

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

-----X

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

-----X

ORDER REGARDING PROCEDURES FOR HEARING ON NOVEMBER 2-3, 2022, OMNIBUS HEARING

The Court will conduct an omnibus hearing on certain motions in the above-captioned cases and related adversary proceedings (the “Hearing”) beginning at **9:30 a.m. (Atlantic Standard Time) on November 2, 2022**. The Hearing will be conducted on **November 2, 2022, from 9:30 a.m. to 12:50 p.m. (Atlantic Standard Time)**, resume, if necessary, from **2:10 p.m. to 5:00 p.m. (Atlantic Standard Time)**, and continue, if necessary, on **November 3, 2022, 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 Courtroom 4 of 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 “San Juan Courtroom”). 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 New York 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 New York Courtroom or the San Juan Courtroom) or by CourtSolutions.** Counsel who are not scheduled to present argument will have the following options to access the Hearing: (i) observe in person in the New York Courtroom, (ii) observe a video feed of the Hearing in person in the San Juan Courtroom, 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 Courtroom are required to wear masks and observers in the New York Courtroom are encouraged to wear masks. **Each counsel intending to participate in or observe the Hearing in person (in the New York Courtroom or the San Juan Courtroom) or through the CourtSolutions platform must file an informative motion,** as set forth in paragraph 6 below. Recording and retransmission of the proceedings by any means are prohibited. All proceedings will be conducted in the English language as required by law. 48 U.S.C. § 864. No interpretation services will be provided by the Court for the Hearing.

2. **CourtSolutions Registration.** Attorneys 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 attorneys must register with CourtSolutions at www.court-solutions.com no later than **October 27, 2022, at 5:00 p.m. (Atlantic Standard Time)** and pay the fee established by CourtSolutions.²

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

4. **Live Video Feed of the Hearing.** Members of the public and press who wish to **view but not participate in** the Hearing through a live video feed may do so by appearing in person at 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”) or 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”).

5. **Press Room.** A live video feed of the proceedings will be broadcasted to the press room in the San Juan Courthouse. Members of the press should contact presscredentials@prd.uscourts.gov (San Juan) regarding viewing facilities and space availability.

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

Members of the press are able to view the proceedings in the New York Courtroom or dial into the listen-only line.

Pre-Hearing Filing Deadlines

6. **Party Informative Motion and Party Appearance Cover Sheet.** In accordance with paragraph 1, a Party must file an informative motion by **October 27, 2022, at 1:00 p.m. (Atlantic Standard Time)**. Each Informative Motion must be accompanied by a Party Appearance Cover Sheet.

7. **Agenda.** An agenda outlining the matters to be addressed and the projected timetable for the Hearing shall be filed by Debtors' counsel by **October 31, 2022**, 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 **November 1, 2022**, 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 **October 28, 2022, 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 October 31, 2022**. 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 November 1, 2022**. 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 Requests.** Counsel are permitted to bring one cellular telephone into the courthouse in accordance with the Fifth Amended Standing Order M10-468.³ Counsel seeking to bring 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:

³ The Fifth Amended Standing Order is available at <https://nysd.uscourts.gov/sites/default/files/2022-04/20mc316%205th%20amd%20standing%20order.pdf>.

swaindprcorresp@nysd.uscourts.gov by **October 27, 2022, 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. Counsel are reminded that devices may not be used for communications purposes in the courtroom.

SO ORDERED.

Dated: October 21, 2022

/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 NY/PR or CourtSolutions Speaking Line ²
	Name	
	Law Firm	
	Email	
	Phone Number	
	Docket Entry No. of Notice of Appearance	
ATTORNEY 2	Appearance Method	In Person NY/PR or 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"> • CourtSolutions Listen Only • In Person – NY • In Person – PR <p>Law Firm</p> <p>Email</p> <p>Phone Number</p>	
<p>Pursuant to the Hearing Procedures Order ¶ 6, in-person participation by counsel will be prioritized in the following manner: the Financial Oversight and Management Board for Puerto Rico and the Puerto Rico Fiscal Agency and Financial Advisory Authority shall each be permitted 4 attorneys present in the courtroom, and each other party-in-interest shall be permitted 2 attorneys present in the courtroom.</p> <p>Space permitting, additional attorneys who wish to view but not participate in the hearing may gain admittance to the New York Courtroom and San Juan 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").