

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

POPULAR LEASING USA, INC.,)

Plaintiff,)

vs.)

HARRY MAJOR MACHINE &
TOOL CO.,)

and)

(See List of Defendants, attorneys and
cause numbers attached.))

Defendants.)

Master Cause No. 04CC-3753A

Cause No. (see attached list)

Division 19

ORDER

This matter is before the Court on Plaintiff's Second Motion for Reconsideration of this Court's Order of April 11, 2005. The Motion was called and heard on September 29, 2005.

The Court has received evidence that the rights and obligation of NorVergence under Paragraphs 2 and 6 of the Master Program Agreement have been extinguished in bankruptcy court. The Court finds that NorVergence has no interest relating to the subject of the action and is not, therefore, a necessary and indispensable party. V.A.M.R. 52.04(a).

Wherefore, the Court GRANTS Plaintiff's Second Motion for Reconsideration, SETS ASIDE its Order of April 11, 2005 and DENIES Defendants' Motion to Dismiss for Failure to Join a Necessary and Indispensable Party.

SO ORDERED:

10/11/05
Date

Melvyn Wiesman
Melvyn Wiesman, Judge

Barbara M. Wallace
Barbara Wallace, Judge

Ellen Levy Siwak
Ellen Levy Siwak, Judge

cc: Per attached list