

FILED

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO.: 04-CvS-11181  
MECKLENBURG COUNTY, C.S.C.

LOCKE HOLLAND, JR., and  
CYNTHIA DIMMETTE,

BY \_\_\_\_\_ )

Plaintiffs,

vs.

JOSEPH A. DIBRUNO, JR.,  
JOSEPH A. DIBRUNO, SR.,  
NICHOLAS A. DIBRUNO,  
LELA L. DIBRUNO,  
CECIL MINGES,  
KOLUR BLYND RECORDS, INC.,  
K.B. RECORDS, INC., AND  
DIBRUNO BROTHERS MINING, INC.,

Defendants.

**CONSENT JUDGMENT**

**WHEREAS**, based on representation from counsel and other matters of record, including the pleadings filed in this case, the Court finds as follows:

1. Plaintiffs Locke Holland, Jr. ("Holland") and Cynthia Dimmette ("Dimmette") are citizens and residents of Matthews, Mecklenburg County, North Carolina.
2. Defendant Joseph A. DiBruno, Jr. ("DiBruno, Jr.") is a citizen and resident of Belmont, Gaston County, North Carolina.
3. Defendant Joseph A. DiBruno, Sr. ("DiBruno, Sr.") is a citizen and resident of Belmont, Gaston County, North Carolina.
4. Defendant Lela L. DiBruno ("Lela DiBruno") is a citizen and resident of Belmont, Gaston County, North Carolina.
5. Defendant Nicholas A. DiBruno ("Nick DiBruno") is a citizen and resident of Belmont, Gaston County, North Carolina.
6. Defendant Kolor Blynd Records, Inc. ("Kolor Blynd Records") is a corporation organized and existing under the laws of the State of North Carolina holding itself out as having an office and principal place of business in Charlotte, Mecklenburg County, North Carolina.

satisfaction of Lela DiBruno's Judgment debt shall reduce the amount of Lela DiBruno's Judgment and DiBruno, Sr.'s Judgment by the amount paid by DiBruno, Sr. Payments made by DiBruno, Sr. related to Nick DiBruno's Consent Judgment and/or Lela DiBruno's Consent Judgment shall not reduce the amount of DiBruno, Jr.'s and the Corporate Defendants' Consent Judgment.

14. The parties have stipulated and agreed and the Court hereby finds that this Consent Judgment is entered on one or more of the claims in the Amended Complaint filed by the Plaintiffs on September 29, 2004 that are of such character and nature that they cannot be discharged in bankruptcy. The parties specifically intend and agree that this Consent Judgment shall not be dischargeable in bankruptcy.

**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED** that:

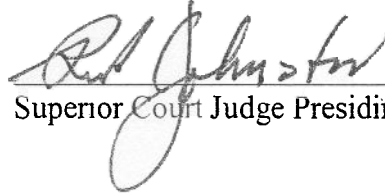
1. A final judgment is hereby entered and docketed in favor of Plaintiffs Locke Holland, Jr. and Cynthia Dimmette and against DiBruno, Jr., DiBruno, Sr., Nick DiBruno, Lela DiBruno, Kolor Blynd Records, K.B. Records, and DBM as follows:

- a. Against DiBruno, Jr., Kolor Blynd Records, K.B. Records, and DBM, jointly and severally, in the amount of \$1,800,000.00, plus interest at 8% per year from the date of entry of the Consent Judgment;
- b. Against DiBruno, Sr., in the amount of \$1,200,000.00, plus interest at 8% per year from the date of entry of the Consent Judgment;
- c. Against Lela DiBruno, jointly and severally, with DiBruno, Sr., in the amount of \$300,000.00, plus interest at 8% per year from the date of entry of the Consent Judgment; and
- d. Against Nick DiBruno, jointly and severally, with DiBruno, Sr., for \$200,000.00, plus interest at 8% per year from the date of entry of the Consent Judgment.

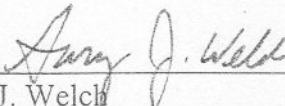
2. Any payments made by DiBruno, Sr. towards satisfaction of Nick DiBruno's Judgment debt shall reduce the amount of Nick DiBruno's Judgment and DiBruno, Sr.'s Judgment by the amount paid by DiBruno, Sr. Any payment made by DiBruno, Sr. towards satisfaction of Lela DiBruno's Judgment debt shall reduce the amount of Lela DiBruno's Judgment and DiBruno, Sr.'s Judgment by the amount paid by DiBruno, Sr. Payments made by DiBruno, Sr. related to Nick DiBruno's Consent Judgment and/or Lela DiBruno's Consent Judgment shall not reduce the amount of DiBruno, Jr.'s and the Corporate Defendants' Consent Judgment.

