

**LIST OF MEMBERS OF THE COMMITTEE OF REPRESENTATION, INCLUDING PROFESSIONAL BACKGROUNDS**

	<b>Name</b>	<b>On behalf of</b>
<b>Independent members</b>		
1.	Wouter Jongepier (chairman)	
2.	Ben Schuijling	
3.	Didier Simons	
4.	Kathleen van der Linde	
<b>SIHNV MPC claimants</b>		
5.	Michael Sternhell	Burford
6.	Rieneke Reijnen	PIC
7.	Christian Wefers	ISLG
8.	Joeri Klein	Deminor
9.	Oscar McLaren	Hamilton <sup>1</sup>
10.	Armand Kersten	VEB <sup>2</sup>
<b>SIHNV Contractual claimants</b>		
11.	Tim Denari	Conservatorium / Centerbridge
<b>SIHNV Financial creditors</b>		
12.	Kris Bjørn Jeppesen	The Baupost Group, L.L.C. <sup>3</sup>
13.	Wissam Charbel	Farallon Capital Europe LLP, investment sub-advisor to the Farallon funds
14.	Dylan Szymanski	Sculptor Capital Management
15.	David Reganato	Silver Point Capital

<sup>1</sup> If and when Hamilton provides the name of a proposed Committee member and a corresponding professional background, the Administrators shall provide the Court with an updated application. UPDATE: in accordance with its 28 May 2021 decision the court gave Hamilton the opportunity to propose a member for the Committee. Hamilton did so on 03 June 2021 - the court is expected to take a decision on the member as proposed by Hamilton soon. UPDATE 2: in its decision of 8 June 2021, the court appointed Mr. Oscar McLaren as the fifteenth member of the Committee.

<sup>2</sup> The VEB has announced that it will propose a Committee member. At the time of filing of this application, the VEB has not yet provided the name of a proposed Committee member. The name and professional background of this proposed Committee member was added to this Annex 5 by a deed dated 30 April 2021.

<sup>3</sup> UPDATE: The original Revised Annex 5, as referred to by the court in its decision dated 28 May 2021, contained an incorrect reference to The Baupost Group, L.L.C. This has been corrected in this document on 07 June 2021.

## Professional background committee members

### **1. Independent members**

#### 1.1. Wouter Jongepier, chairman ("**Independent member 1**")

1.1.1. Independent member 1 runs an independent Insolvency, Restructuring and Bankruptcy practice and focuses on insolvency law, corporate restructuring and corporate litigation. Independent member 1 advises national and international clients on reorganizations, company restarts and financing arrangements. Independent member 1 has a non-exclusive co-operation agreement with Dentons Europe LLP. Independent member 1 is regularly appointed as a bankruptcy trustee, administrator or silent trustee. The Enterprise Chamber of the Court of Appeals regularly appoints Independent member 1 as trustee of shareholders or as member of the supervisory board. On a continuous basis, Independent member 1 represents executive directors, non-executive directors and shareholders in corporate conflicts.

1.1.2. Independent member 1 has *inter alia* experience advising US private equity firm Gores - the shareholder and the most important financier of fashion retail chain Mexx, US private equity firm Gores, as lead counsel in relation to the bankruptcy of Mexx, working on the preparation of the insolvency and subsequent negotiations with the liquidator and the buyer. Furthermore, Independent member 1 was appointed by the District Court as receiver in the moratorium ("suspension of payments") of a financing company of Grupo Isolux, a Spanish construction company. Grupo Isolux proposed a composition in the suspension of payment implementing a refinancing agreement regarding a €850 million bond debt, to be concluded in conjunction with a court approved composition in Spain and Chapter 15 proceedings in the US. The composition was accepted.

#### 1.2. Ben Schuijling ("**Independent member 2**")

1.2.1. Independent member 2 studied Dutch Law at Tilburg University (2003-2006) and completed his Research Master's degree in Business Law at Radboud University in Nijmegen (2006-2008). Independent member 2 was awarded his PhD in Nijmegen, for his dissertation on delivering and pledging future property (*Levering en verpanding van toekomstige goederen*, 2016). From 2008 to 2015, while studying towards his PhD, Independent member 2 also taught Private Law at Radboud University and worked for Clifford Chance LLP as an adviser. Independent member 2 has held the position of Director of the Radboud Business Law Institute (OO&R) since 2015. In 2018 Independent member 2 was appointed Professor of Private Law at Radboud University. Independent member 2's other roles include chair of the editorial board of business law journal *Jurisprudentie Onderneming & Recht*, editor-in-chief of the finance, security interests and insolvency law journal *Tijdschrift Financiering, Zekerheden en Insolventierechtpraktijk*, and senior lecturer at the Grotius Finance & Security Interests specialisation course. Independent member 2's publications and advisory work focus predominantly on finance, security interests and insolvency.

