

IN THE SUPREME COURT OF THE UNITED STATES

No. 18-489

BRADLEY WESTON TAGGART, PETITIONER,

v.

SHELLEY A. LORENZEN, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae in support of neither party and for divided argument, and requests that the United States be allowed ten minutes of argument time. The United States has filed a brief as amicus curiae supporting vacatur and remand in which the United States takes an approach that differs from that of the parties. Petitioner has agreed to cede five minutes of argument time to the

United States, and respondents likewise have agreed to cede five minutes.

This case concerns the circumstances under which a creditor may be held in civil contempt for attempting to collect a debt that has been discharged in bankruptcy. A bankruptcy discharge order "operates as an injunction against the commencement or continuation of any action, the employment of process, or an act, to collect, recover or offset" any debt that has been discharged. 11 U.S.C. 524(a)(2). A bankruptcy court's power to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of" the Bankruptcy Code, 11 U.S.C. 105(a), includes the power to impose civil contempt sanctions on creditors who violate the discharge injunction. This Court granted certiorari on the question whether a creditor's good-faith belief that the discharge injunction does not apply precludes a finding of civil contempt under Section 105(a).

The United States has a substantial interest in the resolution of that question. United States Trustees are charged with supervising the administration of bankruptcy cases, 28 U.S.C. 581-589a, and "may raise and may appear and be heard on any issue in any case or proceeding under" the Bankruptcy Code, 11 U.S.C. 307. The United States also is the Nation's largest creditor. Federal

agencies often seek to recover debts from persons who have filed for bankruptcy, and the application of the discharge order to debts owed to the government is not always readily apparent.

The United States has participated in oral argument as amicus curiae in prior cases involving interpretation of the Bankruptcy Code. E.g., Mission Product Holdings Inc. v. Tempnology, Inc., No. 17-1657 (argued Feb. 20, 2019); Lamar, Archer & Cofrin, LLP v. Appling, 138 S. Ct. 1752 (2018); U.S. Bank Nat'l Ass'n v. Village at Lakeridge, LLC, 138 S. Ct. 960 (2018); Czyzewski v. Jevic Holding Corp., 137 S. Ct. 973 (2017). Oral presentation of the views of the United States is therefore likely to be of material assistance to the Court.

Respectfully submitted.

NOEL J. FRANCISCO
Solicitor General
Counsel of Record

MARCH 2019