

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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ORDER SCHEDULING BRIEFING AND HEARING IN CONNECTION WITH THE AURELIUS MOTIONS

The Court has received and reviewed the *Notice of Constitutional Challenge to Federal Statute by Aurelius* (the “Constitutional Challenge Notice”) filed by Aurelius Investment, LLC, Aurelius Opportunities Fund, LLC, and Lex Claims, LLC (collectively, “Movant”). (Docket Entry No. 933.) By and through the Constitutional Challenge Notice, the Movant seeks entry of an order requiring the United States to file any response to (i) the *Objection and Motion of Aurelius to Dismiss Title III Petition* (Docket Entry No. 913, the “Motion to Dismiss”) and (ii) the *Motion of Aurelius for Relief from the Automatic Stay* (Docket Entry No. 914, the “Stay Relief Motion” and, together with the Motion to Dismiss, the “Motions”) pursuant to the timeline enumerated in the *First Amended Notice, Case Management and Administrative Procedures* (Docket entry no. 262-1 (the “Case Management Order”). The relief requested is denied, as the Court is not authorized to shorten the response period established by Federal Rule of Civil Procedure 5.1.

Pursuant to Federal Rule of Civil Procedure 5.1(c) and consistent with the *United States’ Acknowledgment of Constitutional Challenge and Notice of Potential Participation* filed by the United States on August 15, 2017 (Docket Entry No. 1042), the attorney general may notify the Court of its intent to participate with respect to the Motions by **October 6, 2017**. The United States may file its brief by **November 5, 2017**. Reply papers to any brief filed by the United States must be filed no later than five (5) calendar days after the United States files its brief.

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 (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); and (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). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

The other parties in interest with respect to the Motions must file their opposition papers by **September 19, 2017**. Movant's reply papers to any such oppositions must be filed by **September 26, 2017**. The Court will hear argument on the Motion in connection with the November Omnibus Hearing, which is scheduled to commence on **November 15, 2017 at 9:30 a.m.** (Atlantic Standard Time).

The Stay Relief Motion, which was noticed for the October Omnibus Hearing, is deemed, pursuant to the Case Management Order, to be consent to an extension of the period referenced in 11 U.S.C. § 362(e)(1) pending the Court's determination of the motion for relief from the automatic stay.

SO ORDERED.

Dated: August 17, 2017

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