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In Re Lawton

United States Bankruptcy Court, D. Connecticut
Mar 3, 2005
19-20361

Docket Case history Beta

Reporters: 324 B.R. 20, 2005 Bankr. LEXIS 312, 2005 WL 549054
Before: Dabrowski

* 21 MEMORANDUM RULING AND ORDER ON OBJECTION TO CLAIM OF EXEMPTION
ALBERT S. DABROWSKI, Chief Judge.

I. INTRODUCTION

The instant contested matter presents a question of the scope of the exemption for "personal bodily injury" provided by Section 522(d)(II)(D) of the Bankruptcy Code. The specific issue raised by the parties is whether the compensation exempted by Section 522(d)(II)(D) need relate to bodily injuries which are permanent in nature. For the reasons which follow, this Court determines that Section 522(d)(II)(D) does not include a permanency component.

II. JURISDICTION

The United States District Court for the District of Connecticut has jurisdiction over the instant matter by virtue of 28 U.S.C. § 1334(b); and this Court derives its authority to hear and determine the matter on reference from the District Court pursuant to 28 U.S.C. §§ 157(a), (b)(1). This is a "core proceeding" pursuant to 28 U.S.C. §§ 157(b)(2)(B).

III. BACKGROUND

The Debtor commenced her pending Chapter 7 bankruptcy case through the filing of a voluntary petition on December 16, 2004. Roberta Napolitano (hereafter, the "Trustee") was appointed trustee of the resulting bankruptcy estate, and a meeting of creditors was scheduled for January 11, 2005. In Schedule B accompanying her Petition, the Debtor disclosed a property interest described as follows: "Pending Personal Injury Claim Lawton vs. Progressive Insurance ..." (hereafter,, the "Personal Injury Claim"), [1] and ascribed to it an "unknown" value. On Schedule C she asserts certain exemption interests in the Personal Injury Claim, namely: (i) [illegible] under Bankruptcy Code Section 522(d)(11)(D) — $18,450.00.

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