

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

IN RE BEARINGPOINT, INC. SECURITIES  
LITIGATION II

Civil Action No. 1:05-cv-00454 (LO/TCB)

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

**PROOF OF CLAIM AND RELEASE**

TO: ALL PERSONS WHO PURCHASED BEARINGPOINT, INC. COMMON STOCK DURING THE PERIOD AUGUST 14, 2003 THROUGH APRIL 20, 2005.

**I. GENERAL INSTRUCTIONS**

1. To recover from the Settlement Fund as a member of the Class based on your claims in the action entitled *In re BearingPoint, Inc. Securities Litigation*, No. 05-00454 LO/TCB (the "Class Action"), you must complete and, on page 6 hereof, sign this Proof of Claim and Release. If you fail to submit a timely, properly completed and addressed (as set forth in paragraph 2. below) Proof of Claim and Release, your claim may be rejected and you may be precluded from any recovery from the Settlement Fund created in connection with the settlement of the Class Action.

2. Submission of this Proof of Claim and Release, however, does not assure that you will share in the Settlement Fund. **YOU MUST MAIL YOUR COMPLETED AND SIGNED PROOF OF CLAIM AND RELEASE POSTMARKED ON OR BEFORE NOVEMBER 3, 2010, ADDRESSED AS FOLLOWS:**

*In re BearingPoint, Inc. Securities Litigation*  
c/o Gilardi & Co. LLC  
Claims Administrator  
P.O. Box 990  
Corte Madera, CA 94976-0990

If you are NOT a member of the Class as defined in the Notice of Pendency of Class Action and Hearing on Proposed Settlement and Attorneys' Fee Petition and Right to Share in Settlement Fund (the "Notice") DO NOT submit a Proof of Claim and Release form.

3. If you are a member of the Class, you will be bound by the terms of the judgment entered in the Class Action, WHETHER OR NOT YOU SUBMIT A PROOF OF CLAIM AND RELEASE, unless you validly request exclusion from the Settlement in accordance with the requirements set forth in the Notice.

4. YOUR FAILURE TO SUBMIT YOUR CLAIM BY NOVEMBER 3, 2010 WILL SUBJECT YOUR CLAIM TO REJECTION AND MAY PRECLUDE YOU FROM RECEIVING ANY MONEY IN CONNECTION WITH THE SETTLEMENT OF THIS LITIGATION.

5. DO NOT MAIL OR DELIVER YOUR CLAIM TO THE COURT OR TO ANY OF THE PARTIES OR THEIR COUNSEL AS ANY SUCH CLAIM WILL BE DEEMED NOT TO HAVE BEEN SUBMITTED. SUBMIT YOUR CLAIM ONLY TO THE CLAIMS ADMINISTRATOR THROUGH THE UNITED STATES MAIL AT THE ADDRESS SPECIFIED IN PARAGRAPH 2 ABOVE.

**II. DEFINITIONS**

All terms not otherwise defined herein shall have the same meaning as set forth in the Notice which accompanies this Proof of Claim and Release.

**III. IDENTIFICATION OF CLAIMANT**

1. If you purchased BearingPoint securities during the Class Period, and held the securities in your name, you are the beneficial purchaser as well as the record purchaser. If, however, you purchased BearingPoint securities during the Class Period and the securities were registered in the name of a third party, such as a nominee or brokerage firm, you are the beneficial purchaser of these securities, but the third party is the record purchaser of these securities.

2. Use Part I of this form entitled "Claimant Identification" to identify the beneficial purchaser (as well as the holder of record if different) of the securities which form the basis of this claim. THIS CLAIM MUST BE SUBMITTED BY THE ACTUAL BENEFICIAL PURCHASER OR THE LEGAL REPRESENTATIVE OF SUCH PURCHASER OF THE SECURITIES UPON WHICH THIS CLAIM IS BASED.

3. All joint beneficial purchasers, sellers or holders must sign this claim. Executors, administrators, guardians, conservators and trustees must complete and sign this claim on behalf of Persons represented by them and their authority must accompany this claim and their titles or capacities must be stated. The Social Security (or taxpayer identification) number and telephone number of one of the beneficial owner(s) may be used in verifying this claim. Failure to provide the foregoing information could delay verification of your claim or result in rejection of your claim.

#### **IV. IDENTIFICATION OF TRANSACTION(S)**

1. Use Part II of the form entitled "Schedule of Transactions in BearingPoint Securities" to supply all required details of your transaction(s) in BearingPoint securities. If you need more space or additional schedules, attach separate sheets giving all of the required information in substantially the same form. Sign and print or type your name on each additional sheet.

