

No. 23-47

In the Supreme Court of the United States

WILLIAM K. HARRINGTON, UNITED STATES TRUSTEE,
REGION 2, PETITIONER

v.

CLINTON NURSERIES, INC., ET AL.

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

REPLY BRIEF FOR THE PETITIONER

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This case presents the question whether the appropriate remedy for the bankruptcy uniformity violation that this Court identified in *Siegel v. Fitzgerald*, 142 S. Ct. 1770 (2022), is to require the United States Trustee to grant retrospective refunds of the increased fees paid by debtors in 88 United States Trustee districts during the period when lower fees were being paid by debtors in 6 Bankruptcy Administrator districts, 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. In their brief in opposition, respondents argue at length (Br. in Opp. 14-26) that this Court’s review of that question is not warranted.

(1)

On September 29, 2023, this Court granted the government's petition for a writ of certiorari in *Office of the United States Trustee v. John Q. Hammons Fall 2006, LLC*, No. 22-1238, which presents the identical question. Accordingly, 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.

ELIZABETH B. PRELOGAR
Solicitor General

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