

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

IN THE MATTER OF:)
Mullinax Concrete Services Co.) **DOCKET NO. 09-4602**
Limited Mining Operation Application)
TFN 5 4/123)

IN THE MATTER OF:)
Mullinax Concrete Services Co.) **DOCKET NO. 10-4601**
Limited Mining Operation Application)
TFN 5 4/117)

MOTION FOR CONSOLIDATION

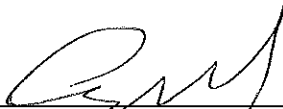
Petitioner, Mullinax Concrete Services Company, Inc. ("Mullinax"), by and through its undersigned attorneys, respectfully hereby moves the Council to consolidate the two cases captioned above. Consolidation is warranted in this matter for the following reasons:

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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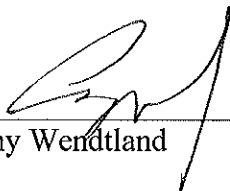
CERTIFICATE OF SERVICE

I, Anthony T. Wendtland, attorney for the Petitioner in the above-entitled and numbered cases do hereby certify that on the 18th 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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