#### 1.3. Didier Simons ("**Independent member 3**")

1.3.1. Independent member 3 had 24 years of banking experience working for leading international financial institutions: Commerzbank, SocGen, ABN Amro and RBS, before joining BOLD. mid 2014.

- 1.3.2. Independent member 3 started his career within Structured Finance at Commerzbank in Frankfurt am Main in 1990, where Independent member 3 was involved in many LF and PF transactions. After a short period at SocGen in Frankfurt, in 1998 Independent member 3 was asked by ABN Amro to help set-up its leveraged finance activities at HQ in Amsterdam. Independent member 3 was instrumental in helping ABN Amro to become the recognized market leader in the Benelux, working for large and mid-sized (inter)national private equity firms (CVC, KKR, Permira, HAL Investments, Gilde). Independent member 3 was a dealmaker with responsibility for the origination, structuring and execution of some of the largest and most complex LBO transactions done in the Benelux to date.
- 1.3.3. After joining RBS' Global Restructuring Group, in 2009 Independent member 3 became head of the Amsterdam based team responsible for the financial restructuring of Southern European and Dutch transactions. Independent member 3 was responsible for a team of 5 professionals and a portfolio in excess of EUR 1 bn. As deal maker Independent member 3 led the restructuring, negotiation and execution of large inter(national) distressed transactions. Independent member 3 successfully restructured transactions in a.o. the Benelux, Germany, France, Russia, Greece, Spain and Turkey. Restructurings include corporate, real estate, leveraged and project finance transactions.
- 1.3.4. Since joining BOLD. mid 2014, Independent member 3 fulfilled various (inter)national and challenging MD, CFO and CRO roles in restructuring situations. Independent member 3 was interim CFO in private equity owned Imtech Traffic & Infra (Dynniq) and acted as CRO on behalf of Riverstone and Carlyle in a French subsidiary of HES International. Thereafter Independent member 3 was interim CFO of a Dutch/German steel company, Holterman, for 18 months and Independent member 3 finalized an MD assignment for 12 months in a French subsidiary of Losberger De Boer in Paris, where Independent member 3 helped realizing a successful turnaround.

#### 1.4. Kathleen van der Linde ("**Independent member 4**")

- 1.4.1. Independent member 4 is a professor of Corporate Law at the University of Johannesburg with an international scholarly profile in corporate and insolvency law and is a leading specialist on the South African Companies Act and Insolvency Act. Independent member 4 has legal expertise in corporate restructuring and insolvency, corporate governance, corporate finance, director liability, taxation, securities regulation, financial markets. Furthermore, Independent member 4 has considerable exposure to practical and operational issues in the business environment in an advisory, training and research capacity. Independent member 4 is an established researcher (National Research Foundation) with advanced critical thinking skills and excellent verbal and written communication and with an extensive academic publication record. Independent member 4 is an advocate of the High Court of South Africa.

## 2. **MPC claimants**

#### 2.1. Michael Sternhell (on behalf of Burford) ("**MPC claimant 1**")

- 2.1.1. MPC claimant 1 has represented plaintiffs and defendants in civil, criminal and regulatory securities litigation and investigations for nearly two decades.
- 2.1.2. MPC claimant 1 is a Director at Burford Capital with responsibility for delivering innovative litigation financing solutions to asset managers, sovereign wealth funds and public pension

funds. MPC claimant 1 works with the world's largest institutional investors to identify, evaluate and pursue securities litigation globally, leveraging his experience overseeing a diverse litigation portfolio as in-house counsel for a leading global asset management firm.

- 2.1.3. Prior to joining Burford, MPC claimant 1 was Senior Vice President and Managing Counsel at OppenheimerFunds, a global investment adviser overseeing more than \$250 billion in assets under management. At Oppenheimer, MPC claimant 1 managed the firm's litigation, regulatory and insolvency matters and led a team of lawyers supporting the firm's investments and global operations functions.
- 2.1.4. Prior to his work in-house, MPC claimant 1 was a Senior Litigator at Kramer Levin Naftalis & Frankel LLP, where he represented institutions and individuals in complex securities litigation and regulatory investigations. MPC claimant 1 also maintained an active pro bono practice focused on international human rights.
- 2.1.5. MPC claimant 1 graduated from New York University School of Law and from Wesleyan University with high honors.

