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Counsel for the Appellant Captain Hani Alsohaibi

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

-----X		
IN RE:	:	Chapter 11
	:	
ARCAPITA BANK B.S.C.(c), et al.,	:	Case No. 12-11076 (SHL)
	:	
Debtors.	:	Jointly Administered
-----X		

**APPELLANT’S STATEMENT OF ISSUES
AND DESIGNATION OF RECORD ON APPEAL FROM
ORDER CONFIRMING CHAPTER 11 PLAN OF ARCAPITA BANK B.S.C.(c)
F/K/A FIRST ISLAMIC INVESTMENT BANK B.S.C.(c)
AND ITS FELLOW DEBTORS OTHER THAN FALCON GAS STORAGE
COMPANY, INC., ENTERED IN THE ABOVE-CAPTIONED CHAPTER 11
PROCEEDINGS ON THE 17TH DAY OF JUNE, 2013**
*[Findings Of Fact, Conclusions Of Law, And Order Confirming The Second Amended
Joint Plan Of Reorganization Of Arcapita Bank B.S.C.(c) And Related Debtors With
Respect To Each Debtor Other Than Falcon Gas Storage Company, Inc. Under
Chapter 11 Of The Bankruptcy Code [Docket No. 1262]]*

Captain Hani Alsohaibi by and through his undersigned counsel, the Law Offices of Tally M. Wiener, Esq., respectfully appeals under 28 U.S.C. § 158(a) from the *Findings Of Fact, Conclusions Of Law, And Order Confirming The Second Amended Joint Plan Of Reorganization Of Arcapita Bank B.S.C.(c) And Related Debtors With Respect To Each Debtor Other Than Falcon Gas Storage Company, Inc. Under Chapter*

11 Of The Bankruptcy Code [Docket No. 1262] entered in the above-captioned Chapter 11 proceedings on the 17th day of June, 2013. In accordance with the requirements of Federal Rule of Bankruptcy Procedure 8006, Appellant respectfully submits the following statement of issues to be presented, and designation of record items to be included, in the record on appeal in connection with the Notice of Appeal filed by the Appellant on the 30th day of June, 2013.

STATEMENT OF ISSUES ON APPEAL

1. Should a liquidating chapter 11 plan for companies that held themselves out as Shari'ah compliant and thereby obtained capital from persons restricted from making non-Shari'ah compliant investments, based on exit financing opposed by Shari'ah compliant investors, have been confirmed on a not fully consensual basis when:

- (i) characterization of underlying transactions and rights of investment account holders were based on US law and not the Bahrain/Shari'ah laws in place by operation of controlling Bahrain law and the companies' contractual choice of law; and
- (ii) neither the companies' Shari'ah supervisory board nor any other Shari'ah compliant persons had a meaningful opportunity to review because material terms were introduced and changed on an ongoing basis and on short notice?

2. Did confirmation of the liquidating chapter 11 plan on a not fully consensual basis improperly frustrate the reasonable commercial expectations of stakeholders that financial arrangements made by First Islamic Investment Bank B.S.C.(c) n/k/a Arcapita Bank B.S.C.(c), a Bahrain Joint Stock Company, would be Shari'ah compliant as provided under Bahrain law?

