

**IN THE 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.¹

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-3283-LTS

(Jointly Administered)

PROMESA
Title III

No. 17-BK-4780-LTS

(Jointly Administered)

**AD HOC COMMITTEE OF NATIONAL CLAIM ASSIGNEES' PRELIMINARY LIST
OF FACT WITNESSES TO BE OFFERED IN CONNECTION WITH CONFIRMATION
OF PLAN OF ADJUSTMENT**

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); (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-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

The Ad Hoc Committee of National Claim Assignees (the “Ad Hoc Committee”)² respectfully submits this Preliminary Fact Witness List (as defined below):

The Ad Hoc Committee’s Preliminary Fact Witness List

1. On March 3, 2023, the Court entered the *Amended and Restated Order Establishing, Among Other Things, Procedures and Deadlines Concerning Objections to Confirmation and Discovery in Connection Therewith* [ECF No. 3305]³ (the “Confirmation Procedures Order”).⁴ Under the Confirmation Procedures Order, parties in interest that timely filed a notice of intent to participate in discovery are required “to file a Party in Interest’s Preliminary Fact Witness List” by April 14, 2023. *See* Confirmation Procedures Order ¶ 4. Further, pursuant to the Confirmation Procedures Order, the Preliminary Fact Witness Lists shall set forth (a) the names of the witnesses that such party anticipates presenting at the Confirmation Hearing, and (b) the topics for which the testimony of any such witness shall be offered. *See id.*

2. On March 6, 2023, the Ad Hoc Committee filed the *Notice of Intent to Participate in Discovery for Confirmation of PREPA Plan of Adjustment* [Case No. 17-BK-4780-LTS, ECF No. 3317] (the “Discovery Notice”), whereby the Ad Hoc Committee expressed its intent to participate in the discovery process in connection with confirmation of the *Modified Second Amended Title III Plan of Adjustment of the Puerto Rico Electric Power Authority* [Case No. 17-BK-4780-LTS, ECF No. 3296] (as may be amended, modified, or supplemented, the “Plan”).

² Each member of the Ad Hoc Committee files this informative motion separately and not jointly, and exclusively on its own behalf and does not assume any fiduciary or other duties to any other member or to any other entity or individual.

³ Unless otherwise specified, references to the docket are to Case No. 17-BK-04780-LTS.

⁴ Capitalized terms not defined herein shall have the meaning ascribed to them in the Confirmation Procedures Order.

3. In accordance with the Confirmation Procedures Order, the Ad Hoc Committee hereby files its preliminary fact witness list, setting forth an initial list of witnesses who may testify on behalf of the Ad Hoc Committee in connection with confirmation of the Plan, and the topics about which each listed witness is expected to testify (the “Preliminary Fact Witness List”).

4. The Ad Hoc Committee reserves the right to amend, supplement, or modify the Preliminary Fact Witness List as hearing planning proceeds and to: (i) add or remove witnesses; and (ii) modify the topics about which witnesses may testify to address any responses or objections interposed with respect to confirmation of the Plan.

1. Erin Rota: Deputy General Counsel, Taconic Capital Advisors L.P., 280 Park Ave., New York, New York, 10017, (212) 209-3100, ERota@taconiccap.com: May provide fact testimony authenticating and/or identifying (i) that certain *Assignment of Claim Agreement*, dated December 24, 2021 between National Public Finance Guarantee Corporation, as Seller, and Taconic Capital Advisors L.P., as investment manager on behalf of certain funds/accounts, as Buyer, including any amendments, supplements or modifications thereto, (ii) any related documents, and (iii) any relevant facts related thereto.
2. Andrew Thau: Senior Legal Analyst, Whitebox Advisors LLC, 3033 Excelsior Blvd, Suite 500, Minneapolis, MN 55416, (612) 253-6001, AThau@whiteboxadvisors.com: May provide fact testimony authenticating and/or identifying (i) that certain *Assignment of Claim Agreement*, dated December 24, 2021 between National Public Finance Guarantee Corporation, as Seller, and Whitebox Advisors LLC, as investment manager on behalf of certain funds and accounts, as Buyer, including any amendments, supplements or modifications thereto, (ii) any related documents, and (iii) any relevant facts related thereto.

WHEREFORE the Ad Hoc Committee respectfully requests the Court take notice of the foregoing.

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Dated: April 14, 2023

Respectfully submitted,

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