

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO
et al.,

(Jointly Administered)

Debtors.¹
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ORDER REGARDING PROCEDURES FOR HEARING ON SEPTEMBER 18-19, 2024, OMNIBUS HEARING

The Court will conduct an omnibus hearing on certain motions in the above-captioned cases and related adversary proceedings (the “Hearing”). The Hearing will be conducted on **September 18, 2024**, from **9:30 a.m. to 12:50 p.m. (Atlantic Standard Time)**, resume from **2:10 p.m. to 5:00 p.m. (Atlantic Standard Time)**, and continue, if necessary, on **September 19, 2024**, beginning at **9:30 a.m. (Atlantic Standard Time)**. The Court will

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

conduct the hearing in Courtroom 17C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, NY 10007 (the “New York Courtroom”), and by video teleconference in a courtroom to be designated in the United States District Court for the District of Puerto Rico, Clemente Ruiz Nazario US Courthouse, 150 Carlos Chardón Street, Federal Building, San Juan, Puerto Rico 00918-1767 (the “Hato Rey Courtroom”). All individuals in attendance in the New York Courtroom shall refrain from wearing cologne or perfume. The Hearing shall be governed by the following procedures.

Registration for In-Person Attendance and Listen-In Facilities for Attorneys, Members of the Public and Press

1. **In-Person Participation.** Judge Swain will be present in the New York Courtroom. **Counsel for any party in interest (each a “Party”) who are scheduled to participate in a matter scheduled to be heard at the Hearing are expected to appear in person (either in the Hato Rey Courtroom or the New York Courtroom).** Counsel who are not scheduled to present argument have the following options to access the Hearing: (i) observe in person in the New York Courtroom; or (ii) observe a video feed of the Hearing in person in the Hato Rey Courtroom. **Counsel who have entered their appearance in the Title III proceedings and intend to participate in or observe the Hearing in person (in the Hato Rey Courtroom or the New York Courtroom) must file an informative motion,** as set forth in paragraph 4 below. Informative motions are due **no later than September 11, 2024, at 5:00 p.m. (Atlantic Standard Time).**²

² In accordance with the Court’s *Notice and Order Regarding Hearing on Pro Se Responses to Omnibus Claim Objection* (Docket Entry No. 25386 in Case No. 17-3283) (the “Pro Se Claim Objection Order”), the Hearing will address certain pro se responses to pending omnibus claim objections. **For the avoidance of doubt, paragraphs 1 and 4**

2. **Listen-Only Public Access to the Hearing.** Members of the public, press, and attorneys may **listen to but not participate in** the Hearing by dialing (888) 363-4749, and, when prompted, entering the access code (7214978) and security code (7533) for listen-only access. This telephonic access line for the press and the general public will be in listen-only mode at all times. Recording and retransmission of the proceedings by any means are prohibited.

3. **Live Observation of the Hearing.** Members of the public and press who wish to **view but not participate in** the Hearing may do so by appearing in person at the Hato Rey Courtroom or the New York Courtroom.

Party Informative Motion and Exhibit List Procedures

4. **Party Informative Motion and Party Appearance Cover Sheet.** In accordance with paragraph 1, a Party must file an informative motion by **September 11, 2024, at 5:00 p.m. (Atlantic Standard Time)**. Each Informative Motion must be accompanied by a Party Appearance Cover Sheet. Counsel may select one method of appearance for each attorney appearing at the Hearing. Thereafter, counsel must file an Amended Party Appearance Cover Sheet to change the method of appearance.

5. **Agenda.** An agenda outlining the matters to be addressed and the projected timetable for the Hearing shall be filed by Debtors' counsel by **September 16, 2024**, in accordance with the Nineteenth Amended Case Management Procedures. (See Docket Entry No. 27218-1 § III.M.) The agenda shall also include (a) the names of the individuals who intend to appear and speak on behalf of each relevant party in connection with each motion or report,

of this Order do not apply to the pro se claimants who appear at the Hearing pursuant to the Pro Se Claim Objection Order.

(b) the order in which the parties to the relevant motion shall present argument, and (c) time allocations for each party. Debtors' counsel shall file a revised agenda by **5:00 p.m. (Atlantic Standard Time)** on **September 17, 2024**, if circumstances have changed or if requested to do so by the Court. Debtors' counsel shall email a proposed agenda, including preliminary time allocations, to the Court by **September 13, 2024**, at **12:00 p.m. (Atlantic Standard Time)**.

