

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

BEARINGPOINT, INC., *et al.*,

Debtors.

Chapter 11 Case No.

09-10691 (REG)

(Jointly Administered)

**DECLARATION OF CHARLES HALE IN SUPPORT OF MOTION FOR ENTRY OF
ORDER APPROVING SETTLEMENT BETWEEN THE LIQUIDATING TRUST AND
F. EDWIN HARBACH, ALBERT L. LORD, RODERICK M. MCGEARY, J. TERRY
STRANGE, DOUGLAS C. ALLRED, BETSY J. BERNARD, SPENCER C. FLEISCHER,
JILL KANIN-LOVERS AND EDWARD MUNSON AND AUTHORIZING
SETTLEMENT PAYMENT**

I, Charles Hale, hereby declare that the following is true to the best of my knowledge, information and belief:

1. I am the sole remaining member of the Trust Advisory Board (the “**Advisory Board**”) to the BearingPoint, Inc. (“**BearingPoint**”) Liquidating Trust (the “**Liquidating Trust**”). I have served as a member of the Advisory Board since the creation of the Advisory Board on or around December 30, 2009, and served as a member of the BearingPoint Official Committee of Unsecured Creditors (the “**Creditors’ Committee**”) from the appointment of the Creditors’ Committee on February 27, 2009 until December 30, 2009 (the “**Effective Date**”). The Liquidating Trust was created pursuant to BearingPoint and its affiliated Debtors’ (collectively, the “**Debtors**”) Modified Second Amended Joint Plan Under Chapter 11 of the Bankruptcy Code, December 17, 2009 (the “**Plan**”), which was confirmed by order of the United States Bankruptcy Court for the Southern District of New York on December 22, 2009 (the “**Confirmation Order**”) and became effective on the Effective Date.

2. The Advisory Board, which was created pursuant to the BearingPoint, Inc. Liquidating Trust Agreement (the “**LTA**”), has duties which include overseeing the actions of

the liquidating trustee (the “**Liquidating Trustee**”) pertaining to administration of the Liquidating Trust. The authority of the members of the Advisory Board was effective as of the Effective Date and will remain and continue in full force and effect until the Liquidating Trust is dissolved. LTA §§ 6.2-6.3.

3. I submit this declaration (the “**Declaration**”) in support of the motion (the “**Motion**”) for entry of an order approving settlement between the Liquidating Trust and F. Edwin Harbach, Albert L. Lord, Roderick M. McGeary, J. Terry Strange, Douglas C. Allred, Betsy J. Bernard, Spencer C. Fleischer, Jill Kanin-Lovers and Edward Munson (collectively, the “**Defendants**”, and with the Liquidating Trustee, the “**Parties**”) and authorizing settlement payment (the “**Settlement Agreement**”)¹ dated March 21, 2013 [Dkt. No. 2289].

4. Pursuant to the LTA, the Liquidating Trustee must submit to the Advisory Board for its review and prior approval, among other things, matters that are of material importance to the value of the Liquidating Trust Assets and any decision or agreement to discount, compromise, settle and/or sell any rights, claims, Causes of Action or litigation in which the amount of the settlement or sale exceeds \$250,000. LTA § 6.3.

5. As the Advisory Board member, I am fully familiar and have knowledge of the facts and matters set forth in the Motion regarding the terms of the Settlement Agreement, the investigation of potential claims against the Defendants, the litigation arising from that investigation and the negotiations and mediation between the Parties and the D&O Insurance Carriers leading to the Settlement Agreement. As the Advisory Board member, I have analyzed and I approve the Settlement Agreement as discussed and described more fully in the Motion, the Settlement Agreement and in the separate declaration submitted by the Liquidating Trustee, the

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion and the Settlement Agreement.

*Declaration of John DeGroot in Support of Motion for Entry of Order Approving Settlement
Between the Liquidating Trust and F. Edwin Harbach, Albert L. Lord, Roderick M. McGary, J.
Terry Strange, Douglas C. Allred, Betsy J. Bernard, Spencer C. Fleischer, Jill Kanin-Lovers and
Edward Munson and Authorizing Settlement Payment.*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: New York, New York

April 15, 2013


/s/ Charles Hale