

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re	:	CHAPTER 11
	:	
NEW CENTURY HOLDINGS, INC. , a Delaware Corporation, <i>et al.</i>	:	
	:	
Debtor	:	Bankruptcy No. 07-10416(KJC)
	:	Jointly Administered
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GREGORY J. SCHROEDER, et al.	:	
	:	
	:	
Plaintiffs	:	
	:	
v.	:	
	:	
NEW CENTURY HOLDINGS, INC. , a Delaware Corporation, <i>et al.</i> ; and	:	
	:	
WELLS FARGO BANK N.A. a/k/a WELLS FARGO ITS , as trustee of the trust formed under the New Century Financial Corporation Supplemental Benefit and Deferred Compensation Trust Agreement; and	:	
	:	
HAROLD A. BLACK, FREDERIC J. FOSTER, DONALD E. LANGE, and MICHAEL M. SACHS , in their capacity as the Compensation Committee of the Board of Directors of New Century Financial Corporation and therefore the Plan Administrator, and any successors thereto and any Committee (as defined in the Plan) appointed by the Plan Administrator; and	:	
	:	
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS	:	
	:	
Defendants	:	Adversary No. 07-51598 (KJC)
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ORDER AMENDING MEMORANDUM DATED APRIL 23, 2008

AND NOW, this 17th day of June, 2008, it is hereby **ORDERED** that the Memorandum issued in this adversary proceeding on April 23, 2008 (docket no. 45) is hereby amended to correct the following citations:

1. On page 16 of the Memorandum, the final sentence of the paragraph continued from page 15, is hereby amended to read as follows: “The second prong requires that the plan cover a select group of management or highly compensated employees. The IT Group, Inc. v. Bookspan (In re The IT Group, Inc.), 305 B.R. 402, 407 (Bankr.D.Del.2004), *aff’d* 448 F.2d 661 (3d Cir. 2006).”
2. On page 22 of the Memorandum, the fourth sentence in the first full paragraph under the heading “**Count IV**,” is hereby amended to read as follows: “Additionally, Section 541(b)(7)(B)(i)(I) excludes from property of the estate “. . . any amount received by an employer from employees for payment as contributions to an employee benefit plan that is subject to title I of the Employee Retirement Income Security Act of 1974. . . .” 11 U.S.C. §541(b)(7)(B)(i)(I).”

BY THE COURT:



KEVIN J. CAREY
UNITED STATES BANKRUPTCY JUDGE

Copies to:
cc: Mark D. Collins, Esquire¹

¹ Counsel is to distribute a copy of this Order to all interested parties and file a Certificate of Service with the Court.