

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

<p>Brigade Leveraged Capital Structures Fund Ltd., <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Alejandro Garcia-Padilla, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil No. 16-1610 (FAB)</p>
<p>National Public Finance Guarantee Corporation,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>Alejandro Garcia-Padilla, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil No. 16-2101 (FAB)</p>
<p>Dionisio Trigo-Gonzalez, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Alejandro Garcia-Padilla, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil No. 16-2257 (FAB)</p>
<p>U.S. Bank Trust National Association, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>The Commonwealth of Puerto Rico, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil No. 16-2510 (FAB)</p>

INFORMATIVE MOTION FOR ACLARATORY PURPOSES

TO THE HONORABLE COURT:

NOW COME Plaintiffs DIONISIO TRIGO GONZÁLEZ, *et al* (hereinafter “Plaintiffs”), represented by their undersigned attorneys, and respectfully state and pray:

1. The appearing Plaintiffs stand in absolute respect of this Honorable Court’s Opinion and Order (Dkt. No. 68) entered and filed on November 15, 2016.
2. Notwithstanding such respect, and the recognition by Plaintiffs of the Court’s sensitive and difficult task of “Balancing the Equities”, appearing Plaintiffs are significantly impacted by the reference to “plaintiffs’ attempts to pull the wool over [the Court’s] eyes.” Opinion and Order, Dkt. 68, p. 44, footnote 11 (“The Court nevertheless rejects plaintiffs’ attempts to pull the wool over its eyes.”).
3. The rationale behind the Court’s statement is evidently that Plaintiffs are seeking to challenge the constitutionality of the Moratorium Act in order to pursue monetary remedies later.
4. There is no question that, if necessary, Plaintiffs would eventually pursue monetary remedies against the Defendants. However, Plaintiffs’ posture in this litigation cannot, in our respectful opinion, be fairly likened to an effort or “attempt to pull the wool over [the Court’s eyes]”.
5. From the outset, Plaintiffs stated in their Complaint that

This Court is not impeded from entertaining the present action by Section 405(b) of the Puerto Rico Oversight, Management and Economic Stability Act (PROMESA), which once signed by the President will be applied retroactively to claims filed after December 18, 2015, as: (i) the remedies requested herein do not seek to obtain a monetary award or payment, nor to obtain an equitable remedy for

breach of performance, and (ii) the complaint is filed to assert and protect Plaintiff's rights under the Constitution of the United States. **(Dkt. No. 1, p. 5, ¶ 11)**

Moreover, in Trigo Plaintiffs' Response to Financial Oversight and Management Board's Opposition to Lifting the Automatic Stay, Dkt. 67, Plaintiffs asserted that

Plaintiffs most earnestly submit that, at least their litigation, should end with an adjudication as to the unconstitutionality of the challenged sections of the Moratorium Act, and that there is no question that the PROMESA stay against any action to collect monies upon the bonds and notes of GDB and PFC held by Plaintiffs should continue unabated, granting the Government and the Oversight Board, as well as bondholders, the time and opportunity to negotiate in due course on a level playing field. **(Dkt. No. 67, pp. 5-6, ¶ 8)**

6. It is certainly not illegal for creditors to seek money judgments against defaulting debtors. Plaintiffs are mindful of the Congressional intent asserted in PROMESA, and of the critical and delicate role assigned to the Oversight Board. Nevertheless, in their efforts to protect what Plaintiffs perceived as "equities" that have been disturbed as a result of the Moratorium Act and subsequent governmental action thereunder, Plaintiffs have sought to protect the equitable right to a level playing field, without seeking a monetary remedy. Plaintiffs stand by their posture that this case "should end with an adjudication as to the unconstitutionality of the challenged sections of the Moratorium Act", and that the PROMESA stay against actions to collect monies, should continue unabated for its applicable term, including any extensions thereof, allowing for the time and opportunity to the parties to negotiate on a level playing field.

WHEREFORE Plaintiffs respectfully pray this Honorable Court to take notice of the foregoing for all pertinent purposes.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 21st day of November, 2016.

CERTIFICATE: It is hereby certified that on this date the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

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