

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors and Reorganized Debtors.¹

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

Plaintiffs,

v.

HON. PEDRO PIERLUISI URRUTIA, in his official
capacity as Governor of Puerto Rico,

Defendant.

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Adv. Pro. No. 22-00063-LTS

THE GOVERNOR'S NOTICE OF APPEAL

¹ The Debtors in these Title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number due to software limitations 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); 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); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-4780 (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).

Notice is hereby given that the Governor,² defendant in the above named case, hereby appeals to the United States Court of Appeals for the First Circuit from the *Opinion and Order Denying Defendant's Motion for Judgment on the Pleadings and Granting in Part the Financial Oversight and Management Board for Puerto Rico's Motion for Summary Judgment Pursuant to Bankruptcy Rule 7056*, entered in this action on the 3rd day of March, 2023, [Case No. 22-00063-LTS, ECF No. 90] (the "Opinion and Order"). A copy of the Opinion and Order, as filed in this case, is attached.

The Opinion and Order "permanently prohibits and enjoins the Governor or other persons who are in active concert or participation with the Governor from taking any acts to help private parties implement or enforce Act 41." *Id* at 39. Accordingly, it is immediately appealable under 28 U.S.C. § 1292(a)(1) as an order "granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions."

The other parties to this matter and their respective attorneys are as follows:

1. The Financial Oversight and Management Board for Puerto Rico

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² This notice of appeal refers to (i) the Governor of the Commonwealth of Puerto Rico.

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And-

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2. Hon. Rafael Hernández-Montañez, Speaker of the Puerto Rico House of Representatives

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Dated: March 16, 2023
San Juan, Puerto Rico

Respectfully submitted,

/s/ William J. Sushon

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

Dated: March 16, 2023
San Juan, Puerto Rico

/s/ Luis C. Marini-Biaggi
Luis C. Marini-Biaggi

ATTACHMENT