

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 FEBRUARY 1-2, 2023, OMNIBUS HEARING

The Court will conduct an omnibus hearing in San Juan, Puerto Rico, on certain motions in the above-captioned cases and related adversary proceedings (the “Hearing”) beginning at **9:30 a.m. (Atlantic Standard Time) (8:30 a.m. Eastern Standard Time)** on **February 1, 2023**. The Hearing will be conducted on **February 1, 2023**, 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 **February 2, 2023**, beginning at **9:30 a.m. (Atlantic**

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).

Standard Time). The Court will conduct the Hearing in Courtroom 3 of the United States District Court for the District of Puerto Rico, 150 Carlos Chardón Street, Federal Building, San Juan, Puerto Rico 00918-1767 (the “San Juan Courthouse”). The Hearing shall be governed by the following procedures.

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

1. **In-Person Participation.** Judge Swain will be present in the San Juan Courtroom. **All attorneys who are scheduled to participate in a matter scheduled to be heard at the Hearing are expected to appear in person (either in the San Juan Courthouse or in Courtroom 17C of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York 10007 (the “New York Courthouse”)).** Counsel who are not scheduled to present argument or examine witnesses have the following options to access the Hearing: (i) observe in person in the San Juan Courthouse; (ii) observe a video feed of the Hearing in person in the New York Courthouse; or (iii) register for a speaking line and/or listen-only CourtSolutions access line. Persons present in the well of either courtroom will be required to wear KN-95 or KF-94 masks except when speaking. Observers in the San Juan Courthouse and New York Courthouse are encouraged to wear masks. **Counsel who have entered their appearance in the Title III proceedings and intend to participate in or observe the Hearing in person (in the San Juan Courthouse or the New York Courthouse) or through the CourtSolutions platform must file an informative motion,** as set forth in paragraph 6 below. Informative motions are due **no later than January 25, 2023, at 12:00 p.m. (Atlantic Standard Time).**

2. **CourtSolutions Registration.** Counsel who have entered an appearance in the Title III proceedings have the option to register for a live participation line or listen-only

line. Such counsel must register individually with CourtSolutions at www.court-solutions.com no later than **January 25, 2023, at 12:00 p.m. (Atlantic Standard Time)** and pay the fee established by CourtSolutions.²

3. **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.

4. **Live Video Feed 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 San Juan Courthouse or the New York Courthouse.

5. **Press Room.** A live video feed of the proceedings will be available for viewing in the press rooms in the San Juan Courthouse. Members of the press should contact presscredentials@prd.uscourts.gov (San Juan) regarding viewing facilities and space availability. Members of the press may also view the proceedings in the New York Courthouse or dial into the listen-only line.

Party Informative Motion and Exhibit List Procedures

6. **Party Informative Motion and Party Appearance Cover Sheet.** In accordance with paragraph 1, a Party must file an informative motion by **January 25, 2023, at 1:00 p.m. (Atlantic Standard Time)**. Each Informative Motion must be accompanied by a

² Counsel who intend to participate by CourtSolutions are advised that filing an informative motion in accordance with paragraph 6 does not relieve the attorney of the obligation to separately register on www.court-solutions.com.

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.

7. **Agenda.** An agenda outlining the matters to be addressed and the projected timetable for the Hearing shall be filed by Debtors' counsel by **January 30, 2023**, in accordance with the Sixteenth Amended Case Management Procedures. (See Docket Entry No. 20190-1 § 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, (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 on **January 31, 2023**, 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 **January 27, 2023, at 12:00 p.m. (Atlantic Standard Time)**.

8. **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 January 30, 2023**. 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.

9. **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 January 31, 2023**. The Oversight 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 response to the COVID-19 pandemic and of 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.

10. **Electronic Device Policy in San Juan.** Counsel with Puerto Rico bar credentials are permitted to bring electronic devices into the San Juan 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.³ Devices may not be used for communications purposes in the courtroom and no recording or transmission of the proceedings is permitted.

11. **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

³ 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>.

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

additional electronic devices into the New York Courtroom for the Hearing must complete the 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 **January 27, 2023, 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.

SO ORDERED.

Dated: January 13, 2023

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

EXHIBIT A¹
PARTY APPEARANCE SHEET

Name of Party		
ATTORNEY 1	Appearance Method	In Person PR/NY <u>or</u> CourtSolutions Speaking Line ² Choose one option only.
	Name	
	Law Firm	
	Email	
	Phone Number	
	Docket Entry No. of Notice of Appearance	
ATTORNEY 2	Appearance Method	In Person PR/NY <u>or</u> CourtSolutions Speaking Line
	Name	
	Law Firm	
	Email	
	Phone Number	
	Docket Entry No. of Notice of Appearance	
ADDITIONAL ATTORNEY OBSERVATION	<p>Complete the below information for each attorney appearing for observation purposes.</p> <p>Name</p> <ul style="list-style-type: none"> • In Person – PR • In Person – NY • CourtSolutions Listen Only <p>Law Firm</p> <p>Email</p> <p>Phone Number</p>	
<p>Attorneys who wish to view but not participate in the hearing may gain admittance to the San Juan Courtroom or New York Courtroom, on a first-come first-served basis. All attorneys who wish to observe in person must be listed on this appearance sheet.</p>		

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

² Pursuant to the Hearing Procedures Order ¶ 2, attorneys intending to appear by CourtSolutions must also separately register on the CourtSolutions website.

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" or "UCC Ex. A").