

22-1238 UNITED STATES TRUSTEE V. JOHN Q. HAMMONS FALL

DECISION BELOW: 2022 WL 3354682

LOWER COURT CASE NUMBER: 20-3203

QUESTION PRESENTED:

Section 1004(a) of the Bankruptcy Judgeship Act of 2017, Pub. L. No. 115-72, Div. B, 131 Stat. 1232 (28 U.S.C. 1930(a)(6)(B) (2018)), amended the schedule of quarterly fees payable to the United States Trustee in certain pending bankruptcy cases. In *Siegel v. Fitzgerald*, 142 S. Ct. 1770 (2022), this Court held that that provision contravened Congress's constitutional authority to "establish * * * uniform Laws on the subject of Bankruptcies," U.S. Const. Art. I, § 8, Cl. 4, because it was initially applied only in the 88 federal judicial districts that have United States Trustees but not in the 6 districts that have Bankruptcy Administrators. This Court left open the question of "the appropriate remedy" for the violation. *Siegel*, 142 S. Ct. at 1783. The question presented in this case is:

Whether the appropriate remedy for the constitutional uniformity violation found by this Court in *Siegel, supra*, is to require the United States Trustee to grant retrospective refunds of the increased fees paid by debtors in United States Trustee districts during the period of disuniformity, or is instead either to deem sufficient the prospective remedy adopted by Congress or to require the collection of additional fees from a much smaller number of debtors in Bankruptcy Administrator districts.

CERT. GRANTED 9/29/2023