

APPENDIX A
United States Court of Appeals
For the First Circuit

No. 16-1599

RAFAEL PABON-ORTEGA,
Plaintiff, Appellant,

v.

ISABEL LLOMPART-ZENO,
Defendant, Appellee.

ORDER OF COURT

Entered: November 29, 2017

This is an appeal from the district court's decision to abstain under *Younger v. Harris*, 401 U.S. 37 (1971), and to dismiss without prejudice plaintiff's claims against the defendant in her official and individual capacities. Judgment entered in the district court on May 9, 2016 and plaintiff appealed. This court heard oral argument on November 3, 2016. On May 3, 2017, the Commonwealth of Puerto Rico filed a petition under Title III of PROMESA, 48 U.S.C. §§ 2161, *et seq.*, for adjustment of its debts. Under section 2161(a), the bankruptcy stay provisions of 11 U.S.C. §§ 362 and 922 are incorporated into PROMESA. In light of the Commonwealth's PROMESA filing, we direct the parties to show cause within fourteen days of the date of this order whether the automatic stay applies to this appeal.

App. 2

The parties are directed to state with specificity the reasoning behind their conclusion one way or the other and in particular how the capacity in which defendant is sued might affect the section 922(a) analysis. The parties should also address the question of whether defendant's position as a member of the judicial branch of Puerto Rico affects the analysis of whether the stay should apply.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Carlos Del Valle Cruz
Katiuska Bolanos-Lugo
Luis Lopez-Valdes
Susana Pengaricano Brown
Luis Roman-Negrón
Angel Valencia-Gatell

APPENDIX B
United States Court of Appeals
For the First Circuit

No. 16-1599

RAFAEL PABON-ORTEGA,
Plaintiff, Appellant,

v.

ISABEL LLOMPART-ZENO,
Defendant, Appellee.

ORDER OF COURT

Entered: January 24, 2018

In view of the petition to restructure its debts filed by the Commonwealth of Puerto Rico, this appeal is stayed. The parties shall file status reports every ninety days.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Carlos Antonio Del Valle Cruz
Katiuska Bolanos-Lugo
Luis Jeronimo Lopez-Valdes
Susana I. Pengaricano Brown
Luis R. Roman-Negrón
Angel Juan Valencia-Gatell

App. 4

APPENDIX C
United States Court of Appeals
For the First Circuit

No. 16-1599

RAFAEL PABON-ORTEGA,
Plaintiff, Appellant,

v.

ISABEL LLOMPART-ZENO, in her personal capacity;
SIGFRIDO STEIDEL FIGUEROA, in his official
capacity as Administrator of the Administration
of Tribunals of the Commonwealth of Puerto Rico,
Defendants, Appellees.

Before

Howard, *Chief Judge*,
Torruella, Lynch, Dyk,*
Thompson, Kayatta and
Barron, *Circuit Judges*.

ORDER OF COURT

Entered: June 13, 2018

Assuming without deciding that en banc review of
the court's stay order is permissible, the petition has

* Hon. Timothy B. Dyk of the Federal Circuit, sitting by designation.

App. 5

been submitted to and acted upon by the active judges of this court. The petition for rehearing having been denied by a panel of judges, and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the matter be heard en banc, it is ordered that the petition for rehearing and the petition for rehearing en banc be denied.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Carlos Antonio Del Valle Cruz
Susana I. Penagaricano Brown
Luis R. Roman-Negron
Angel Juan Valencia-Gatell
Luis Jeronimo Lopez-Valdes
Katiuska Bolanos-Lugo