DESIGNATION OF RECORD ITEMS FOR APPEAL

06/30/2013	Docket 1313	No.	Notice of Appeal from the Findings Of Fact, Conclusions Of Law, And Order Confirming The Second Amended Joint Plan Of Reorganization Of Arcapita Bank B.S.C.(c) And Related Debtors With Respect To Each Debtor Other Than Falcon Gas Storage Company, Inc. Under Chapter 11 Of The Bankruptcy Code Docket No. 1262 entered in the above-captioned Chapter 11 proceedings on the 17th day of June, 2013
06/24/2013	Docket 1294	No.	Master Service List - June 2013
06/18/2013	Docket 1265	No.	Chapter 11 Plan/Confirmed Second Amended Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related Debtors Under Chapter 11 of the Bankruptcy Code (With First Technical Modifications)
06/17/2013	Docket 1262	No.	Findings Of Fact, Conclusions Of Law, And Order Confirming The Second Amended Joint Plan Of Reorganization Of Arcapita Bank B.S.C.(c) and Related Debtors With Respect To Each Debtor Other Than Falcon Gas Storage Company, Inc. Under Charter 11 Of The Bankruptcy Code
6/17/2013	Docket 1261	No.	SECOND OBJECTION OF CAPTAIN HANI ALSOHAIBI TO THE MOTION OF FIRST ISLAMIC INVESTMENT BANK B.S.C.(c) N/K/A ARCAPITA BANK B.S.C.(c) AND ITS FELLOW DEBTORS FOR AUTHORITY TO OBTAIN REPLACEMENT FINANCING FROM GOLDMAN SACHS TO REPAY EXISTING FINANCING [DOCKET NO. 1157] AND REQUEST THAT THE HEARING SCHEDULED FOR JUNE 24, 2013 CONCERNING APPROVAL OF THE PROPOSED FINANCING BE ADJOURNED AND AN INDEPENDENT SHARIAH BOARD BE APPOINTED (Attachments: #1 Exhibit Fatwa)
06/13/2013	Docket 1258	No.	Statement – Notice of Filing of Additional Plan Supplement Document
6/11/2013	Docket 1252	No.	Statement/Notice of Filing of Blackline of Second Amended Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related Debtors Under Chapter 11 of the Bankruptcy Code (With First Technical Modifications)
6/11/2013	Docket 1251	No.	Amended Plan/Second Amended Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related

			Debtors Under Chapter 11 of the Bankruptcy Code (With First (With First Technical Modifications)
6/11/2013	Docket 1250	No.	Statement Notice of Filing of Additional Plan Supplement Documents (related document(s) 1036) (Attachments: #1 Exhibit 1 - Assumed Executory Contract and Unexpired Lease List #2 Exhibit 2 - List of Directors of New Boards #3 Exhibit 3 - Form of New Arcapita Topco Warrants (updated) #4 Exhibit 4 - Blackline of Form of New Arcapita Topco Warrants filed with Plan Supplement #5 Exhibit 5 - Form of New Arcapita Topco Articles (updated) #6 Exhibit 6 - Blackline of Form of New Arcapita Topco Articles filed with Plan Supplement #7 Exhibit 7 - Equity Term Sheet (updated) #8 Exhibit 8 - Blackline of Equity Term Sheet filed with Plan Supplement #9 Exhibit 9 - HarbourVest Assumption and Assignment Term Sheet)
6/10/2013	Docket 1246	No.	Statement/Notice of Filing of Proposed Order Confirming the Debtors' Second Amended Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related Debtors Under Chapter 11 of the Bankruptcy Code
06/07/2013	Docket 1230	No.	Order Signed On 6/7/2013, Authorizing And Approving A Settlement And Plan Support Agreement With Standard Chartered Bank.
06/07/2013	Docket 1227	No.	Objection to Motion OBJECTION OF CAPTAIN HANI ALSOHAIBI TO THE MOTION OF FIRST ISLAMIC INVESTMENT BANK B.S.C.(c) N/K/A ARCAPITA BANK B.S.C.(c) AND ITS FELLOW DEBTORS FOR AUTHORITY TO OBTAIN REPLACEMENT FINANCING FROM GOLDMAN SACHS TO REPAY EXISTING FINANCING [DOCKET NO. 1157] AND REQUEST THAT THE HEARING SCHEDULED FOR JUNE 10, 2013 CONCERNING APPROVAL OF THE PROPOSED FINANCING BE ADJOURNED
06/06/2013	Docket 1226	No.	Motion to Shorten Time/Debtors' Ex Parte Application for Order Shortening Time for Hearing on a Motion Authorizing and Approving a Settlement and Plan Support Agreement with Standard Chartered Bank
06/06/2013	Docket 1225	No.	Motion to Authorize/Debtors' Motion for an Order Authorizing and Approving a Settlement and Plan Support Agreement with Standard Chartered Bank
06/05/2013	Docket 1201	No.	Notice of Appearance and Request for Service of Papers by the Law Offices of Tally M. Wiener, Esq. on Behalf of Captain Hani Alsohaibi
06/03/2013	Docket 1195	No.	Statement - Notice of Filing of Plan Supplement Documents (related document(s) 1036) (Attachments: #1 Exhibit 1.Form of Disposition Plan #2 Exhibit 2.Form of

