

**18-1475 AURELIUS INVESTMENT LLC V. PUERTO RICO**

DECISION BELOW: 915 F.3d 838

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

**QUESTION PRESENTED:**

A panel of the United States Court of Appeals for the First Circuit unanimously held that all seven voting members of the Financial Oversight and Management Board for Puerto Rico, a federal entity that manages Puerto Rico's financial affairs and prosecutes its historic bankruptcy, have occupied their offices in violation of the Appointments Clause of the United States Constitution since 2016. Nevertheless, the First Circuit applied the so-called "*de facto* officer doctrine" to uphold *all* of the Board's actions prior to the First Circuit's decision, as well as the Board's actions for 150 days *after* the First Circuit's judgment.

The question presented is:

Does the *de facto* officer doctrine allow courts to deny meaningful relief to successful separation-of-powers challengers who are suffering ongoing injury at the hands of unconstitutionally appointed principal officers?

CONSOLIDATED WITH 18-1334, 18-1496, 18-1514 AND 18-1521, AND WILL BE SET FOR ARGUMENT IN THE SECOND WEEK OF THE OCTOBER 2019 ARGUMENT SESSION.

CERT. GRANTED 6/20/2019