in these cases. The court concludes that Plaintiff did not know, nor should he have reasonably known, that his motion was substantially frivolous or groundless.

The Defendants' request for attorney fees is denied.

Dated: February 16, 2010

By the court:


James F. Hartmann
Chief Judge

