

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

PROMESA
Title III

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO
et al.,

(Jointly Administered)

Debtors.¹

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

PROMESA
Title III

as representative of

No. 17 BK 4780-LTS

PUERTO RICO ELECTRIC POWER
AUTHORITY,

Debtor.

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ORDER REGARDING PROCEDURES FOR FEBRUARY 27, 2024, PRETRIAL CONFERENCE

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).

The Court will hold a pretrial conference (the “Pretrial Conference”) on **February 27, 2024, at 9:30 a.m. (Atlantic Standard Time)** in connection with the request of the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) for approval of the *Corrected Fourth Amended Title III Plan of Adjustment of the Puerto Rico Electric Power Authority* (Docket No. 26005 in Case No. 17-3283 and Docket Entry No. 4345 in Case No. 17-4780, as may be supplemented or amended, the “Plan of Adjustment”). The Pretrial Conference will be conducted on **February 27, 2024, from 9:30 a.m. to 12:50 p.m. (Atlantic Standard Time)**, and resume, if necessary, from **2:10 p.m. to 5:00 p.m. (Atlantic Standard Time)**. The Court will conduct the Pretrial Conference virtually using videoconferencing and telephonic platforms as set forth herein. However, as described in paragraph 1, attorneys will also be permitted to participate in the Pretrial Conference by attending in person in a courtroom to be designated in United States District Court for the District of Puerto Rico, 150 Carlos Chardón Street, Federal Building, San Juan, Puerto Rico 00918-1767 (the “Hato Rey Courtroom”). As explained in paragraph 7 below, immediately following the conclusion of the Pretrial Conference, Court staff will conduct an orientation in the Hato Rey Courtroom regarding the use of technology at the confirmation hearing for the Plan of Adjustment scheduled to begin on **March 4, 2024** (the “Confirmation Hearing”). The Pretrial Conference will be governed by the following procedures.

Registration for Videoconference or In-Person Attendance; Listen-In Facilities for Attorneys, Members of Public and Press

1. **Videoconferencing via Zoom and In-Person Participation.** The Court will conduct the Pretrial Conference using the audio and video features of the Zoom platform as a virtual courtroom and will also allow in-person participation from the Hato Rey Courtroom. Counsel for any party in interest (each a “Party”) or individual Parties not represented by counsel

who intend to participate in the Pretrial Conference may do so by either participating virtually using the Zoom platform or by appearing in person in the Hato Rey Courtroom. Any Party that plans to participate in the Pretrial Conference must register their appearance by filing an informative motion in accordance with paragraph 3 below. An invitation to register will be sent by the Court to participants who have registered their appearance in accordance with paragraph 3 and indicated that they intend to appear virtually through Zoom. Parties appearing virtually must respond to the invitation to register for Zoom access and will automatically receive the link and relevant login information to join the virtual proceeding. To optimize performance of the Zoom platform, the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”) and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) will each be limited to four attorneys appearing in the Zoom session at any given time, and each other Party (as defined in paragraph 3(a) below) will be limited to two attorneys appearing in the Zoom session at any given time. This number does not include individuals participating in the Pretrial Conference from the Hato Rey Courtroom. **Only persons who have properly registered their appearance by filing a Party Appearance Sheet, and if appearing virtually, registered for Zoom access, will be permitted to appear at the Pretrial Conference.**

Recording, photography 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 Pretrial Conference.

2. **Listen-Only Access to the Pretrial Conference.** Attorneys, members of the public, and press may **listen to but not view or participate in** the Pretrial Conference 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.

