

No. 23-278

In the Supreme Court of the United States

UNITED STATES TRUSTEE, REGION 21,
PETITIONER

v.

BAST AMRON LLP

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT*

MEMORANDUM FOR THE RESPONDENT

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RULE 29.6 STATEMENT

Bast Amron LLP has no parent corporation, and no publicly held company owns 10% or more of its stock.

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In *Siegel v. Fitzgerald*, 142 S. Ct. 1770 (2022), this Court held that Congress violated the Bankruptcy Clause’s uniformity requirement by enacting “a significant fee increase” in U.S. Trustee districts while “exempt[ing] debtors in two States” with Bankruptcy Administrators. 142 S. Ct. at 1775, 1782-1783. The government now contends the Eleventh Circuit erred in holding that “the appropriate remedy” for that constitutional violation is “a refund” (Pet. I, 13)—believing the government instead is free to “take the money and run.” *USA Sales, Inc. v. Office of the U.S. Tr.*, 76 F.4th 1248, 1251 (9th Cir. 2023).

On September 29, 2023, this Court granted the petition for a writ of certiorari in *Office of the United States Trustee v. John Q. Hammons Fall 2006, LLC*, No. 22-1238, to consider that same question. Accordingly, respondent agrees with the government (Pet. 14-15) that

the petition in this case should be held pending the decision in *John Q. Hammons* and then disposed of as appropriate in light of that decision.*

Respectfully submitted.

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* Respondent waives any further response to the government's petition unless this Court requests otherwise.