

Presentment Date and Time: April 7, 2014 at 12:00 p.m. (prevailing Eastern Time)

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

Hearing Date and Time (Only if Objection Filed): April 30, 2014 at 11:00 a.m. (prevailing Eastern Time)

Dennis F. Dunne
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Telephone: (212) 530-5000

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
WITHDRAWING CLAIMS OF THRONSON PARTIES**

PLEASE TAKE NOTICE that, on **April 7, 2014 at 12:00 p.m. (prevailing Eastern Time)**, the 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 Withdrawing Claims of Thronson Parties*, 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,¹ 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) 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) counsel to the Thronson Parties, Mark A. Sanders, 11511 Katy Freeway, Suite 600A, Houston, Texas, 77079; 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 **April 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.

¹ 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 **April 30, 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: March 28, 2014
New York, New York

MILBANK, TWEED, HADLEY & M^cCLOY LLP

/s/ Evan R. Fleck

Dennis F. Dunne

Evan R. Fleck

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Telephone: (212) 530-5000

Counsel for the Reorganized Debtors

Exhibit A

Stipulation and Agreed Order

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**UNITED STATES BANKRUPTCY COURT
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In re:	:
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	:
ARCAPITA BANK B.S.C.(C), <u>et al.</u> ,	:
	:
Reorganized Debtors.	:
	:
-----X	

STIPULATION AND AGREED ORDER
WITHDRAWING CLAIMS OF THRONSON PARTIES

This stipulation (the “Stipulation”) is made and entered into, through their respective undersigned counsel, by and among (i) Falcon Gas Storage Company, Inc. (“Falcon”), a reorganized debtor in the above-captioned chapter 11 cases and (ii) Lowell C. Thronson, Henry Adair, Guy Busk, Galen W. Cantrell, Michelle G. Colombo, Glen M. Coman, Vhonda Cook, Randall L. Crumpley, Stephen Dorcheus, Judy B. Farley, Joe V. Fields, Gregory D. Fletcher, Kenneth Gillespie, Darrel R. Green, Terra Leigh Griffin, Michael L. Gryder, Jack L. Hopkins, John Holcomb, Andy Johnson, Ed McIntosh, Bryan K. Mercer, Carla Nims, David Robinson, Chad Rogers, Mark Rowland, James Scott, Danny J. Sharp, Derrick M. Shaw, Randall J. Small, Joel P. Stephen, Ray Don Turner, Johnny B. Ulrich, James Bradley Underwood, Hank R. Watson, Royce Williams, and Troyce Willis (collectively, the “Thronson Parties” and,

collectively with Falcon, the “Parties”), to resolve proofs of claim numbers 351-363 and 399-422 (collectively, the “Proofs of Claim”) filed by the Thronson Parties against Falcon.

RECITALS

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

WHEREAS, the Debtors objected to each of the Proofs of Claim in the *Debtors’ Fourth Omnibus Objection to Claims* [Docket No. 1052].

WHEREAS, on March 24, 2014, the Court entered the *Order, Pursuant to Bankruptcy Rule 9019, Approving Settlement Agreement with the Thronson Parties* [Docket No. 1891], approving a settlement agreement (the “Settlement Agreement”) among Falcon and the Thronson Parties, pursuant to which the Thronson Parties agreed, among other things, to execute and file a stipulation, to disallow, with prejudice, the Proofs of Claim in full.

NOW THEREFORE, THE PARTIES STIPULATE AND AGREE, AND UPON THE 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. Each Proof of Claim is deemed disallowed in full, with prejudice, as of the date this Stipulation is entered by the Court, and shall be expunged from the claims register maintained in these cases. 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. This Stipulation and the Settlement Agreement together constitute the entire agreement among the Parties regarding the Proofs of Claim.

3. 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.

4. 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 any Party on the basis of authorship of this Stipulation.

5. 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: March 28, 2014
New York, New York

Dated: March 28, 2014
Houston, Texas

**MILBANK, TWEED, HADLEY &
M^cCLOY LLP**

MARK A. SANDERS, P.C.

/s/ Evan R. Fleck _____

/s/ Mark A. Sanders _____

Dennis F. Dunne
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11511 Katy Freeway, Suite 600A
Houston, Texas 77079
Telephone: (281) 531-0902

Counsel for the Reorganized Debtors

Counsel for the Thronson Parties

SO ORDERED,

UNITED STATES BANKRUPTCY JUDGE

Dated: _____