			Transaction Holdco Amended Articles #3 Exhibit 3.Form of New Arcapita Topco Articles (including share terms) #4 Exhibit 4.Form of Other New Holding Company Article #5 Exhibit 5.Form of Other New Holding Company LLC Agreement #6 Exhibit 6.Form of New Arcapita Topco Warrants #7 Exhibit 7.Form of Shareholder Agreement for Transaction Holdcos #8 Exhibit 8.Cooperation Term Sheet (updated) #9 Exhibit 9.Blackline of Cooperation Term Sheet Filed with Disclosure Statement #10 Exhibit 10.Implementation Memorandum - Structure Chart (updated) #11 Exhibit 11.AIM/New Arcapita Topco Services Agreement Charts #12 Exhibit 12.Form of Management Services Agreement (with exhibits) #13 Exhibit 13.Equity Term Sheet (updated) #14 Exhibit 14.Blackline of Equity Term Sheet Filed with Disclosure Statement #15 Exhibit 15.Replacement DIP Facility/Exit Facility Term Sheet #16 Exhibit 16.Form of Working Capital Facility Note #17 Exhibit 17.Form of Disposition Expense Facility #18 Exhibit 18.Form of Senior Management Global Settlement Agreements #19 Exhibit 19.Form of Amended QRE Letter Agreement #20 Exhibit 20.Form of QIB/Arcapita Bank Lusail Agreement #21 Exhibit 21.Form of HQ Settlement Agreement #22 Exhibit 22.Professional Compensation Claims Escrow Account Agreement #23 Exhibit 23.Disbursing Agent Agreement Notice #24 Exhibit 24.Hopper Parties Agreement Notice #25 Exhibit 25.Projections (updated) #26 Exhibit 26.Blackline of Projections Filed with Disclosure Statement)
5/28/2013	Docket 1159	No.	Master Service List - May 2013
04/25/2013	Docket 1037	No.	Statement/Notice of Filing of Blackline of Second Amended Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related Debtors Under Chapter 11 of the Bankruptcy Code
04/25/2013	Docket 1036	No.	Second Amended Plan/Second Amended Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related Debtors Under Chapter 11 of the Bankruptcy Code (related document(s) 826)
04/18/2013	Docket 989	No.	Master Service List - April 2013
04/16/2013	Docket 982	No.	Statement/Notice of Filing of Blackline of First Amended Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related Debtors Under Chapter 11 of the Bankruptcy Code (related document(s) 981)

04/16/2013	Docket 981	No.	Amended Chapter 11 Plan/First Amended Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related Debtors Under Chapter 11 of the Bankruptcy Code (related document(s) 826)
03/19/2013	Docket 931	No.	Master Service List - March 2013
02/19/2013	Docket 839	No.	Master Service List - February 2013
02/08/2013	Docket 826	No.	Chapter 11 Plan/Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related Debtors under Chapter 11 of the Bankruptcy Code
12/10/2012	Docket 699	No.	Opposition/Debtors' Opposition to Motion of Captain Hani Alsohaibi to Dismiss the Chapter 11 Cases
09/24/2012	Docket 525	No.	Motion to Dismiss Case filed by Hani Alsohaibi
03/19/2012	Docket 6	No.	Declaration of Henry A. Thompson in Support of the Debtors' Chapter 11 Petitions and First Day Motion and in Accordance with Local Rule 1007-2
03/19/2012	Docket 1	No.	Voluntary Petition (Chapter 11). Order for Relief Entered -- Voluntary Petition of Arcapita Bank B.S.C.(c) Chapter 11 Plan due by 7/17/2012, Disclosure Statement due by 7/17/2012, Initial Case Conference due by 4/18/2012

Dated: New York, New York
July 12, 2013

Respectfully submitted on behalf of
Captain Hani Alsohaibi by:

/s/ Tally M. Wiener
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