2.2. Rieneke Reijnen (on behalf of PIC) ("**MPC claimant 2**")<sup>4</sup>

- 2.2.1. MPC claimant 2 is a lawyer with her own firm since 2019, working on assignments for various law firms who require ad hoc expertise in the field of procedural law, private international law or contract law, or who need an experienced lawyer on a case-by-case basis. Prior to starting her own firm, MPC claimant 2 worked for various law firms in the field of corporate litigation. She also has broad experience in corporate liability cases and contractual disputes.
- 2.2.2. MPC claimant 2 graduated from Maastricht University, Faculty of Law / Dutch law with specialization in private law in 2005. MPC claimant 2 completed a specialization course in Business and Liability offered by the Grotius Academy.

2.3. Christian Wefers (on behalf of ISLG) ("**MPC claimant 3**")

- 2.3.1. MPC claimant 3 is Head of DRRT's European Offices, looks back on more than ten years of experience in the fields of financial and capital markets, banking and trade law, international litigation, and dispute resolution. MPC claimant 3 is a member of the Frankfurt Bar (Germany) and works mainly from DRRT's German office in Frankfurt.
- 2.3.2. MPC claimant 3 is a certified expert in financial and capital markets by German Law Institute e. V. (Deutsches Anwaltsinstitut e. V.) and assists DRRT's clients in matters of banking and trade law as well as international litigation and dispute resolution. MPC claimant 3 represents institutional investors in numerous Dutch Foundation proceedings, international bankruptcy matters, financial antitrust cases, and German private securities actions, among them the case against Hypo Real Estate Holding AG, the "VW Dieseldgate" case, two of the largest securities cases ever to be brought by institutional investors in Germany. MPC claimant 3 is also a Member of the board, FOR settlement and Member of the Fortis Steerco.
- 2.3.3. MPC claimant 3 holds a J.D. from the University of Düsseldorf and Cologne Faculty of Law (Germany); a LL.M. from the University of Miami School of Law (USA); and completed a German Legal Specialization Course for Banking and Capital Market Law (German Law Institute e.V. — Deutsches Anwaltsinstitut e. V.)

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<sup>4</sup> At the time of filing of the Application MPC claimant 2 did not yet provide a professional background to the Administrators. The professional background of this proposed Committee member was added to this Annex 5 by a deed dated 30 April 2021.

- 2.4. Joeri Klein (on behalf of Deminor) ("**MPC claimant 4**")
- 2.4.1. MPC claimant 4 has spent over 11 years at Deminor, an internationally operating company headquartered in Brussels with offices in London, New York, Luxembourg, Milan and Hong Kong. Deminor is engaged in activities including the provision of advice, structuring and financing of class actions and settlements for shareholders who have suffered loss as a result of deception, mismanagement and other forms of unlawful conduct.
- 2.4.2. MPC claimant 4 obtained two LL.M. degrees (Civil Law and Corporate Law) from Leiden University (2010). In 2013, MPC claimant 4 completed a specialization course in Securities Law offered by the Grotius Academy.
- 2.4.3. MPC claimant 4 has personally been closely involved in the following cases that have meanwhile been concluded or are in the process of being concluded and settled:
- a. Imtech, settled in 2015: Deminor advised an international group of institutional investors in proceedings against Royal Imtech N.V. with regard to losses incurred as a result of misleading financial information and communication by Royal Imtech N.V. to the market. A settlement was reached with Imtech in 2015, and Deminor's clients were compensated. The details of the settlement are confidential.
  - b. Fortis/Ageas, settled in 2016: Deminor advised a group of approximately 5500 private investors and 500 international institutional investors in proceedings against Fortis/Ageas with regard to losses incurred as a result of misleading financial information and communication by Fortis/Ageas to the market. A WCAM settlement was reached in 2016, which resulted in total compensation of EUR 1.3 billion, part of which went to Deminor's clients.
- 2.5. Oscar McLaren (on behalf of Hamilton) ("**MPC claimant 5**")<sup>5</sup>
- 2.5.1. MPC claimant 5 is director of Hamilton.
- 2.6. Armand Kersten (on behalf of VEB) ("**MPC claimant 6**")<sup>6</sup>
- 2.6.1. Since May 2017, MPC claimant 6 is head of European Relations of VEB. MPC claimant 6 is an internationally experienced lawyer, and banking and compliance professional.
- 2.6.2. For almost 20 years (1989-2009) MPC claimant 6 held varied positions in several countries within ABN AMRO Group's company management services, international private banking, and group compliance departments. MPC claimant 6 was ABN AMRO Group's delegate at the Wolfsberg Group of Banks. As such MPC claimant 6 co-drafted the Wolfsberg Anti Money Laundering Principles of 2000 and 2003. In 2001 MPC claimant 6 was appointed global head of compliance ABN AMRO Private Banking and was some years later nominated appointed

