## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES POWERS, on his own : CIVIL ACTION

behalf and on behalf of the

class defined herein : NO. 06-2993

:

V.

.

LYCOMING ENGINES, a Division of

AVCO CORPORATION; AVCO

CORPORATION; and TEXTRON, INC.

PLANE TIME, LLC, on its own behalf and : CIVIL ACTION

on behalf of others similarly situated

NO. 06-4228

**v**.

:

LYCOMING ENGINES, a Division of

AVCO CORPORATION; AVCO :

CORPORATION; and TEXTRON, INC. :

## ORDER

AND NOW, this 9th day of February, 2011, upon consideration of the Third Circuit Court of Appeals' opinion and judgment vacating and the class certification order and remanding this action, Plaintiffs' Memorandum in Support of Re-Certification of the Implied Warranty of Merchantability Claim (Document No. 146) and the defendant's Memorandum of Law in opposition to class certification (Document No. 147), IT IS ORDERED that the plaintiffs' motion for class certification is **DENIED**.

/s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.