



**Claim form
(CPR Part 8)**

In the High Court of Justice

Chancery Division
Companies Court

Claim No.

16389/09

Claimants

- (1) LEHMAN BROTHERS INTERNATIONAL (EUROPE)
(in administration)
- (2) STEVEN ANTHONY PEARSON
- (3) ANTHONY VICTOR LOMAS
- (4) MICHAEL JOHN ANDREW JERVIS
- (5) DANIEL YORAM SCHWARZMANN



Defendant(s)

N/A

Does your claim include any issues under the Human Rights Act 1998? Yes No

The court office at

is open between 10am and 4pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the case number.

N208 Claim form (CPR Part 8) (10.00)

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Details of claim (see also overleaf)

The Claimants seek:

In the first instance, declarations:

- (1) that each person who is a Scheme Creditor as defined in the document exhibited to the Second Witness Statement of David Philip Ereira at pages 1 to 86 of exhibit DPE2 summarising the terms of the proposed scheme of arrangement (the "Scheme Summary") is a creditor of Lehman Brothers International (Europe) (in administration) ("LBIE") within the meaning of section 895(1)(a) of the Companies Act 2006; and
- (2) that a scheme of arrangement under Part 26 of the Companies Act 2006 in substantially the form of that summarised in the Scheme Summary (the "Scheme") is capable of effecting the release of the Scheme Creditors' Released Claims (as that term is defined in the Scheme Summary) in the manner and to the extent set out in the Scheme Summary.

And thereafter:

- (a) directions as to the convening and conduct of meetings of LBIE's Scheme Creditors for the purposes of considering and, if thought fit, approving with or without modification, the Scheme;
- (b) a direction that the Claimants file a copy of a report to the Court made by the Chairman;
- (c) a direction that there be a further hearing of this Claim Form if the Scheme is approved by the Scheme Creditors at such meeting; and
- (d) the adjournment of this Claim Form pending the outcome of the said meetings.

If the Scheme Creditors approve the Scheme at the said meetings, the Claimants will restore the Claim Form and seek the Court's sanction to the Scheme.

Part 8 of the Civil Procedure Rules applies to this claim, which is made pursuant to CPR Part 49, Practice Direction 49B, paragraph 12D.

The Claimants will rely upon the Second Witness Statement of David Philip Ereira filed herewith in support of this Claim Form and further evidence to be filed in due course.

Defendant's
name and
address

N/A

£

| | |
|-------------------|----------------|
| Court fee | £130.00 |
| Solicitor's costs | to be assessed |
| Issue date | 14 July 2009 |

Claim No.

Details of Claim (continued)

Statement of Truth

~~*(I believe)~~(The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement

Full name David Philip Ereira _____

Name of claimant's solicitor's firm Linklaters LLP _____

signed David Ereira position or office held Partner _____
~~*(Claimant)~~~~(Litigation friend)~~(Claimant's solicitor) (if signing on behalf of firm or company)

**delete as appropriate*

Linklaters LLP
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Claimant's or claimant's solicitor's address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.