

IN THE SUPREME COURT OF THE UNITED STATES

No. 19-357

CITY OF CHICAGO, ILLINOIS, PETITIONER

v.

ROBBIN L. FULTON, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH 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 this Court, the Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case and that the United States be allowed ten minutes of argument time. On February 10, 2020, the United States filed a brief as amicus curiae supporting petitioner. Petitioner has agreed to cede ten minutes of argument time to the United States and therefore consents to this motion.

This case presents the question whether an entity violates the Bankruptcy Code's automatic-stay provision, 11 U.S.C. 362(a),

by passively retaining possession of property that the entity seized before the bankruptcy petition was filed, and in which the bankruptcy estate has an interest. The court of appeals held that passively retaining property in these circumstances violates the automatic stay. Pet. App. 1a-27a. The United States has filed a brief as amicus curiae supporting petitioner, contending that the court of appeals' interpretation of the automatic stay is inconsistent with the text, structure, history, and purposes of the automatic-stay provision and the Bankruptcy Code as a whole.

The United States has a substantial interest in the resolution of the question presented. It is the Nation's largest creditor, and federal agencies often possess property of persons who have filed for bankruptcy. In addition, United States Trustees are charged with supervising the administration of bankruptcy cases, including overseeing private trustees who may seek to compel creditors to return property of a debtor's estate as part of the trustees' statutory duty to liquidate the property of the estate. See 28 U.S.C. 581-589a.

The United States has participated in oral argument as amicus curiae in previous cases involving interpretation of the Bankruptcy Code. E.g., Ritzen Grp., Inc. v. Jackson Masonry, LLC, No. 18-938, 2020 WL 201023 (Jan. 14, 2020); Mission Prod. Holdings, Inc. v. Tempnology, LLC, 139 S. Ct. 1652 (2019) (No. 17-1657); Lamar, Archer & Cofrin, LLP v. Appling, 138 S. Ct. 1752 (2018) (No. 16-1215); U.S. Bank Nat'l Ass'n v. Village at Lakeridge, LLC,

138 S. Ct. 960 (2018) (No. 15-1509); Czyzewski v. Jevic Holding Corp., 137 S. Ct. 973 (2017) (No. 15-649); Husky Int'l Electronics, Inc. v. Ritz, 136 S. Ct. 1581 (2016) (No. 15-145); Baker Botts, L.L.P. v. ASARCO, LLC, 135 S. Ct. 2158 (2015) (No. 14-103); Bullard v. Blue Hills Bank, 135 S. Ct. 1686 (2015) (No. 14-116). 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

FEBRUARY 2020