

08-970 PERDUE, GOV. OF GA V. KENNY A.

DECISION BELOW: 532 F.3d 1209

LOWER COURT CASE NUMBER: 06-15514, 06-15874

QUESTION PRESENTED:

1. Can a reasonable attorney's fee award under a federal fee-shifting statute ever be enhanced based solely on quality of performance and results obtained when these factors already are included in the lodestar calculation?
2. Is an enhancement to the lodestar based on quality of representation and results obtained contrary to this Court's decisions in *Pennsylvania v. Delaware Valley Citizens' Council for Clean Air*, 478 U.S. 546 (1986), and *City of Burlington v. Dague*, 505 U.S. 557 (1992), particularly after the lodestar has been reduced for excessive hours billed?

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CERT. GRANTED 4/6/2009