

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

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)	
In re)	
)	Chapter 11 Case No.
)	
BEARINGPOINT, INC., <i>et al.</i> ,)	09-10691 (REG)
)	
Debtors.)	(Jointly Administered)
)	
)	
-----:x)	

**ORDER (A) ENFORCING CONFIRMATION ORDER; (B)
CONTINUING REQUEST TO HOLD F. EDWIN HARBACH,
RODERICK C. MCGEARY, AND EDDIE R. MUNSON IN
CONTEMPT, AND (C) CONTINUING REQUEST TO IMPOSE
SANCTIONS FOR WILLFUL VIOLATION OF
CONFIRMATION INJUNCTION**

Upon the motion, dated December 13, 2012 (the “Motion”), of John DeGroote, the sole member of John DeGroote Services, LLC, which serves as the Liquidating Trustee of the BearingPoint, Inc. Liquidating Trust, for an Order (a) enforcing the December 22, 2009 Order Confirming Debtors’ Modified Second Amended Joint Plan Under Chapter 11 of the Bankruptcy Code in the above-captioned cases (the “Confirmation Order”); (b) holding F. Edwin Harbach, Roderick C. McGeary, and Eddie R. Munson (the “Former Directors”) in contempt of the Confirmation Order; and (c) imposing sanctions and fees on the Former Directors for willful violation of the Confirmation Order and injunction contained therein, pursuant to sections 105(a), 1141(a), and 1142(b) of title 11 of the United States Code (the “Bankruptcy Code”) and Federal Rule of Bankruptcy Procedure 9020; and upon the Motion and Joinder of the BearingPoint, Inc. Liquidating Trust to the Motion to Enforce the Plan Injunction (the “Joinder”); and upon the Former Directors’ Joint Opposition to the Motion of John DeGroote;

and a hearing on the Motion having been held on January 31, 2013; and it appearing that the Motion is a core proceeding pursuant to 28 U.S.C. § 157; and adequate notice of the Motion having been given; and it appearing that no other notice need be given; and after due deliberation and sufficient cause therefor,

It is hereby FOUND that:

1. The Confirmation Order is binding on the Former Directors; and
2. The Former Directors filed a lawsuit against John DeGroote on November 15, 2009, in the Circuit Court of Fairfax County, Virginia, (the “New Virginia Lawsuit”) in violation of the exclusive jurisdiction provision contained in 34(c) of the Confirmation Order and the doctrine arising from Barton v. Barbour, 104 U.S. 126 (1881).

It is therefore ORDERED that:

- A) The Motion and Joinder are hereby GRANTED to the extent set forth herein;
- B) The Former Directors are enjoined from prosecuting or continuing the claims brought in the New Virginia Lawsuit in any forum other than this Court;
- C) The Former Directors shall, within 10 business days of the date of this Order, either (i) voluntarily dismiss the New Virginia Lawsuit without prejudice or (ii) move to transfer the New Virginia Lawsuit to the United State Bankruptcy Court for the Southern District of New York and, both during and after such 10 business day period, exercise reasonable diligence to pursue approval of such motion to transfer; and

D) The requests for a finding of contempt and imposition of sanctions contained in the Motion shall be continued sine die pending an evidentiary hearing on those issues if they are not by then moot.

Dated: New York, New York
February 7, 2013

s/ Robert E. Gerber
UNITED STATES BANKRUPTCY JUDGE