

May 10, 2018

## Legal Update

### *Without Pause, PROMESA Proof of Claim Bar Date Fast Approaching*

On February 15, 2018, the United States District Court for the District of Puerto Rico established the date of May 29, 2018, at 4:00 p.m. Atlantic Standard Time (AST) as the bar date for filing proof of claims in the PROMESA Title III bankruptcy cases. These are Case No. 17 BK 3283, Commonwealth of Puerto Rico filed on May 3, 2017; Case No. 17 BK 3284, Puerto Rico Sales Tax Financing Corporation (“COFINA”) filed on May 5, 2017; Case No. 17 BK 3566, Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) filed on May 21, 2017; Case No. 17 BK 3567, Puerto Rico Highways and Transportation Authority (“HTA”) filed on May 21, 2017; and Case No. 17 BK 4780, Puerto Rico Electric Power Authority (“PREPA”) filed on July 2, 2017.

According to the order establishing the bar date, certain types of claims against the debtors are exempt from the proof of claim filing requirement. A Master Proof of Claim representing such classes of creditors, is permitted and authorized to be filed, but such claimants are not required to do so. However, the persons or entities holding these types of claims are not precluded from filing a proof of claim on account of their claims and interests. These are, generally: Bond Claims; Union Claims; and Credit Agreement Claims. Also, the following types of claims generally do not require the filing of a proof of claim: Allowed Claims; Paid Claims; Proofs of Claim already filed; Claims properly scheduled by the debtors in their schedules not classified as disputed, contingent, or unliquidated; PREPA Customer Claims involving deposits, service or billing issues; Pension Claims (not involving litigation); Union or Non-Union Claims (not involving lawsuits or administrative proceedings); Individual Union Members Claims (not involving grievance or arbitration awards); Bondholder Claims without a Trustee or Fiscal Agent; Individual Bondholders covered by timely filed Master Proof of Claim; Individual Credit lender Claims; and Administrative expenses claims arising after the respective dates of the Title III bankruptcy filings. This is the general rule of interpretation, and as such is specifically subject to the individual facts of each case.

Any person or entity required to file a timely proof of claim by May 29, 2018 at 4:00 p.m. Atlantic standard Time who fails to do so, will be forever barred from receiving a distribution on that claim, as well as voting on the respective debtor’s proposed plan of reorganization.

This communication is for information purposes only and does not constitute legal advice. This communication may be based on authorities that are subject to change and is not a substitute for professional advice or services. You should consult a qualified professional advisor before taking any action based on the information herein. This communication does not create an attorney-client relationship between Reichard & Escalera and the recipient.

[Unsubscribe.](#)



For more information on this Legal Update, please contact:

#### **Rafael Escalera**

[escalera@reichardescalera.com](mailto:escalera@reichardescalera.com)  
787.777.8877

#### **Fernando Van Derys**

[fvander@reichardescalera.com](mailto:fvander@reichardescalera.com)  
787.777.8808

#### **Sylmarie Arizmendi**

[arizmendis@reichardescalera.com](mailto:arizmendis@reichardescalera.com)  
787.777.8824

#### **Carlos R. Rivera Ortiz**

[riverac@reichardescalera.com](mailto:riverac@reichardescalera.com)  
787.777.8813