

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge John L. Kane

Civil Action No. **05-cv-02284-JLK**

In re:

**JAMES L. BAKER**  
**o/d/s K&L ASSOCIATES, INC. and**

**JANICE E. BAKER**  
**o/d/s K&L ASSOCIATES, INC.**

Debtors ,

**DANIEL A. HEPNER, Chapter 7 Trustee**

Plaintiff /Appellee,

v.

**AMERICREDIT FINANCIAL SERVICES INC.**

Defendant/Appellant.

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Civil Action No. **06-cv-00169-JLK**

In re:

**WILLIAM DAVID WILSON and**

**CHERYL ANN WILSON,**

Debtors.

**CHARLES C. SCHLOSSER, Chapter 7 Trustee**

Plaintiff /Appellee,

v.

**DAIMLERCHRYSLER SERVICES AMERICAS LLC,**  
**successor by merger to DaimlerChrysler North America, LLC.**

Defendant/Appellant.

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Civil Action No. **06-cv-00197-JLK**

In re:

**DEMETRA RAMEY and**

**JAMES RAMEY**

Debtors.

**DANIEL A. HEPNER, Chapter 7 Trustee**

Plaintiff /Appellee,

v.

**DAIMLERCHRYSLER SERVICES AMERICAS LLC,  
successor by merger to DaimlerChrysler North America, LLC.**

Defendant/Appellant.

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**ORDER DECONSOLIDATING HEPNER CASE AND FOR  
ENTRY OF FINAL JUDGMENT**

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Kane, J.

These bankruptcy appeals were consolidated by me on the Trustee's Motion because they involve identical questions of law regarding the perfection date of Appellants' automobile financing liens. *See* Order on Motion to Consolidate, dated 3/1/06 (Doc. 12). I issued a Memorandum Decision in the consolidated cases on June 27, 2006 (Doc. 30), from which appeals and cross-appeals were taken. On December 6, 2006, the Tenth Circuit dismissed the appeals, finding my reservation of a lien priority issue that had been raised in one of the three consolidated cases resulted in a lack of finality precluding direct appeal. I sought input from the parties, which they provided in

a Joint Statement filed March 7, 2007 (Doc. 51).

At the parties' suggestion, I address the jurisdictional conundrum presented by the Tenth Circuit's Order for dismissal as follows:

1. The *Hepner v. DaimlerChrysler Financial Services (In re Ramey)* case, Civil Action No. 06-cv-00197-JLK, which includes the priority issue previously stayed pending appeal, shall be **DECONSOLIDATED** from Civil Action 05-cv-02284-JLK and proceed separately in this court. The *Wilson* case, Civil Action No. 06-cv-00169, shall remain consolidated with lead case *Hepner v. Americredit Financial Servs., Inc. (In re Baker)*, 05-cv-02284-JLK pursuant to my March 1, 2006 Order.
2. **FINAL JUDGMENT** shall enter in the *Baker* and *Wilson* consolidated cases in accordance with my June 27, 2006 Memorandum Decision.
3. The *Ramey* case is ordered **STAYED** and **HELD IN ABEYANCE** pending appeal of the Final Judgment in the *Baker* and *Wilson* consolidated cases.

Dated this 13<sup>th</sup> day of March 13, 2007.

**s/John L. Kane**  
SENIOR U.S. DISTRICT JUDGE