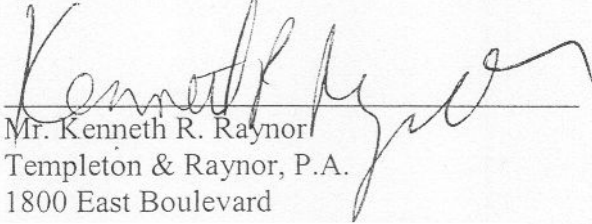
3. This Consent Judgment is entered on the claims in the Amended Complaint filed on September 29, 2004, and the parties have stipulated and agreed that one or more of the claims are of such character and nature that they cannot be discharged in bankruptcy.

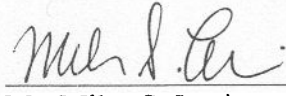
This the 2 day of March, 2005.

  
\_\_\_\_\_  
Superior Court Judge Presiding

**CONSENTED TO BY COUNSEL AS FOLLOWS:**

  
\_\_\_\_\_  
Gary J. Welch  
JOHNSTON, ALLISON & HORD, P.A.  
Post Office Box 36469  
Charlotte, North Carolina 28236  
Telephone No.: 704/332-1181  
Facsimile No.: 704/376-1628  
**Counsel for Locke Holland, Jr. and  
Cynthia Dimmette**

  
\_\_\_\_\_  
Mr. Kenneth R. Raynor  
Templeton & Raynor, P.A.  
1800 East Boulevard  
Charlotte, North Carolina 28203  
**Counsel for Joseph A. DiBruno, Jr.,  
Kolur Blynd Records, Inc.,  
K.B. Records, Inc. and  
DiBruno Brothers Mining, Inc.**

  
\_\_\_\_\_  
Mr. Miles S. Levine  
Goodman, Carr, Laughrun, Levine & Murray  
301 S. McDowell Street, Suite 602  
Charlotte, North Carolina 28204  
**Counsel for Joseph A. DiBruno, Sr.,  
Nicholas A. DiBruno and  
Lela L. DiBruno**

CONSENTED TO BY THE SUBJECT PARTIES:

JOSEPH A. DIBRUNO, SR.  
By: Joseph A. DiBruno Sr.

STATE OF NORTH CAROLINA

COUNTY OF Cabarrus

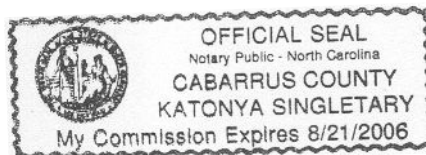
I, Katonya Singletary, a Notary Public of the aforesaid County and State, do hereby certify that JOSEPH A. DIBRUNO, SR., personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the 1<sup>st</sup> day of March, 2005.

Katonya Singletary  
Notary Public

(Official Seal)

My commission expires: \_\_\_\_\_



JOSEPH A. DIBRUNO, JR.

By: \_\_\_\_\_

*Joseph A. DiBruno, Jr.*

STATE OF NORTH CAROLINA

COUNTY OF Cabarrus

I, Katonya Singletary, a Notary Public of the aforesaid County and State, do hereby certify that JOSEPH A. DIBRUNO, JR., personally appeared before me this day and acknowledged the execution of the foregoing instrument.

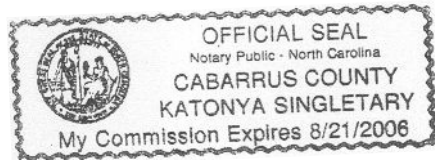
Witness my hand and official seal, this the 1<sup>st</sup> day of March, 2005.

Notary Public

*Katonya Singletary*

(Official Seal)

My commission expires: \_\_\_\_\_



NICHOLAS A. DIBRUNO

By: Nicholas A. DiBruno

STATE OF NORTH CAROLINA

COUNTY OF Cabarrus

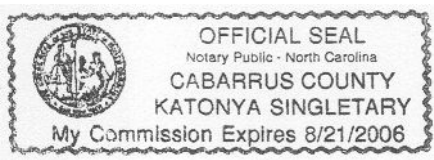
I, Katonya Singletary a Notary Public of the aforesaid County and State, do hereby certify that NICHOLAS A. DIBRUNO, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the 1st day of March, 2005.

Katonya Singletary  
Notary Public

(Official Seal)

My commission expires: \_\_\_\_\_



LELA L. DIBRUNO

By: Lela L. DiBruno

STATE OF NORTH CAROLINA

COUNTY OF Cabarrus

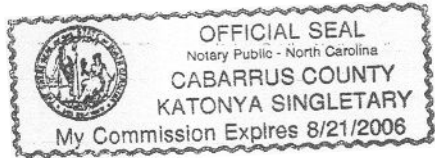
I, Katonya Singletary, a Notary Public of the aforesaid County and State, do hereby certify that LELA L. DIBRUNO, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the 1<sup>st</sup> day of March, 2005.