3. Registration to Participate in the Pretrial Conference.

a. Parties represented by counsel. Counsel for any Party that wishes to participate in the Pretrial Conference must register an appearance by filing an informative motion (the “Pretrial Informative Motion”) no later than **February 20, 2024, at 12:00 p.m. (Atlantic Standard Time)**, identifying (a) the Party for which they intend to appear, (b) whether they intend to appear virtually or in person in the Hato Rey Courtroom, (c) the name(s) and email address(es) of the attorney(s) who will appear, and (d) the Pretrial Conference matter(s) in connection with which the Party may wish to be heard. Counsel must annex a Party Appearance Sheet (the form of which is attached as Exhibit A to this Order) as Exhibit A to the Pretrial Informative Motion.

b. Parties not represented by counsel. Any individual Party not represented by counsel who wishes to participate in the Pretrial Conference must file a Pretrial Informative Motion no later than **February 20, 2024, at 12:00 p.m. (Atlantic Standard Time)**, identifying (a) the Party name, (b) whether they intend to appear virtually or in person in the Hato Rey Courtroom, (c) the name and email address of the individual appearing, and (d) the Pretrial Conference matter in connection with which the Party may wish to be heard. Each Party must annex a Party Appearance Sheet (the form of which is attached as Exhibit A to this Order) as Exhibit A to the Pretrial Informative Motion.

c. Registration Issues. If a Party intending to appear virtually has filed a Pretrial Informative Motion (including a Party Appearance Sheet) and has not received an invitation to

register from Zoom within 24 hours of the Pretrial Conference, counsel and/or pro se party may seek technical assistance by emailing promesaregistration@prd.uscourts.gov.

Pretrial Conference Filing Deadlines

4. **Pretrial Informative Motion and Party Appearance Sheet.** In accordance with paragraph 3, a Party must file a Pretrial Informative Motion by **February 20, 2024**, at **12:00 p.m. (Atlantic Standard Time)**. Each Pretrial Informative Motion must be accompanied by a Party Appearance Sheet, otherwise, the Party will not be registered to participate in the proceedings via Zoom or be allowed to participate in person from the Hato Rey Courtroom. The Party Appearance Sheet is annexed hereto as Exhibit A.

5. **Agenda.** An agenda outlining the matters to be addressed and the projected timetable for the Pretrial Conference must be filed by Debtors' counsel by **February 23, 2024**.

The agenda must include the following:

- a. The motions *in limine* scheduled to be heard at the Pretrial Conference and the status of each. For each motion, the agenda shall include (i) the names of the individuals who intend to appear and speak on behalf of each relevant Party in connection with each motion, (ii) the order in which the Parties to the relevant motion will present argument, and (iii) time allocations for each Party;
- b. Information identifying any other stipulated or contested matters that the Parties believe should be discussed at the Pretrial Conference, along with (i) the nature of the stipulated or contested matter, (ii) the Parties to the stipulated or contested matter, and (iii) time allocations for the Parties to present the matter; and
- c. A segment for the Court's discussion with the Parties of other matters concerning the conduct of the Confirmation Hearing, including (i) a proposed schedule for the Confirmation Hearing and sequence of presentation of testimony in support of and in opposition to confirmation of the Plan of Adjustment; (ii) the number of witnesses to be produced, including, without limitation, the persons on the witness lists, as the same may have been revised; (iii) the estimated time for presentation of any such witnesses' testimony; and (iv) the pre-admission of exhibits to be offered at the Confirmation Hearing.

Debtors' counsel must file a revised agenda on **February 26, 2024**, by **5:00 p.m. (Atlantic Standard Time)** if circumstances have changed or if requested to do so by the Court.

Debtors' counsel must email a proposed agenda, including preliminary time allocations, to the Court by **February 21, 2024, at 12:00 p.m. (Atlantic Standard Time)**.

6. **Courtroom Procedures.** All persons granted access to the proceedings 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. When appearing by Zoom, each counsel or pro se party must be situated in such a manner as to be able to view the video screen and be seen by the Court. Each Party's camera must be turned on when addressing the Court. Those appearing by Zoom may be removed from the virtual courtroom if they do not comply with this Order. During the Pretrial Conference, individuals who are registered to participate via Zoom are directed to observe the following rules:

- a. The following naming conventions must be used by Zoom participants for admission to the Zoom virtual courtroom. For example:
 - i. Attorney participants: [Party Represented (abbreviations may be used)] / [Last Name of Attorney, First Name of Attorney] / [Law Firm/Government Office].
 - a. PARTY A / Doe, John / ABC Law Firm, or
 - b. XYZ Agency/ Doe, Jane / Office of the ABC Government
 - ii. Pro se participants: Pro se / [Last Name, First Name].
 - a. For example: Pro se / Doe, Jane
- b. Identify yourself if asked to do so.
- c. Identify yourself by name each time you speak.
- d. Mute yourself when you are not speaking to eliminate background noise.

