

1 IN THE UNITED STATES BANKRUPTCY COURT
2 FOR THE DISTRICT OF PUERTO RICO

3 IN RE: CASE NO.17-04156 (ESL)
4 BETTEROADS ASPHALT LLC. CHAPTER 11
5 Debtor
6

7 IN RE: CASE NO. 17-04157 (ESL)
8 BETTERCYCLING CORPORATION CHAPTER 11
9 Debtor
10

11 ORDER

12 There are two contested matters pending before this court, both filed by the petitioning
13 creditors and lenders, that is, Firstbank Puerto Rico ("Firstbank"), Banco Santander de Puerto
14 Rico ("Banco Santander"), the Economic Development Bank for Puerto Rico ("EDB"), and
15 Banco Popular de Puerto Rico ("Banco Popular" or the "Administrative Agent", and
16 collectively with Firstbank, Banco Santander and EDB, the "Lenders"), "Motion for
17 Appointment of Chapter 11 Trustee" ("Appointment of Trustee Motion") and the "Urgent
18 Motion for Entry of Order: (I) Directing Payment to the Lenders of the Foreclosed
19 Account Receivables; (II) Prohibiting the Use of Banco Popular de Puerto Rico and the Lenders'
20 Cash Collateral; and (III) for Adequate Protection" (the "Cash Collateral Motion"). The parties
21 have filed a considerable number of motions related to both contested matters and have had
22 ample time to support their respective positions. The court is conscious that also pending is the
23 appeal of this court orders resulting in the entry of relief in favor of the petitioning creditors.
24 However, the pending matters must be adjudicated.

25 The court will enter a scheduling order for each contested matter shortly after the thirty
26 (30) days subject of this order lapse. The parties have presented their respective positions and
27 legal analysis. The court's decision will rest mainly on the facts to be presented. The record
shows that there are uncontested facts and facts in controversy in each contested matter.

1 At this juncture the court orders the parties to meet and exchange relevant documentation
2 and disclose to each other the witnesses to be presented within thirty (30) days from entry of this
3 order. The purpose of the exchange of evidence is consonant with the provisions of Rule 102 of
4 the Federal Rules of Evidence.

5 The court advances that the scheduling order to be entered will direct each party to
6 submit proposed findings of fact for each contested matter. The court will further direct that each
7 finding of fact refer to an uncontested fact or to a document to be presented as evidence that will
8 be included in the report, and/or to a witness who will be presented to testify on the subject
9 related to the proposed finding of fact.

10 IT IS SO ORDERED.

11 In San Juan, Puerto Rico, this 31st day of July 2020.

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13 Enrique S. Lamotte
14 United States Bankruptcy Judge