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Attorneys for the Debtors and Debtors in Possession

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

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<b>IN RE:</b>	:	<b>Chapter 11</b>
	:	
<b>ARCAPITA BANK B.S.C.(c), et al.,</b>	:	<b>Case No. 12-11076 (SHL)</b>
	:	
<b>Debtors.</b>	:	<b>Jointly Administered</b>
	:	
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**STIPULATED ORDER RESOLVING CLAIMS**

This Stipulated Order (this “*Stipulated Order*”) is entered into as of September 16, 2013 by and among Arcapita Bank B.S.C.(c) (“*Arcapita Bank*” and together with its affiliated Debtors, the “*Debtors*”), on the one hand; and Amy Kim (“*Employee*”), on the other hand. Arcapita Bank and Employee are collectively referred to herein as the “*Parties*”.

**RECITALS**

WHEREAS, on July 11, 2012, the Bankruptcy Court for the Southern District of New York (the “*Court*”) entered an order (Dkt. No. 308) in the above captioned chapter 11 cases (the “*Chapter 11 Cases*”) establishing August 30, 2012 at 5:00 p.m. (prevailing U.S. Eastern Time) as the deadline for non-governmental persons or entities to file proofs of claim in the Chapter 11 Cases;

WHEREAS, Employee maintains a valid bonus claim scheduled by Arcapita Bank on its Schedule of Assets and Liabilities (Dkt. No. 212);

WHEREAS, Employee filed a proof of claim identified as Claim Number 125 on the Debtors' official claim register in the Chapter 11 Cases ("*Claim 125*");

WHEREAS, on June 17, 2013, this Court entered an order (Dkt. No. 1262) 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 (with First Technical Modifications)* (Dkt. No. 1265) (as may be amended, modified or supplemented, the "*Plan*");

WHEREAS, after good-faith negotiations, the Parties have reached an agreement as to a separation agreement ending Employee's employment with either Arcapita Bank or an affiliate of Arcapita Bank;

WHEREAS, consistent with the terms of that separation agreement, the Parties have agreed to the treatment of Claim 125 on the terms set forth below;

NOW, THEREFORE, in consideration of the foregoing, it is hereby stipulated and agreed that:

### **TERMS**

1. Stipulated Order. This Stipulated Order shall become effective upon the Court's entry of an order approving it, which may include the Court's "SO ORDERED" execution of this Stipulated Order (the date of such order, the "*Order Entry Date*").

2. Withdrawal of Claims. On the Order Entry Date, Claim 125 shall be deemed withdrawn by the Employee with prejudice.

3. Full and Final Resolution. Upon the Order Entry Date, the Employee shall be barred from amending Claim 125. The Parties intend this Stipulated Order to be a final and

complete resolution of Claim 125. The Parties agree that this Stipulated Order was negotiated in good faith, and that the Parties had the opportunity, if they so chose, to consult with legal counsel.

4. Successors, Assigns, and Third Party Beneficiaries. This Stipulated Order shall be binding upon, and inure to the benefit of, the successors and assigns of each of the Parties.

5. Amendments in Writing. This Stipulated Order may not be amended or modified other than by signed writing executed by the Parties hereto approved by an order of the Court.

Dated: September 16, 2013  
New York, New York

Dated: September 16, 2013  
New York, New York

/s/ Michael A. Rosenthal  
Name: Michael A. Rosenthal

/s/ Amy Kim  
Name: Amy Kim  
Title: Associate – Legal Department

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ATTORNEYS FOR THE DEBTORS  
AND DEBTORS IN POSSESSION

**SO ORDERED,**

/s/ Sean H. Lane  
THE HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE

Dated: September 26, 2013