



SO ORDERED.

SIGNED this 07 day of July, 2006.

ROBERT E. NUGENT
UNITED STATES CHIEF BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

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| IN RE: |) | |
| |) | |
| CHANCE INDUSTRIES, INC. |) | Case No. 01-11698-11 |
| CHANCE RIDES, INC. |) | Case No. 01-12000-11 |
| CHANCE ENGINEERING, INC., |) | Case No. 01-12002-11 |
| Debtors. |) | |
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| JESSE T. WHITE, MARCUS WHITE, |) | |
| MELISSA WHITE, PATRICK A. MALONE, |) | |
| ARI S. CASPER, and WOODY IGOU, |) | |
| Plaintiffs, |) | |
| v. |) | Adv. No. 05-5591 |
| CHANCE INDUSTRIES, INC.; CHANCE |) | |
| RIDES, INC.; CHANCE ENGINEERING, INC.; |) | |
| and RICHARD G. CHANCE, |) | |
| Defendants, |) | |
| v. |) | |
| FRANK JOSEPH & SON, INC. d/b/a |) | |
| JOLLY SHOWS, |) | |
| Intervenor |) | |
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JUDGMENT ON DECISION

Plaintiffs seek a determination from this Court that minor plaintiff Jesse White's personal injury, product liability lawsuits against defendants in Maryland state court were not discharged by this Court's May 16, 2002 Order Confirming Debtors' Second Amended Plan of Reorganization.

In a case of first impression in this District and the Tenth Circuit, the Court holds that a party's post-confirmation state court product liability action is not discharged by a confirmation order where the party was injured post-confirmation by debtors' alleged prepetition conduct. The Court concludes that an unknown future tort claimant does not have a claim within the meaning of 11 U.S.C. § 101(5) where the debtor and injured party had no pre-petition relationship. Alternatively, the Court concludes that a confirmation order that discharges the claims of an unknown future tort claimant without any notice and an opportunity to be heard violates due process.

JUDGMENT is entered in favor of plaintiffs and intervenor on the adversary complaint, determining that plaintiff Jesse White's and intervenor Frank Joseph & Sons' claims asserted in Maryland state court were not discharged by the confirmation order or by operation of 11 U.S.C. § 524.

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