2. On the schedules, provide all of the requested information with respect to *all* of your holdings of BearingPoint securities on the close of business on August 13, 2003, all purchases of BearingPoint securities which took place at any time beginning August 14, 2003 through April 20, 2005 inclusive (the "Class Period"), all of your sales of BearingPoint securities which took place at any time beginning August 14, 2003 through July 19, 2005 inclusive, as well as proof of your holdings of BearingPoint securities at the close of trading on July 19, 2005, whether such transactions resulted in a profit or a loss. Failure to report all such transactions may result in the rejection of your claim.

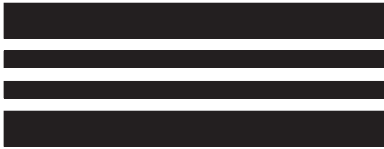
3. List each purchase, sale and transaction for the dates identified in paragraph 2. above, separately and in chronological order, by trade date, beginning with the earliest. You must accurately provide the month, day and year of each such transaction you list.

4. Broker confirmations or other documentation of your transactions in BearingPoint securities should be attached to your claim. Failure to provide this documentation could delay verification of your claim or result in rejection of your claim.

5. The above requests are designed to provide the minimum amount of information necessary to process the most simple claims. The Claims Administrator may request additional information as required to efficiently and reliably calculate your losses. In some cases where the Claims Administrator cannot perform the calculation accurately or at a reasonable cost to the Class with the information provided, the Claims Administrator may condition acceptance of the claim upon the production of additional information and/or the hiring of an accounting expert at the Claimant's cost.

*NOTICE REGARDING ELECTRONIC FILES:* Certain claimants with a large number of transactions may request, or may be requested, to submit information regarding their transactions in an electronic file. All claimants **MUST** submit a manually signed paper Proof of Claim whether or not they also submit electronic copies. If you wish to file your claim electronically, you must contact the Claims Administrator at 1-866-215-3632 or visit their website at [www.gilardi.com](http://www.gilardi.com) to obtain the required file layout. No electronic files will be considered to have been properly submitted unless the Claims Administrator issues to the claimant a written acknowledgment of receipt and acceptance of electronically submitted data.

Official  
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Use  
Only



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

*In re BearingPoint Securities Litigation*  
Civil Action No. 1:05-cv-00454 (LO/TCB)

**PROOF OF CLAIM AND RELEASE**

**Please Type or Print in the Boxes Below**  
Do **NOT** use Red Ink, Pencil, or Staples

**Must be Postmarked  
No Later Than  
November 3, 2010**

**BEARING**

**PART I: CLAIMANT IDENTIFICATION**

Last Name [ ] M.I. [ ] First Name [ ]

Last Name (Co-Beneficial Owner) [ ] First Name (Co-Beneficial Owner) [ ]

IRA  Joint Tenancy  Employee  Individual  Other \_\_\_\_\_

Company Name (Beneficial Owner - If Claimant is not an Individual) or Custodian Name if an IRA (specify) [ ]

Trustee/Asset Manager/Nominee/Record Owner's Name (if Different from Beneficial Owner Listed Above) [ ]

Account#/Fund# (Not Necessary for Individual Filers) [ ]

Social Security Number [ ] — [ ] — [ ] or Taxpayer Identification Number [ ] — [ ]

Telephone Number (Work) [ ] — [ ] — [ ] Telephone Number (Home) [ ] — [ ] — [ ]

Email Address [ ]

**MAILING INFORMATION**

Address [ ]

Address [ ]

City [ ] State [ ] Zip Code [ ] — [ ]

Foreign Province [ ] Foreign Zip Code [ ] Foreign Country Name/Abbreviation [ ]

FOR CLAIMS PROCESSING ONLY PB [ ] PC [ ]  ND  NS  ICI  OPT  MRG  BOTH  IHI  NTIN  OTHER [ ] M M / D D / Y Y Y Y FOR CLAIMS PROCESSING ONLY





#### IV. SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGMENTS

I (We) submit this Proof of Claim and Release under the terms of the Stipulation of Settlement described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the Eastern District of Virginia with respect to my (our) claim as a Class Member and for purposes of enforcing the release set forth herein. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any judgment that may be entered in the Litigation. I (We) agree to furnish additional information to the Claims Administrator to support this claim if requested to do so. I (We) have not submitted any other claim covering the same purchases, acquisitions, or sales of BearingPoint common stock or put and call options during the Class Period and know of no other person having done so on my (our) behalf.

