

08-998 HAMILTON V. LANNING

DECISION BELOW: 545 F.3d 1269

LOWER COURT CASE NUMBER: 08-3009

QUESTION PRESENTED:

Did the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 eliminate judicial discretion by requiring an above-median income debtor to pay to unsecured creditors the net result reported on Official Form 22C?

LIMITED TO THE FOLLOWING QUESTION: WHETHER, IN CALCULATING THE DEBTOR'S "PROJECTED DISPOSABLE INCOME" DURING THE PLAN PERIOD, THE BANKRUPTCY COURT MAY CONSIDER EVIDENCE SUGGESTING THAT THE DEBTOR'S INCOME OR EXPENSES DURING THAT PERIOD ARE LIKELY TO BE DIFFERENT FROM HER INCOME OR EXPENSES DURING THE PRE-FILING PERIOD.

CERT. GRANTED 11/2/2009