

Presentment Date and Time: March 5, 2014 at 12:00 p.m. (prevailing Eastern Time)

Objection Deadline: March 4, 2014 at 4:00 p.m. (prevailing Eastern Time)

Hearing Date and Time (Only if Objection Filed): March 19, 2014 at 11:00 a.m. (prevailing Eastern Time)

Dennis F. Dunne  
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*Counsel for the Reorganized Debtors*

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

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In re:	:	
	:	Chapter 11
	:	
ARCAPITA BANK B.S.C.(c), <u>et al.</u> ,	:	Case No. 12-11076 (SHL)
	:	
Reorganized Debtors.	:	Confirmed
	:	
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**NOTICE OF PRESENTMENT OF STIPULATION AND AGREED ORDER  
REGARDING CLAIM NUMBER 303**

**PLEASE TAKE NOTICE** that, on **March 5, 2014 at 12:00 p.m. (prevailing Eastern Time)**, the above-captioned Reorganized Debtors will present for signature to the Honorable Sean H. Lane, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004 (the "Court"), the *Stipulation and Agreed Order Regarding Claim Number 303*, attached hereto as Exhibit A (the "Stipulation").

**PLEASE TAKE FURTHER NOTICE** that responses or objections to the Stipulation, if any, shall be in writing, shall conform to (a) the Federal Rules of Bankruptcy Procedure, (b) the Local Rules of the Bankruptcy Court for the Southern District of New York,

and (c) the Case Management Procedures approved by the Court in the above-captioned cases,<sup>1</sup> shall set forth the name of the objecting party, the basis for the objection and the specific grounds thereof, and shall be filed with the Court (a) electronically in accordance with General Order M-399 (which can be found at [www.nysb.uscourts.gov/court-info/local-rules-and-orders/general-orders](http://www.nysb.uscourts.gov/court-info/local-rules-and-orders/general-orders)) by registered users of the Bankruptcy Court's case filing system, and (b) by all other parties in interest, on a 3.5-inch disk, preferably in Portable Document Format (PDF), WordPerfect, or any other Windows-based word processing format (with two hard copies delivered directly to Chambers), in accordance with the customary practices of the Court and General Order M-399, to the extent applicable, and served in accordance with General Order M-399 and upon: (i) the Chambers of the Honorable Sean H. Lane, One Bowling Green, New York, New York 10004; (ii) counsel for the Reorganized Debtors, Milbank, Tweed, Hadley & McCloy LLP, 1 Chase Manhattan Plaza, New York, New York 10005 (Attn: Evan R. Fleck, Esq.); (iii) King & Spalding LLP, 1180 Peachtree Street, Atlanta, Georgia, 30309 (Attn: Paul K. Ferdinands, Esq.); and (iv) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004 (Attn: Richard Morrissey, Esq.), so as to be filed and received no later than **March 4, 2014 at 4:00 p.m. (prevailing Eastern Time)** (the "Objection Deadline").

**PLEASE TAKE FURTHER NOTICE** that, if no responses or objections to the Stipulation are timely filed, served, and received by the Objection Deadline, the relief requested shall be deemed unopposed, and the Court may enter an order granting the relief sought herein without a hearing.

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<sup>1</sup> See Order (A) Waiving the Requirement that Each Debtor File a List of Creditors and Equity Security Holders and Authorizing Maintenance of Consolidated List of Creditors in Lieu of a Matrix; (B) Authorizing Filing of a Consolidated List of Top 50 Unsecured Creditors; and (C) Approving Case Management Procedures [Docket No. 21].

**PLEASE TAKE FURTHER NOTICE** that if a written objection is timely served and filed, a hearing to consider the Stipulation (the "Hearing") will be held before the Honorable Sean H. Lane, U.S. Bankruptcy Judge, in Room 701 of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 on **March 19, 2014 at 11:00 a.m.** (**prevailing Eastern Time**), or as soon thereafter as counsel may be heard.

**PLEASE TAKE FURTHER NOTICE** that objecting parties are required to attend the Hearing, and failure to appear may result in relief being granted or denied upon default.

Dated: February 25, 2014  
New York, New York

**MILBANK, TWEED, HADLEY & M<sup>c</sup>CLOY LLP**

/s/ Evan R. Fleck  
Dennis F. Dunne  
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*Counsel for the Reorganized Debtors*

**Exhibit A**

**Stipulation and Agreed Order**

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**UNITED STATES BANKRUPTCY COURT  
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Reorganized Debtors.	:	Confirmed
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**STIPULATION AND AGREED ORDER REGARDING CLAIM NUMBER 303**

This stipulation (the “Stipulation”) is made and entered into, through their respective undersigned counsel, by and among (i) Falcon Gas Storage Company, Inc. (“Falcon”) and (ii) King & Spalding LLP (“K&S” and, collectively with Falcon, the “Parties”), to resolve and allow proof of claim number 303 (the “Proof of Claim”) filed by K&S in the above-captioned chapter 11 cases.

**RECITALS**

WHEREAS, on March 19, 2012, the predecessors-in-interest to the Reorganized Debtors other than Falcon filed for bankruptcy protection under chapter 11 of the Bankruptcy Code.

WHEREAS, on April 30, 2012, Falcon filed for bankruptcy protection under chapter 11 of the Bankruptcy Code.

WHEREAS, on August 29, 2012, K&S filed the Proof of Claim against Falcon, asserting an unsecured non-priority claim of \$342,278.37.

WHEREAS, K&S has agreed voluntarily to reduce the amount of the Proof of Claim.

**NOW THEREFORE, THE PARTIES STIPULATE AND AGREE, AND UPON APPROVAL BY THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, IT SHALL BE ORDERED AND BINDING ON ALL PARTIES IN INTEREST AS FOLLOWS:**

**STIPULATION**

1. The Proof of Claim is deemed an allowed Class 5(g) claim under the *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)* [Docket No. 1265], in the amount of \$290,936.61, as of the date of entry of this Stipulation on the docket after being “So Ordered” by the Court. The Reorganized Debtors’ official claims agent is directed to take any and all actions necessary to effectuate the relief granted pursuant to this Stipulation.

2. The Proof of Claim shall not be subject to further objection or dispute, shall not be subordinated (in whole or in part), and shall not be subject to set off or recoupment.

3. This Stipulation constitutes the entire agreement among the Parties regarding the subject matter hereof.

4. This Stipulation may be executed in one or more counterparts and by facsimile or electronic copy, all of which shall be considered effective as an original signature.

5. The Parties acknowledge that this Stipulation is their joint work product and that, accordingly, in the event of ambiguities in this Stipulation, no inferences shall be drawn against either party on the basis of authorship of this Stipulation.

6. The Bankruptcy Court shall retain exclusive jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Stipulation.

**CONSENTED AND AGREED TO BY:**

Dated: February 25, 2014  
New York, New York

Dated: February 25, 2014  
New York, New York

**MILBANK, TWEED, HADLEY &  
M<sup>c</sup>CLOY LLP**

**KING & SPALDING LLP**

/s/ Evan R. Fleck \_\_\_\_\_

/s/ Paul K. Ferdinands \_\_\_\_\_

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1180 Peachtree Street  
Atlanta, Georgia 30309  
Telephone: (404) 572-4600

*Counsel for the Reorganized Debtors*

**SO ORDERED,**

\_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE

Dated: \_\_\_\_\_