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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland Division

**OBSIDIAN FINANCE GROUP, LLC and
KEVIN D. PADRICK,**

Plaintiffs,

v.

CRYSTAL COX,

Defendant.

Civil No. CV 11-0057 HA

**PLAINTIFFS' FRCP 12(B)(6)
MOTION TO DISMISS OR
ALTERNATIVE MOTION FOR
SUMMARY JUDGMENT**

L.R. 7.1 CERTIFICATION

The undersigned counsel of record for plaintiffs Obsidian Finance Group, LLC and Kevin D. Padrick ("Plaintiffs") hereby certifies that he made a good faith effort to resolve the issues raised in this Motion by attempting to contact defendant Crystal Cox ("Defendant") by telephone and electronic mail, but did not receive a response from defendant.

MOTION

Pursuant to Federal Rule of Civil Procedure 12(b)(6), plaintiffs move this Court for an order dismissing defendant's counterclaims as set forth in her Counter Complaint because defendant has failed to state a claim upon which relief may be granted. In the alternative, plaintiffs move the Court pursuant to Federal Rule of Civil Procedure 56 for an order granting summary judgment in their favor on defendant's counterclaims.

This Motion is supported by Plaintiffs' accompanying Memorandum in Support, the Declaration of Kevin D. Padrick submitted in support of this Motion, and the other pleadings and papers on file in this case.

DATED this 9th day of September 2011.

TONKON TORP LLP

By: /s/ David S. Aman

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **PLAINTIFFS' MOTION TO DISMISS OR ALTERNATIVE MOTION FOR SUMMARY JUDGMENT** on:

Crystal L. Cox
PO Box 505
Eureka, Montana 59917
Crystal @CrystalCox.com

- by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said party's last-known address and depositing in the U.S. mail at Portland, Oregon on the date set forth below;
- by causing a copy thereof to be e-mailed to said party at her last-known email address on the date set forth below;

DATED this 9th day of September 2011.

TONKON TORP LLP

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