

18-1521 UTIER V. FINANCIAL OVERSIGHT AND MANAGEMENT BOARD OF PUERTO RICO

DECISION BELOW: 915 F.3d 838

LOWER COURT CASE NUMBER: 18-1671, 18-1746, 18-1787

QUESTION PRESENTED:

After correctly determining that the members of the Financial Oversight and Management Board for Puerto Rico are principal Officers of the United States for purposes of the Appointments Clause of the United States Constitution, the court of appeals validated the Board's past, present and future actions by applying the *de facto* officer doctrine. Thus, subjecting the Petitioner, Union de Trabajadores de la Industria Electrica y Riego, Inc., and the People of Puerto Rico, to the actions of unconstitutionally appointed Officers of the United States that are exercising unfettered authority that is causing an ongoing injury to the Petitioner without appropriate relief.

Thus, the question presented is whether the *de facto* officer doctrine allows for unconstitutionally appointed principal Officers of the United States to continue acting, leaving the party that challenges their appointment with an ongoing injury and without an appropriate relief.

CONSOLIDATED WITH 18-1334, 18-1475, 18-1496 AND 18-1514, AND WILL BE SET FOR ARGUMENT IN THE SECOND WEEK OF THE OCTOBER 2019 ARGUMENT SESSION.

CERT. GRANTED 6/20/2019