



IN THE HIGH COURT OF JUSTICE
2008
CHANCERY DIVISION
COMPANIES COURT

No. 7942 of

CR-2008-000012

IN THE MATTER OF LEHMAN BROTHERS INTERNATIONAL (EUROPE) (in
administration)

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

B E T W E E N:

- (1) ANTHONY VICTOR LOMAS
- (2) STEVEN ANTHONY PEARSON
- (3) RUSSELL DOWNS
- (4) JULIAN GUY PARR

(in their capacity as the joint administrators of the above-named company)

Applicants

-and-

- (1) BARCLAYS CAPITAL INC
- (2) WENTWORTH SONS SUB-DEBT SARL

Respondents

CONSENT ORDER

UPON the Joint Administrators of Lehman Brothers International (Europe) (“LBIE”) (the “Administrators”), Barclays Capital Inc (“Barclays”) and Wentworth Sons Sub-Debt SARL (“Wentworth”) having agreed a revised timetable to trial to that set out in the Court’s Order of 29 November 2016 (“the Order”)

AND UPON being satisfied that the revised timetable agreed by the parties does not prejudice the hearing date of the Administrators’ Application

IT IS ORDERED THAT:

(A) Position Papers

1. The deadline of 4pm on 3 March 2017 set out in the Order for Barclays and Wentworth each to file and serve a position paper is extended to 4pm on 5 May 2017. Such revised date is to be final and not subject to any further extension.
2. The Administrators shall, if so advised, file and serve a position paper in reply by 4pm on 2 June 2017.
3. In light of the above, the following dates shall replace those corresponding dates set out in the Order (which shall otherwise remain in full effect, to the extent not superseded by this order).

(B) Evidence of fact

4. The parties shall file and exchange witness statements from any witnesses of fact by 4pm on 30 June 2017.
5. The parties shall, if so advised, file and exchange witness statements in reply by 4pm on 28 July 2017.

(C) Expert evidence

6. The parties shall agree a list of issues to be addressed in their expert reports by 4pm on 4 August 2017.
7. The parties shall file and exchange their expert reports by 4pm on 22 September 2017.
8. By 4pm on 13 October 2017, the parties shall (if so advised) file and exchange their supplemental expert reports.

9. By 4pm on 27 October 2017, the parties' experts shall meet for the purpose of: (a) identifying the issues in dispute between them; and (b) where possible, reaching agreement on those issues.
10. By 4pm on 10 November 2017, the experts shall file a joint memorandum identifying the points of agreement and disagreement between them.

(D) Pre-trial review

11. A pre-trial review ("PTR"), with a time estimate of half a day, shall be listed for 26, 27 or 28 March 2018.

(E) Trial bundles

12. The parties shall agree the contents of the bundles for the initial trial not less than 10 business days before the PTR.
13. Linklaters LLP shall produce the bundles for the initial trial (in accordance with the agreed contents). Linklaters LLP shall lodge a copy of the bundles at Court, and shall provide copies to the other parties, not less than 5 business days before the PTR.

(F) Skeleton arguments and authorities

14. Each party shall lodge its skeleton argument not less than 10 business days before the first reading day of the initial trial.
15. The parties shall agree and lodge a consolidated bundle of authorities not less than 5 business days before the first reading day of the initial trial.
16. The initial trial shall commence between 16 to 20 April 2018 with a time estimate of 8 days (including 2 days' pre-reading).

Service of this order

The Court has provided a sealed copy of this order to solicitors for the serving party (Quinn Emanuel Urquhart & Sullivan UK LLP at 1 Fleet Place, London EC4M 7RA)