

## Bankruptcy Court Sets September 22, 2009 as Deadline to File Proofs of Claims Against Lehman Brothers

Written by Jeffrey D. Collins, Creighton K. Page

August 12, 2009

On July 2, 2009 the United States Bankruptcy Court for the Southern District of New York issued an order establishing **September 22, 2009** as the deadline for filing proofs of claims against Lehman Brothers Holdings Inc. or any of its debtor affiliates (the "Order"). The Order provides that any holder of a claim against the Debtors who fails to file a proof of claim before the September 22, 2009 deadline will be forever barred from asserting such claim thereafter. The Order also establishes certain procedures that must be followed when filing proofs of claims, and sets forth additional requirements for claims based on either a derivative contract or an obligation that was guaranteed by one of the Debtors.

The Order requires claimants to:

- use the approved proof of claim form, or one conforming substantially to it;
- state the name and case number of the specific Debtor against which it is filed;
- state the basis for the claim;
- provide supporting documentation; and
- be signed by the claimant or an authorized agent.

Additionally, if the claim is based on a derivative contract or guarantee, the claimant must check the appropriate box(es) on the proof of claim form and, before **October 22, 2009**, complete the electronic derivative and/or guarantee questionnaires found at [lehman-claims.com](http://lehman-claims.com). The questionnaires require the claimant to upload supporting documentation on the website rather than attach such documents to the proof of claim. Even if a claimant already has filed a proof of claim based on a derivative contract or a guarantee, such claimant must file an amended proof of claim that complies with the requirements of the Order.

Finally, if the claim arises from a security issued by the Debtor or any of the Debtors' affiliates outside of the United States, and the security is identified on [lehman-docket.com](http://lehman-docket.com) under the heading "Lehman Programs Securities," the deadline for filing such a claim is **November 2, 2009**. Claims based on a Lehman Programs Security must comply with certain other requirements as set forth in the order.

#### RELATED INDUSTRIES

- [Investment Advisers & Private Funds](#)
- [Professional Services](#)

#### RELATED PRACTICES

- [International Business](#)

---

This communication is intended for general information purposes and as a service to clients and friends of Foley Hoag LLP. This communication should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship.

United States Treasury Regulations require us to disclose the following: Any tax advice included in this document was not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

