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ADV. NUMBER: 99-1121

JUDGE: M. A. Mahoney

PARTIES: Michael F. Powe, Theresa Moore Ballard, Chrysler Financial Corp.

CHAPTER: 13

ATTORNEYS: S. Olen, S. L. Nicholas, D. J. Stewart, C. L. Reeves, R. L. Nelson, E. B. Johnson

DATE: 6/11/01

KEY WORDS:

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF ALABAMA

In re

MICHAEL F. POWE

Case No. 98-10935-MAM-13

Debtor.

MICHAEL F. POWE

Plaintiff,

THERESA MOORE BALLARD,

Case No. 98-13377-WSS-13

Intervenor,

v.

Adv. No. 99-1121

CHRYSLER FINANCIAL CORP., L.L.C.

Defendant.

ORDER AMENDING
ORDER DENYING DEBTOR'S MOTION TO STRIKE CHRYSLER'S AMENDED
MOTION TO STRIKE, DENYING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT AND GRANTING DEBTOR'S
MOTION FOR CLASS CERTIFICATION

Steve Olen, Mobile, Alabama, Attorney for the Plaintiff

Steven L. Nicholas, Mobile, Alabama, Attorney for the Plaintiff

Donald J. Stewart, Mobile, Alabama, Attorney for Plaintiff

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L.L.C.

E. Barry Johnson, Birmingham, Alabama, Attorney for Chrysler Financial Corp., L.L.C.

It has come to the Court's attention that the Court misspoke in the conclusion of the Order Denying Debtor's Motion to Strike Chrysler's Amended Motion to Strike, Denying Defendant's Motion for Summary Judgment and Granting Debtor's Motion for Class Certification dated June 1, 2001. The Court stated:

For most of the same reasons as the prior cases of *Noletto*, *Sheffield*, *Slick*, *Miller* and *Harris* had summary judgment denied and class certification granted, this case also is an appropriate, viable case. The case will proceed to trial roughly in tandem with the other cases.

The Court should have stated, and now amends the order to so read:

For most of the same reasons as the prior cases of *Noletto*, *Sheffield*, *Slick*, *Miller* and *Harris* had summary judgment motions denied or granted and class certification granted or denied, this case is a viable case. The case will proceed to trial roughly in tandem with the other cases.

THEREFORE, IT IS ORDERED that the Order Denying Debtor's Motion to Strike Chrysler's Amended Motion to Strike, Denying Defendant's Motion for Summary Judgment and Granting Debtor's Motion for Class Certification dated June 1, 2001, is amended as stated.

Dated: June 11, 2001

MARGARET A. MAHONEY
CHIEF BANKRUPTCY JUDGE