

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

CHRISTOPHER M. ALVANAS : BK No. 05-15052
SHARI A. ALVANAS : Chapter 7
Debtors :
CHRISTOPHER M. ALVANAS :
SHARI A. ALVANAS :
Plaintiffs :

v. : A.P. No. 05-1083

COLLEGE ACCESS NETWORK and :
U.S. DEPARTMENT OF EDUCATION :
Defendants :
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ORDER

The Debtors request a determination that their student loans be declared dischargeable. A trial was held on November 29 and 30, 2006, and in a bench ruling the Court concluded that the Debtors' student loan debts should be discharged. On appeal, the District Court remanded the decision "for consideration of the legal arguments of counsel as they relate to the factual record that has been developed," and on May 9, 2008, this Court issued an Order on Remand confirming its Order discharging the student loans. On May 16, 2008, Defendants filed a Joint Motion to Reconsider, which was granted. The Court held a status hearing on October 8, 2008, and took the matter under advisement.

After an extensive review of the parties' most recent written submissions, as well as the full transcript of the hearing on the merits, and to ensure that every issue raised by the Defendants is fully addressed, the Court will reexamine and update the Debtors'

financial, medical, and employment status before again ruling on the merits of the Complaint.

Accordingly, it is **ORDERED**:

1. A hearing is scheduled for January 21, 2009, at 11:00 a.m., to address the current financial, medical, and employment status of the Debtors.

2. To assist in this review process, both parties may present testimony, medical or other reports, tax returns, current evidence of income and expenses, or other information that, in the view of any party, may be helpful to the Court in determining whether the student loans should be discharged. If evidence is to be submitted, a joint pre-hearing statement shall be filed on or before January 14, 2009.

Dated at Providence, Rhode Island, this 10th day of December, 2008.



Arthur N. Votolato
U.S. Bankruptcy Judge

Entered on docket: 12/10/08