- e. Turn off your video unless you are speaking or otherwise directly involved in the argument or examination, unless the Court directs otherwise.

Technology Orientation for Confirmation Hearing

7. **Technology Orientation.** Upon the conclusion of the Pretrial Conference, Court staff will hold an orientation regarding the use of technology at the Confirmation Hearing in the Hato Rey Courtroom. Parties who participated in the Pretrial Conference virtually may remain on the Zoom to observe the technology orientation virtually. Each Party is required to send at least one of the person(s) who will be handling the electronic display of exhibits and demonstratives for that Party during the Confirmation Hearing to attend the orientation **in person** in the Hato Rey Courtroom. Party representatives attending the orientation in person are encouraged to bring any equipment (laptops, cables, etc.) that they plan to utilize during the Confirmation Hearing. Any Parties that plan to attend the orientation in person must register beforehand by sending an email by **February 20, 2024, at 12:00 p.m. (Atlantic Standard Time)** to promesaregistration@prd.uscourts.gov providing the following information regarding the representative(s) that plan(s) to attend: (i) name; (ii) email; (iii) law firm; and (iv) phone number. **As provided in paragraph 3, persons attending the technology orientation in person will be able to participate in the Pretrial Conference in the Hato Rey Courtroom by properly registering their appearance. Additionally, persons attending the technology orientation in person that wish to view, but not participate in, the Pretrial Conference, may do so from the Hato Rey Courtroom.** Recording, photography and retransmission of the

proceedings from the courtroom are prohibited.

SO ORDERED.

Dated: January 31, 2024

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

EXHIBIT A¹
PARTY APPEARANCE SHEET

Name of Party	
Party Name Abbreviation (For use with Zoom if appearing virtually ²)	
<p>Attorney(s) Representing Party (provide the listed information for each attorney who may appear for the Party):</p> <ul style="list-style-type: none"> • Appearance Method (In-Person PR or Zoom) • Name, • Email, • Law Firm, • Phone Number • Docket Entry No. for the Attorney’s Notice of Appearance • Zoom Screen Name (if appearing virtually) (<u>See</u> Pretrial Conference Procedures Order ¶ 6(a)) <p>or</p> <p>Party in interest Not Represented by Counsel:</p> <ul style="list-style-type: none"> • Appearance Method (In-Person PR or Zoom), Name, Email, Phone Number, Proof of Claim Number (if any), Zoom Screen Name (if appearing virtually) (<u>See</u> Pretrial Conference Procedures Order ¶ 6(a)) 	
Plan Objection Docket Entry No.	
Witness List Docket Entry No.	
Exhibit List Docket Entry No.	
Other Statement Docket Entry No.	
If a Party files a supplemental Party Appearance Cover Sheet, the Party must include the Docket Entry No. of the original appearance sheet in the new filing which must be clearly marked as a “Supplemental” Party Appearance Sheet.	
<p>Note: Pursuant to the Pretrial Conference Procedures Order ¶ 1, the Financial Oversight and Management Board for Puerto Rico and the Puerto Rico Fiscal Agency and Financial Advisory Authority shall each be limited to 4 attorneys appearing in the Zoom session at any given time, and each other party in interest shall be limited to 2 attorneys at any given time.</p> <p>Parties in interest not appearing by counsel must have filed a timely written objection on behalf of him or herself and/or a statement of support in relation to plan confirmation.</p>	

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

² See Pretrial Conference Procedures Order ¶ 6(a).