

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
COMPANIES COURT

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

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

(1) ANTHONY VICTOR LOMAS

(2) STEVEN ANTHONY PEARSON

(3) PAUL DAVID COPLEY

(4) RUSSELL DOWNS

(5) GUY JULIAN PARR

(as the joint administrators of the above named company)

Applicants

- and -

(1) BURLINGTON LOAN MANAGEMENT LIMITED

(2) CVI GVF (LUX) MASTER S.A.R.L

(3) HUTCHINSON INVESTORS LLC

(4) WENTWORTH SONS SUB-DEBT S.A.R.L

(5) YORK GLOBAL FINANCE BDH, LLC

Respondents

**NOTE TO JUDGE ON BEHALF OF
THE FOURTH RESPONDENT**

1. Wentworth's position on Supplemental Issue 1(a) is aligned with that of York. No separate submissions have been made by Wentworth on the issue, and it is not proposed to add anything to York's responses to the Judge's recent questions.

2. As explained in the other parties' written submissions for the hearing on 24/6/16, Wentworth's case – if York's submissions on Issue 1(a) are rejected – is that the calculation of the amount of interest due pursuant to a rate applicable apart from administration under Rule 2.88(9) is undertaken on the basis of the rate or rates which would have applied from time to time, pursuant to such contractual rights as the creditor had. That is opposed by the SCG, and determination of that issue (Supplemental Issue 1(c)) has been assigned to Lord Justice David Richards. Written submissions have been exchanged on Supplemental Issue 1(c), and are included in the bundle for the Court's information.

ANTONY ZACAROLI QC
DAVID ALLISON QC

South Square
3-4 South Square
Gray's Inn

23 June 2016