

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

LEHMAN BROTHERS INC.,

Debtor.

Case No. 08-01420 (JMP) SIPA

STIPULATION AND ORDER STAYING CERTAIN LITIGATIONS

This Stipulation and Order Staying Certain Litigations (the “Stipulation and Order”) is entered into between James W. Giddens, as trustee (the “Trustee”) for the liquidation of Lehman Brothers Inc. (“LBI”) under the Securities Investor Protection Act of 1970, as amended, 15 U.S.C. §§ 78aaa *et seq.* (“SIPA”), and Anthony Victor Lomas, Steven Anthony Pearson, Derek A. Howell, Paul David Copley, and Russell Downs, as administrators for Lehman Brothers International (Europe) (“LBIE”) (in administration) (the “Joint Administrators”) (the Joint Administrators, together with the Trustee, collectively, the “Parties,” and each individually, a “Party”);

WHEREAS, pursuant to an Initial Scheduling Order and Discovery Plan entered by this Court on August 8, 2011 (the “House Scheduling Order,” ECF No. 4475), the Parties have been litigating the Objection Of Lehman Brothers International (Europe) (In Administration) To Trustee’s Determination Of Claims, filed on August 1, 2011 (Docket No. 4452) (the “House Proceeding”);

WHEREAS, pursuant to a separate Initial Scheduling Order and Discovery Plan entered by this Court on December 20, 2011 (the “Omnibus Scheduling Order,” ECF No. 4813, and together with the House Scheduling Order, the “Scheduling Orders”), the Parties have been litigating the Objection of Lehman Brothers International (Europe) (In Administration) To

Trustee's Determination of Claims, filed on October 31, 2011 (ECF No. 4684) (the "Omnibus Proceeding," and together with the House Proceeding, the "Proceedings");

WHEREAS, on September 13, 2012, this Court entered an order (the "September 13, 2012 Stipulation and Order," ECF No. 5291) amending and extending the schedule and discovery plan for the Proceedings;

WHEREAS, on October 4, 2012, the Parties reached an agreement in principle to resolve, *inter alia*, the Proceedings;

WHEREAS, in light of their agreement in principle the Parties wish to stay the Proceedings from October 4, 2012 through December 14, 2012, including with respect to the amended schedule and discovery plan set forth in the September 13, 2012 Stipulation and Order;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, AND UPON COURT APPROVAL HEREOF, IT IS ORDERED THAT:

AGREEMENT

1. The Proceedings are stayed from October 4, 2012 through December 14, 2012 or such later date as the Parties may otherwise agree and seek this Court's approval for (the "Stay").

2. The unexpired deadlines in the amended schedule and discovery plan set forth in the September 13, 2012 Stipulation and Order are each extended by a period equal to the duration of the Stay, and, if a definitive settlement agreement between the Parties is not reached by December 14, 2012 (or such later date as the Parties otherwise agree and seek Court approval for) the Parties will submit for approval by this Court an updated schedule and discovery plan reflecting such changed dates.

3. The Parties may agree in writing, where necessary, to certain discovery in the Proceedings during the Stay to address pending matters in the interest of efficiency.

4. Upon its entry by the Court, this Stipulation and Order, including the Stay,
shall be deemed effective as of October 4, 2012.

Dated: October 10, 2012
New York, New York

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Dated: October 10, 2012
New York, New York

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Dated: October 10, 2012
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SO ORDERED:

Dated: New York, New York
October 11, 2012

s/ James M. Peck
HONORABLE JAMES M. PECK
UNITED STATES BANKRUPTCY JUDGE