

**IN THE HIGH COURT OF JUSTICE**  
**CHANCERY DIVISION**  
**COMPANIES COURT**

**No. 7942 of 2008**

**Before the Honourable Mr Justice David Richards**

**22 April 2015**

**IN THE MATTER OF LEHMAN BROTHERS INTERNATIONAL (EUROPE)  
(IN ADMINISTRATION)**

**AND IN THE MATTER OF THE INSOLVENCY ACT 1986**

**BETWEEN**

- (1) ANTHONY VICTOR LOMAS**
- (2) STEVEN ANTHONY PEARSON**
- (3) PAUL DAVID COPLEY**
- (4) RUSSELL DOWNS**
- (5) JULIAN GUY PARR**

**(THE JOINT ADMINISTRATORS OF LEHMAN BROTHERS  
INTERNATIONAL (EUROPE) (IN ADMINISTRATION))**



**Applicants**

**-and-**

- (1) BURLINGTON LOAN MANAGEMENT LIMITED**
- (2) CVI GVF (LUX) MASTER S.À.R.L**
- (3) HUTCHINSON INVESTORS, LLC**
- (4) WENTWORTH SONS SUB-DEBT S.À.R.L**
- (5) YORK GLOBAL FINANCE BDH, LLC**

**Respondents**

---

**ORDER**

---

**UPON THE APPLICATION** of Anthony Victor Lomas, Steven Anthony Pearson, Paul David Copley, Russell Downs and Julian Guy Parr of PricewaterhouseCoopers LLP, 7 More London Riverside, London SE1 2RT, the administrators of Lehman

Brothers International (Europe) (“**LBIE**”) (the “**Administrators**”), dated 12 June 2014 (the “**Application**”)

**AND UPON READING** the written submissions filed on behalf of the Administrators, the First to Third Respondents (the “**Senior Creditor Group**”) and the Fourth Respondent (“**Wentworth**”)

**AND UPON HEARING** Mr William Trower QC, Mr Robin Dicker QC and Mr Antony Zacaroli QC (Leading Counsel respectively for the Administrators, the Senior Creditor Group and Wentworth)

**AND UPON READING** the evidence

**IT IS HEREBY ORDERED AND DIRECTED that:**

**Part B of the Application**

1. Each of the Senior Creditor Group and Wentworth do, by 4.00pm on Monday 27<sup>th</sup> April 2015, file and serve on the other parties a document setting out those alleged facts (if any):

- (1) Which have not been included in the documents served by the Administrators on the Respondents pursuant to paragraphs 7(1) and (2) of the Order of David Richards J dated 9<sup>th</sup> March 2015 (the “**March Order**”); and
- (2) On which they intend to seek to rely at the trial of Issues 34, 35 and/or (as the case may be) 36A,

including (in respect of each alleged fact) a statement identifying the Issue or Issues to which the alleged fact is said to be relevant and a reference to the evidence (e.g. paragraph numbers of witness statements filed in the Application) which is said to support that alleged fact.

2. The Administrators do, by 4.00pm on Thursday 30<sup>th</sup> April 2015, file and serve on the Respondents a document or (if the Administrators consider it more convenient) more than one document, identifying:
  - (1) Those facts not agreed between the parties but contended by one or more of them to be admissible and relevant to Issues 34 and 35 (indicating, if necessary, those facts in respect of which there is a dispute as to admissibility or relevance); and
  - (2) Those facts not agreed between the parties but contended by one or more of them to be admissible and relevant to Issue 36A (indicating, if necessary, those facts in respect of which there is a dispute as to admissibility or relevance).

### **Part C of the Application**

3. The trial of Part C of the Application be listed to be heard, with a time estimate of 7 to 10 days, commencing on Monday 9<sup>th</sup> November 2015, and with two reading days on Thursday 5<sup>th</sup> and Friday 6<sup>th</sup> November 2015.

### **Miscellaneous**

4. Liberty to apply.
5. Costs in the Application.

### **Service of the order**

The Court has provided a sealed copy of this order to the serving party:  
Linklaters LLP, 1 Silk St., London, EC2Y 8HQ