

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF FAIRFAX

JOHN DeGROOTE SERVICES, LLC, *et al.*,)
)
 Plaintiffs,) Civil Action No. 2011-10612
)
 v.)
)
 F. EDWIN HARBACH, *et al.*,)
)
 Defendants.)
)

STIPULATION AND ORDER

WHEREAS, on July 21, 2011, John DeGroote Services, LLC and John DeGroote (together, the “Trustee” or “Plaintiff”) as liquidating trustee for and on behalf of the BearingPoint, Inc. Liquidating Trust (the “Liquidating Trust”) filed a complaint (the “Complaint”) in the above-captioned matter (the “Case”) against Defendants F. Edwin Harbach, Albert L. Lord, Roderick C. McGearry, J. Terry Strange, Douglas C. Allred, Betsy J. Bernard, Spenser C. Fleischer, Jill Kanin-Lovers and Edward Munson (collectively, the “Defendants,” and together with Plaintiff, the “Parties”); and

WHEREAS, the Case was removed by the Defendants to the United States District Court for the Eastern District of Virginia (the “District Court”); and

WHEREAS, the Parties engaged in limited discovery in the District Court by requesting documents from Parties (the “Pending Discovery Requests”); and

WHEREAS, the Case was subsequently remanded by the District Court to this Court; and

WHEREAS, the Parties have reached agreement with respect to the deadlines for the Pending Discovery Requests and for the Defendants’ answer and/or response to the Complaint.

**NOW, THEREFORE, IT IS HEREBY STIPULATED TO, AND AGREED BY
AND BETWEEN THE UNDERSIGNED PARTIES AS FOLLOWS:**

1. This Stipulation and Order (the “Order”) constitutes an agreement between the Parties and shall be effective upon the entry of an order of the Court approving same. The Parties agree that all currently-existing deadlines are stayed pending entry of this Order.

2. Defendants’ objections and written responses to document requests served upon them by Plaintiffs as part of the Pending Discovery Requests are due November 14, 2011.

3. Plaintiffs’ written responses to document requests served upon them by Defendants as part of the Pending Discovery Requests are due November 7, 2011.

4. Plaintiffs’ production of responsive documents other than electronically stored information (“ESI”) shall be made to Defendants, or available for Defendants’ inspection, by November 21, 2011, and Plaintiffs shall supplement the production as necessary prior to the close of discovery.

5. Defendants’ production of responsive documents other than ESI shall be made to Plaintiffs, or available for Plaintiffs’ inspection, by November 28, 2011, and Defendants shall supplement the production as necessary prior to the close of discovery.

6. Notwithstanding the above, Plaintiffs’ production of documents that were received from Cerberus Capital Management, L.P. (“Cerberus”) and Greenhill & Co. (“Greenhill”), and that are governed by confidentiality protections, shall be made to Defendants within ten (10) days of the entry of (i) a confidentiality order agreed to by the Parties, Cerberus, and Greenhill, or (ii) an order of this Court compelling the production of the material.

7. The Parties have agreed that ESI as requested in discovery, or as identified in pre-trial disclosures, will be provided in a non-native electronic .tif format with agreed-upon load

files populated with the following metadata: APPLICATION, BEGDOC, ENDDOC, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, SUBJECT, DATE SENT, FROM, TO, CC, BCC, FILE_NAME, FILE_EXT, ORIGINAL_FILEPATH, FILE_AUTHOR, CREATED_DATE, MODIFIED_DATE, FAMILY_DATE, and MD5HASH, to the extent available without manual coding. The Parties have agreed upon search terms, custodians, and dates of backup tapes to be restored. Plaintiffs will produce ESI for certain custodians contained on backup tapes created from January 2008 through February 18, 2009, which were restored prior to the Pending Discovery Requests by November 21, 2011. Plaintiffs will produce ESI for additional custodians not restored prior to the Pending Discovery Requests that are contained on previously-agreed upon backup tapes from 2006, 2007, and 2009 and any additional ESI by December 19, 2011. Defendants will produce ESI by December 9, 2011.

8. Defendants shall file answers or other responsive pleadings with all memoranda in support thereof by November 21, 2011.

9. If Defendants file motions in response to the Complaint, those motions shall be filed with memoranda not to exceed twenty-five (25) pages. Plaintiffs shall file oppositions to the motions with memoranda not to exceed twenty-five (25) pages within sixty (60) days of the service of the motion. Defendants shall file reply briefs, if any, not to exceed fifteen (15) pages within twenty-one (21) days of service of the opposition. The Parties agree to seek a hearing for oral argument on said motion from the Court's Calendar Control within three (3) business days of the filing of the motion.


10. All claims of privilege and/or work product protection must be made in accordance with Virginia Rule 4:1(b)(6). The Parties agree it shall not be necessary to include on any privilege log communications exclusively among any Party and counsel in this case, or

between Plaintiffs and Bingham McCutchen. Moreover, the Parties will agree to a claw back provision for the inadvertent disclosure of confidential or privileged materials.

11. The Parties agree that all other dates, deadlines, and terms provided for in the Joint Discovery Plan and orders of the District Court are null and void, and the Parties will seek the entry of a scheduling order in this Court at the appropriate time.

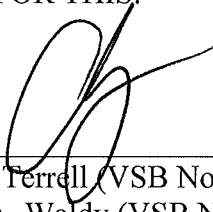
12. This Stipulation may be executed in any number of counterparts, each of which shall be deemed as an original, but all of which taken together shall constitute one in the same instrument. Additionally, signature pages delivered via facsimile or email in portable data format (.pdf) shall be deemed original.

ENTERED THIS 16th DAY OF NOVEMBER, 2011.



Judge, Circuit Court for the County of Fairfax

WE ASK FOR THIS:



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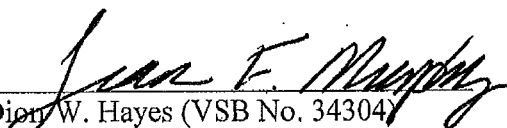
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