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<sup>5</sup> Hamilton has been provided with the opportunity to propose a Committee member. At the time of filing of this application, Hamilton did not provide the name of a proposed Committee member. As such, no professional background is available at the time of filing of this application. If and when Hamilton provides the name of a proposed Committee member and a corresponding professional background, the Administrators shall provide the Court with an updated application. UPDATE: in accordance with its 28 May 2021 decision the court gave Hamilton the opportunity to propose a member for the Committee. Hamilton did so on 03 June 2021 - the court is expected to take a decision on the member as proposed by Hamilton soon. UPDATE 2: in its decision of 8 June 2021, the court appointed Mr. Oscar McLaren as the fifteenth member of the Committee.

<sup>6</sup> The VEB has announced that it will propose a Committee member. At the time of filing of this application, the VEB has not yet provided the name of a proposed Committee member. The name and professional background of this proposed Committee member was added to this Annex 5 by a deed dated 30 April 2021.

head of ABN AMRO Group Compliance Policy. From 2009-2012 MPC claimant 6 was senior manager in the Forensic Investigations and Dispute Services practice with EY in the Netherlands. Before joining VEB MPC claimant 6 acted as head of Group Legal at Horus Europe Holdings Ltd in Brussels.

- 2.6.3. MPC claimant 6 holds a PhD from the Erasmus University Rotterdam, where MPC claimant 6 has lectured on company and financial markets law. In its doctorate thesis 'Compliance at Banks' MPC claimant 6 addresses the crossroads between company law and financial markets law.

### **3. Contractual claimants**

- 3.1. Tim Denari (on behalf of Conservatorium / Centerbridge) ("**Contractual claimant 1**")
- 3.1.1. Contractual claimant 1 joined Centerbridge in 2012 and focuses on investments in the Energy, Healthcare, Industrials and Consumer sectors. Contractual claimant 1 relocated to the London office in May 2016. Prior to joining Centerbridge, Contractual claimant 1 was an Investment Banking Analyst at Moelis & Company.
- 3.1.2. Contractual claimant 1 holds a BSc degree from Stern School of Business of New York University.

### **4. Financial creditors**

- 4.1. Kris Bjørn Jeppesen (on behalf of The Baupost Group, L.L.C.) ("**Financial creditor 1**")
- 4.1.1. Financial creditor 1 is a Principal at Baupost where he focuses on investments within Public Equity and Distressed Credit in Europe. Prior to joining Baupost in 2013, Financial creditor 1 worked in the Principal Investment Area division of Goldman Sachs in London. Financial creditor 1 holds a Bachelor of Science in Economics and Business Administration from Aarhus University, and a Master of Science in Finance from HEC Paris.
- 4.2. Wissam Charbel (on behalf of Farallon Capital Europe LLP, investment sub-advisor to the Farallon funds) ("**Financial creditor 2**")
- 4.2.1. Financial creditor 2 is a Partner of Farallon Capital Management and the Head of European Credit. Prior to joining Farallon in 2007, Financial creditor 2 worked as an investment banking analyst at Goldman Sachs in the Financial Institutions Group in London. Financial creditor 2 graduated from the London School of Economics with a B.Sc. (Hons) in Economics.
- 4.3. Dylan Szymanski (on behalf of Sculptor Capital Management) ("**Financial creditor 3**")
- 4.3.1. Financial creditor 3 is a Managing Director and Head of Europe and Asia Corporate Credit for Sculptor Capital. Financial creditor 3 is responsible for stressed and distressed credit investments across Europe and Asia for the Firm's Opportunistic Credit strategy.
- 4.3.2. Prior to joining the Firm in 2013, Financial creditor 3 was a Director on the European Investments team at Mount Kellett Capital Management. Previously, Financial creditor 3 held various positions at Lehman Brothers and Nomura. Financial creditor 3 holds a Bachelor of Science in Philosophy and Economics from the London School of Economics and Political Science.
- 4.4. David Reganato (on behalf of Silver Point Capital) ("**Financial creditor 4**")

4.4.1. Financial creditor 4 is a Partner and Head of Restructuring for Silver Point Capital. Prior to joining Silver Point Capital in 2002, Financial creditor 4 worked in the investment banking division of Morgan Stanley. Financial creditor 4 holds a bachelor of science in Finance and Accounting from New York University, Stern School of Business.