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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re
P. DOUGLAS COMBS,

Debtor.

RENAISSANCE AIRCRAFT, LLC,

Plaintiffs,

v.
P. DOUGLAS COMBS,

Defendant.

Chapter 7
Case No. 05-6498-PHX-SSC

Adversary No. 05-570

**AMENDED AND RESTATED
ORDER DISMISSING REMAINING
COUNTS OF COMPLAINT
(COUNTS 1-6 AND 8) WITH
PREJUDICE AND ORDER
INCORPORATING MEMORANDUM
DECISION OF FEBRUARY 22, 2008**

This matter comes before the Court pursuant to the agreement of the Parties, Plaintiff Renaissance Aircraft, LLC and Defendant Paul Douglas Combs, as stated on the record of the February 13, 2007 status hearing in the above-captioned adversary proceeding. The Parties agreed that all remaining Claims for Relief in the "Complaint for Denial of Discharge and Objections to Discharge" (the "Complaint") filed by Renaissance Aircraft, LLC should be dismissed with prejudice. Later, counsel for Renaissance Aircraft, LLC inadvertently lodged with the Court a proposed form of "Order Dismissing Remaining Counts of Complaint (Count 1 - 6) With Prejudice" (the "Original Dismissal Order") that did

1 not include Count 8. The Defendant subsequently appealed the Original Dismissal Order,
2 which appeal is currently pending before the Ninth Circuit Bankruptcy Appellate Panel (the
3 "Panel") as Case No. AZ-07-1084. By Order dated August 30, 2007, the Panel granted
4 limited remand for the purpose of allowing this Court to clarify the Original Dismissal Order
5 and determine whether all counts of the Complaint had been disposed of therein.

6 On January 9, 2008, the Defendant filed a "Motion for Clarification and
7 Correction of the Court's Defective Dismissal Order Prepared Unilaterally by the Plaintiff's
8 Attorney" (the "Motion for Clarification"). By Order dated January 11, 2008, the Court set a
9 hearing on the Motion for Clarification. On February 13, 2008, the Plaintiff lodged with the
10 Court a proposed form of "Amended and Restated Order Dismissing Remaining Counts of
11 Complaint (Counts 1 - 6 and 8) With Prejudice" (the "Amended Dismissal Order") to which
12 the Defendant filed an "Objection and Motion for Stay" on February 14, 2008. Also on
13 February 14, 2008, the Court heard the arguments of the Parties with respect to all matters,
14 including the Motion for Clarification and the Objection and Motion for Stay, on which the
15 Court entered its Memorandum Decision of February 22, 2008. Based upon that
16 Memorandum Decision, which is fully incorporated by reference herein,

17 **IT IS ORDERED** that the agreement of the Parties, as stated on the record
18 of the February 13, 2007 hearing, is binding and enforceable. In re Haynes, 97 B.R. 1007
19 (9th Cir. B.A.P. 1989);

20 **IT IS ORDERED CLARIFYING** that the Original Dismissal Order
21 signed by this Court on February 20, 2007, was intended to, and should have, encompassed
22 all remaining Counts of the Complaint, namely Counts 1 - 6 and Count 8; and that the failure
23 to do so was inadvertent;

24 **IT IS FURTHER ORDERED OVERRULING** the Defendant's
25 Objection to the proposed form of Amended Dismissal Order;

26 **IT IS FURTHER ORDERED DENYING** the Defendant's Motion for
27 Stay;

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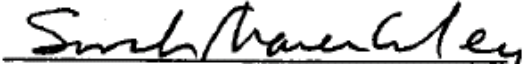
IT IS FURTHER ORDERED DISMISSING WITH PREJUDICE

Counts 1 through 6 and Count 8 of the July 29, 2005 Complaint for Denial of Discharge and Objections to Discharge filed by Renaissance Aircraft, LLC, which are the remaining Counts of the Complaint pursuant to the Parties' agreement on the record at the February 13, 2007 hearing, with each party to bear its own attorneys' fees and costs;

IT IS FURTHER ORDERED that this Order shall have no effect on the Court's April 20, 2006 Judgment (Nondischargeable Pursuant to 11 U.S.C. § 523(a)(6) entered with respect to Count 7 of the Complaint;

IT IS FURTHER ORDERED that this Order shall replace and supersede the Original Dismissal Order *nunc pro tunc* to February 20, 2007.

DATED this 22nd day of February, 2008.


The Honorable Sarah Sharer Curley
United States Bankruptcy Judge

BNC to notice.