6. **Exhibits or Demonstratives.** To the extent that a Party intends to rely on exhibits and/or demonstratives at the Hearing, the Party shall file a separate informative motion using the Exhibit Cover Sheet (the form of which is attached as Exhibit B to this Order) by **3:00 p.m. (Atlantic Standard Time)** on **September 12, 2024**. The informative motion must include (i) the Exhibit Cover Sheet and (ii) each exhibit and/or demonstrative as a separate, text searchable attachment. The naming convention of each exhibit must adhere to the specifications indicated on the Exhibit Cover Sheet. In accordance with Local Civil Rule 5(c) and Local Bankruptcy Rule 9070-1(c), any exhibits filed that are not in the English language must be accompanied by a certified translation into English. Furthermore, Parties must deliver all proposed exhibits in electronic format on a USB flash drive to the courtroom deputy clerk for the U.S. District Court for the District of Puerto Rico.³

7. **Status Reports.** To further promote transparency and public access to accurate and current information, the Oversight Board and AAFAF shall file written status reports by **5:00 p.m. (Atlantic Standard Time)** on **September 17, 2024**. The Oversight

³ Pursuant to Local Civil Rule 39, any party intending to offer exhibits at the Hearing must follow the Jury Evidence Recording System Guidelines ("JERS") guidelines which may be found at <https://promesa.prd.uscourts.gov/sites/default/files/Jury%20Evidence%20Recording%20System%20PROMESA%20June%202024%20%28LC%20edits%29.pdf>

Board's report shall address (a) the general status and activities of the Oversight Board, (b) the general status of relations among the Oversight Board and the Commonwealth and federal governments, (c) the status of and progress made in the reconciliation and resolution of claims, including the anticipated timing and volume of objections to claims, and (d) the general status of the ADR and ACR processes, including the anticipated number of matters to be directed into the ADR process and anticipated timetable for initiation of ADR procedures with respect to such matters. AAFAF shall provide a general status report on its status and activities, including an overview of the Commonwealth's ongoing public health and infrastructure restoration activity. At the Hearing, the Court will ask counsel to the Oversight Board and AAFAF to respond to questions and comments, if any, related to their respective status reports.

8. **Courtroom Procedures.** All persons appearing in person or by telephonic means are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of this prohibition may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. The formalities of a courtroom must be observed.

9. **Electronic Device Policy in New York.** Counsel with New York bar credentials are permitted to bring one cellular telephone into the New York courthouse in accordance with the Fifth Amended Standing Order M10-468.⁴ Counsel seeking to bring additional electronic devices into the New York Courtroom for the Hearing must complete the

⁴ The Fifth Amended Standing Order is available at <https://nysd.uscourts.gov/sites/default/files/2022-04/20mc316%205th%20amd%20standing%20order.pdf>.

Electronic Device General Purpose Form available on the Court's website at <https://www.nysd.uscourts.gov/forms/fillable-form-electronic-devices-general-purpose> and submit the completed form to the following address: swaindprcorresp@nysd.uscourts.gov by **September 12, 2024, at 12:00 p.m. (Atlantic Standard Time)**. Such requests must be compliant with S.D.N.Y. Standing Order M10-468. The Court directs counsel's attention to the technical and device usage restrictions detailed in the Fifth Amended Standing Order. Devices may not be used for communications purposes in the courtroom and no recording or transmission of the proceedings is permitted.

10. **Electronic Device Policy in Hato Rey Courtroom.** Counsel with Puerto Rico bar credentials are permitted to bring electronic devices into the Hato Rey courthouse. Counsel authorized to appear Pro Hac Vice in the Title III proceedings shall present (i) a paper or hard copy of the order granting Pro Hac Vice admission, and (ii) a current government-issued photo identification.⁵ Devices may not be used for communications purposes in the courtroom and no recording or transmission of the proceedings is permitted.

11. **Courthouse Entry Policies.** Persons intending to attend in one of the courthouses should check the relevant court website for up-to-date information and procedures.

SO ORDERED.

Dated: August 19, 2024

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

⁵ The electronic devices policy for the United States District Court for the District of Puerto Rico is available at <https://promesa.prd.uscourts.gov/electronic-devices-policies>.

EXHIBIT A¹
PARTY APPEARANCE SHEET

Name of Party		
ATTORNEY 1	Appearance Method	In Person NY <u>or</u> In Person PR
	Name	
	Law Firm	
	Email	
	Phone Number	
	Docket Entry No. of Notice of Appearance	
ATTORNEY 2	Appearance Method	In Person NY <u>or</u> In Person PR
	Name	
	Law Firm	
	Email	
	Phone Number	
	Docket Entry No. of Notice of Appearance	

¹ This Party Appearance Sheet must be attached to a party in interest's Informative Motion as **Exhibit A.**

EXHIBIT B¹
PARTY EXHIBIT COVER SHEET

Name of Party		
Does the Party intend to offer evidence?		
Docket Entry No. for Party Exhibit List		
Exhibit Identifier ²	Docket Entry No. of Exhibit	Is there a pending request to seal this Exhibit?
Pursuant to Bankruptcy Local Rule 9037-1(a), parties and counsel are solely responsible for redacting the personal identifiers enumerated in Fed. R. Bank. P. 9037(a).		

¹ This Party Exhibit Cover Sheet must be attached to a party in interest's Informative Motion as **Exhibit B**.

² Each Exhibit should be named in sequential party-identified numbering (e.g., "FOMB Ex. 1").