

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, as representative of THE COMMONWEALTH OF PUERTO RICO <u>et</u> <u>al.</u> , Debtors. ¹ | PROMESA Title III No. 17 BK 3283-LTS (Jointly Administered) |
| In re: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of PUERTO RICO ELECTRIC POWER AUTHORITY, Debtor. | PROMESA Title III No. 17 BK 4780-LTS |

ORDER APPOINTING MEDIATION TEAM

No objections have been received to the appointment of the proposed members of the Mediation Team for the Title III case of the Puerto Rico Electric Power Authority (“PREPA”) and related proceedings, as announced in the *Order and Notice of Preliminary Designation of Mediation Team and Setting Deadlines for Objections to Membership* (the

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 (“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).

“Preliminary Designation Order”) (Docket Entry No. 20476 in Case No. 17-3283 and Docket Entry No. 2767 in Case No. 17-4780).

Accordingly, pursuant to 11 U.S.C. § 105, made applicable to these Title III cases and related proceedings by section 301 of PROMESA, 48 U.S.C. § 2161, and to further the goal of the successful, consensual resolution of the issues raised in the PREPA Title III case and related proceedings, the Court hereby appoints the following Mediation Team for the PREPA Title III case and related proceedings on the terms set forth in the *Order Establishing the Terms and Conditions of Mediation*, filed contemporaneously herewith (as such may be subsequently amended or supplemented) (the “Terms and Conditions Order”). Each of the members of the Mediation Team has been designated through the intercircuit assignment procedures of the Judicial Conference of the United States to serve as a judicial mediator in the PREPA Title III case and proceedings:

The Honorable Shelley C. Chapman, Mediation Team Leader
United States Bankruptcy Judge
United States Bankruptcy Court for the Southern District of New York

The Honorable Robert D. Drain
United States Bankruptcy Judge
United States Bankruptcy Court for the Southern District of New York

The Honorable Brendan L. Shannon
United States Bankruptcy Judge
United States Bankruptcy Court for the District of Delaware

The following parties are hereby designated as Mediation Parties: (a) the Oversight Board, (b) AAFAF, (c) the Ad Hoc Group, (d) National, (e) Assured, (f) Syncora, (g) UTIER, (h) SREAEE, (i) the Official Committee of Unsecured Creditors, and (j) PREPA’s fuel line lenders.² To ensure the integrity of both the adjudicative process and the mediation process, the undersigned, as the judge presiding over the PREPA Title III case and related proceedings, will not participate in the mediation process and the mediators will not provide any information about the positions taken by parties, or the substance of the mediation process, to the undersigned. The mediation process will remain confidential and separate from, and will

² The Court has received and reviewed the *Motion Requesting Mediation Process and for Participation Therein* (Docket Entry No. 2770 in Case No. 17-4780) (the “Motion”), filed by Instituto de Competitividad y Sostenibilidad Económica de Puerto Rico (“ICSE”). The Motion, which objects to the list of Mediation Parties as unduly restrictive and requests that “the mediation process be opened to allow for ICSE’s participation,” is denied. The Court has also received and reviewed correspondence from another entity requesting inclusion as a Mediation Party, which request is also denied. Nothing contained herein limits a party in interest’s ability to request that the Mediation Team permit it to participate in the mediation as an Additional Party under the Terms and Conditions Order.

proceed concurrently with, the adjudication of issues and proceedings in the PREPA Title III case.

Each Mediation Party must email its confidential mediation statement and accompanying background materials (prepared in accordance with the specifications set forth in the Preliminary Designation Order) to scc.chambers@nysb.uscourts.gov within 48 hours of the entry of this Order on the docket. Each Mediation Party must serve a courtesy copy of the confidential mediation statement and background materials, clearly marked as such, by overnight mail to the chambers of Judge Chapman, Judge Drain, and Judge Shannon at their respective courthouses.

Pursuant to Local Civil Rule 1(f) of the United States District Court for the District of Puerto Rico, this Order suspends the Court's Local Civil Rule 83J for the specific Title III cases captioned above and their related adversary proceedings.

The terms of this Order are immediately effective and enforceable upon its entry, sufficient cause having been shown.

SO ORDERED.

Dated: April 8, 2022

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