

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:

Case No. HT 04-12515-JDG

SECOND CHANCE BODY ARMOR, INC.

Hon. James D. Gregg

Debtor.

Chapter 11

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**ORDER GRANTING MOTION FOR CLASS CERTIFICATION**

At a session of the U.S. Bankruptcy  
Court, held in Grand Rapids, Michigan, on  
October 6, 2005

Present: JAMES D. GREGG  
U.S. Bankruptcy Judge

**THIS MATTER** having come before the Court on the motion (“Motion”) of Steven W. Lemmings (“Mr. Lemmings”) and the City of Pryor Creek (“City”) (collectively, “Movants”) for class certification, the Motion having been served upon all appropriate parties, objections (“Objections”) having been filed by the Debtor and the Unsecured Creditors’ Committee (“Committee”), a resolution having been reached between the Movants, the Debtor and the Committee as more fully set forth herein, the Objections having been withdrawn on the basis set forth herein, the Court having determined that the relief requested in the Motion is just and appropriate, and the Court having been otherwise fully advised in the premises;

**THE COURT HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:**

A. The Movants seek to have the following claimants certified as a class:

All persons and entities in the United States and its territories, who have purchased or used a bulletproof vest manufactured by Second Chance Body Armor, Inc., which contains Zylon®, a fiber manufactured and sold by Toyobo Company, Ltd. and Toyobo America, Inc. Excluded from the Class are Second Chance Body Armor, Inc., Toyobo Company, Ltd., Toyobo America, Inc., their affiliates, parents and subsidiaries; all directors, officers, agents,

and employees of any of the foregoing; any distributors of Second Chance Body Armor, Inc.; any person or entity who timely opts out of this proceeding; any person with present or future personal injury claims; any claims of state attorneys general exercising their police powers; and any claims belonging to the federal government (collectively, the "Class").

The Class is limited to breach of warranty claims, and shall expressly exclude any and all claims for violation of statute and/or punitive or exemplary damages, including but not limited to any and all claims for penalties or civil penalties brought by any State Attorney General on behalf of consumers.

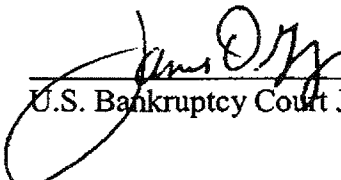
- B. The proposed Class is so numerous that joinder of all members is impracticable.
- C. There are questions of law or fact common to the Class.
- D. The claims or defenses of the Movants are typical of the claims or defenses of the Class.
- E. The Movants will fairly and adequately protect the interests of the Class.
- F. The questions of law or fact common to the members of the Class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.
- G. The benefits that generally support class certification in civil litigation are realizable in this bankruptcy case.
- H. The use of a class proof of claim will produce significant benefits.
- I. The requirements for obtaining class certification, as set forth in F.R.B.P. 7023 and Fed.R.Civ.P. 23(a), have been met.
- J. Certification of the Movants' class proof of claim is entirely appropriate in this case.

**NOW, THEREFORE,**

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Motion, as herein modified, is granted.
2. The Court directs, pursuant to F.R.B.P. 9014, that F.R.B.P. 7023 applies to this matter.
3. Pursuant to F.R.B.P. 7023 and Fed.R.Civ.P. 23, the Court certifies the Class.
4. Mr. Lemmings and the City are designated as representatives of the Class.
5. Allan Kanner of Allan Kanner & Associates, P.L.L.C., is designated as Lead Class Counsel for the Class. Geoffrey L. Silverman of Silverman & Morris, P.L.L.C., is designated as Liaison Counsel for the Class.
6. The Movants are authorized to file the proof of claim which was filed on behalf of the Class on April 5, 2005 (as it may be amended from time to time, the "Claim"). However, the Movants shall amend the Claim to ensure that (i) the definition of the Class; and (ii) the specific claims asserted by the Class, comport with the definition of the Class set forth in paragraph A of this Order. Subject to the provisions of Paragraphs 7 and 8, such Claim shall be deemed to be an allowed claim for all purposes other than voting under any future plan filed in these proceedings.
7. Nothing in this Order or in the actions taken or omitted by any party in interest (including without limitation the United States of America, the Debtor and the Unsecured Creditors' Committee) shall in any manner impair the right of such party in interest to object on any grounds to the Claim or any future claims of the Class filed in this case, or otherwise act to waive or estop such party in interest with respect thereto.

8. Nothing in this Order shall be deemed to impair any rights of the Class to seek allowance of the Claim or any future claims for voting purposes at any time hereafter, after proper notice and a hearing, and nothing in this Order shall impair any party in interest's right to object to the same.

  
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U.S. Bankruptcy Court Judge

**Agreed to and Notice of Entry Waived:**

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\_\_\_\_\_

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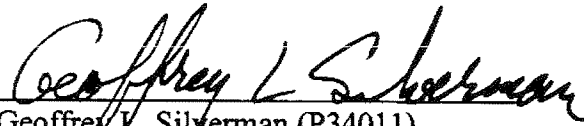
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