Katonya Singletary  
Notary Public

(Official Seal)

My commission expires: \_\_\_\_\_



DIBRUNO BROTHERS MINING, INC.

By: [Signature]  
Title: President

STATE OF NORTH CAROLINA

COUNTY OF Cabarrus

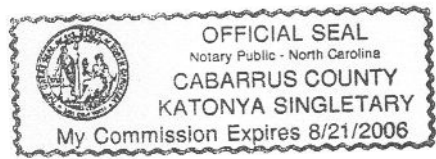
This 1<sup>st</sup> day of March, 2005, JOSEPH A. DIBRUNO, JR., personally came before me, and being duly sworn by me, says that he is President of DIBRUNO BROTHERS MINING, INC., a North Carolina corporation; and that said writing was signed and sealed by him on behalf said corporation, acting as President of DIBRUNO BROTHERS MINING, INC., a North Carolina corporation, by authority duly given. And JOSEPH A. DIBRUNO, JR., acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and official seal, this the 1<sup>st</sup> day of March, 2005.

[Signature]  
Notary Public

(Official Seal)

My commission expires: \_\_\_\_\_





KOLUR BLYND RECORDS, INC.

By: [Handwritten Signature]

Title: President

STATE OF NORTH CAROLINA

COUNTY OF Cabarrus

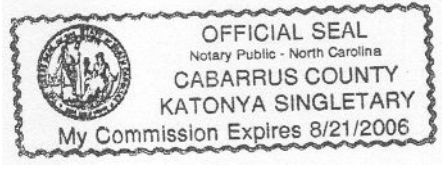
This 1st day of March, 2005, JOSEPH A. DIBRUNO, JR., personally came before me, and being duly sworn by me, says that he is President of KOLUR BLYND RECORD, INC., a North Carolina corporation; and that said writing was signed and sealed by him on behalf said corporation, acting as President of KOLUR BLYND RECORD, INC., a North Carolina corporation, by authority duly given. And JOSEPH A. DIBRUNO, JR., acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and official seal, this the 1st day of March, 2004.

[Handwritten Signature]  
Notary Public

(Official Seal)

My commission expires: \_\_\_\_\_



K.B. RECORDS, INC.

By: [Signature]

Title: President

STATE OF NORTH CAROLINA

COUNTY OF Cabarrus

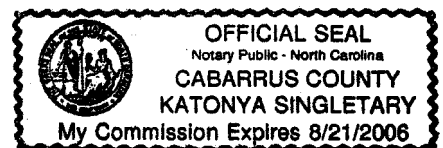
This 1st day of March, 2005, JOSEPH A. DIBRUNO, JR., personally came before me, and being duly sworn by me, says that he is President of K.B. RECORDS, INC., a North Carolina corporation; and that said writing was signed and sealed by him on behalf said corporation, acting as President of K.B. RECORDS, INC., a North Carolina corporation, by authority duly given. And JOSEPH A. DIBRUNO, JR., acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and official seal, this the 1st day of March, 2004.

[Signature]  
Notary Public

(Official Seal)

My commission expires: \_\_\_\_\_



**CERTIFICATE OF SERVICE**

I, Gary J. Welch, counsel for the Plaintiffs herein, do hereby certify that I have caused a copy of the foregoing **Consent Judgment** to be served by United States First Class Mail, postage pre-paid, on all counsel of record, in envelopes addressed as follows:

Mr. Miles S. Levine  
Goodman, Carr, Laughrun, Levine & Murray  
301 S. McDowell Street, Suite 602  
Charlotte, North Carolina 28204

*Counsel for Defendants Joseph A. DiBruno, Sr., Nicholas  
A. DiBruno and Lela DiBruno*

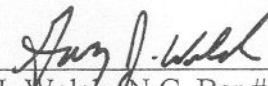
Mr. Kenneth R. Raynor  
Templeton & Raynor, P.A.  
1800 East Boulevard  
Charlotte, North Carolina 28203

*Counsel for Joseph A. DiBruno, Jr.  
Kolur Blynd Records, Inc.  
K.B. Records, Inc. and  
DiBruno Brothers Mining, Inc.*

Mr. Cecil Minges  
565 Short Road  
Vero Beach, Florida 32963  
*By Federal Express*

Mr. Cecil Minges  
565 N. Porpoise Point Lane  
Vero Beach, Florida 32963  
*By Federal Express*

This the 2<sup>nd</sup> day of March, 2005.

  
\_\_\_\_\_  
Gary J. Welch (N.C. Bar # 21297)  
Johnston, Allison & Hord, P.A.  
610 East Morehead Street  
Charlotte, North Carolina 28202  
(704) 332-1181; Fax: (704) 376-1628  
*Counsel for the Plaintiffs*