#### V. RELEASE

1. I (We) hereby acknowledge full and complete satisfaction of, and do hereby fully, finally, and forever settle, release, and discharge from the Settled Claims each and all of the "Released Persons," which means each and all of the Settling Defendants, each Debtor and its estate, the BearingPoint Parties, and their past, present or future subsidiaries, parents, affiliates, successors and predecessors, assigns, acquirers, divisions, representatives, heirs, officers, directors, managing directors, partners, shareholders, agents, employees, attorneys, auditors, accountants, underwriters, advisers, insurers, co-insurers, and re-insurers, consultants, and any person, firm, trust, corporation, officer, director or other individual or entity in which any Settling Defendant has a controlling interest or which is related to or affiliated with any of the Settling Defendants, and the legal representatives, heirs, predecessors, successors in interest or assigns of the Settling Defendants and/or any members of the immediate family of any Settling Defendant, including, without limitation, any Insurer, and its past or present subsidiaries, parents, affiliates, successors and predecessors, reinsurers, officers, directors, agents, employees, attorneys, legal representatives, successors in interest or assigns.

2. "Settled Claims" means any and all direct, individual, or class claims (including Unknown Claims, as defined in the Stipulation), debts, demands, rights or causes of action or liabilities whatsoever (including, but not limited to, any claims for compensatory damages, punitive damages, interest, attorneys' fees, expert or consulting fees, and any other costs, expenses, liability or relief, monetary, injunctive, or otherwise), whether based on federal, state, local, foreign, international, statutory or common law or any other law, rule or regulation, whether fixed or contingent, accrued or un-accrued, liquidated or un-liquidated, at law or in equity, matured or un-matured, whether class or individual in nature, including both known claims and unknown, pleaded or unpleaded, suspected or unsuspected claims, (i) that have been asserted in this Class Action by the Lead Plaintiff, Class Members or any of them against any of the Released Persons, or (ii) that could have been, were, or could in the future be, asserted in any forum by the Lead Plaintiff, Class Members or any of them against any of the Released Persons in connection with, based upon, related to or arising out of in any way the claims, allegations, acts, transactions, facts, events, matters or occurrences, disclosures, representations or omissions, involved, described, set forth, or referred to in the Class Action and/or the Complaint; (iii) based upon, related to, or arising out of in any way the subject matters, claims, allegations, acts, transactions, facts, events, matters or occurrences, disclosures, representations or omissions involved, described, set forth, or referred to in the Class Action and/or the Complaint, or (iv) that arise out of (v) or relate in any way to the defense or settlement of this Class Action (except for claims to enforce this Settlement).

3. "Unknown Claims" means any and all Settled Claims which the Class, the Lead Plaintiff or any Class Member does not know or suspect to exist in his, her or its favor at the time of the release of the Released Persons, and any Settling Defendants' Claims which any Settling Defendant does not know or suspect to exist in his, her or its favor, which if known by him, her or it might have affected his, her or its decision(s) with respect to the Settlement. With respect to any and all Settled Claims and Settling Defendants' Claims, the parties stipulate and agree that upon the Effective Date, the Lead Plaintiff and Settling Defendants shall expressly waive, and each Class Member and each of the Released Persons shall be deemed to have, and by operation of the Final Judgment and Order of Dismissal with Prejudice shall have, expressly waived, any and all provisions, rights and benefits conferred by any law of any state or territory of the United States, or principle of common law, which is similar, comparable, or equivalent to Cal. Civ. Code § 1542, which provides:

**A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.**

This release shall be of no force or effect unless and until the Court approves the Stipulation of Settlement and the Stipulation becomes effective on the Effective Date (as defined in the Stipulation).

4. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any matter released pursuant to this release or any other part or portion thereof.

5. I (We) hereby warrant and represent that I (we) have included information about all of my (our) transactions in BearingPoint common stock and/or put and call options which occurred during the Class Period, as well as the number of shares of BearingPoint common stock held by me (us) at the close of trading on August 13, 2003, and at the close of trading on July 19, 2005.



I (WE) DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT ALL OF THE FOREGOING INFORMATION SUPPLIED ON THIS PROOF OF CLAIM AND RELEASE FORM BY THE UNDERSIGNED IS TRUE AND CORRECT.

Executed this \_\_\_\_\_ day of \_\_\_\_\_ in \_\_\_\_\_  
(Month/Year) (City/State/Country)

\_\_\_\_\_  
(Sign your name here)

\_\_\_\_\_  
(Sign your name here)

\_\_\_\_\_  
(Type or print your name here)

\_\_\_\_\_  
(Type or print your name here)

\_\_\_\_\_  
(Capacity of person(s) signing, e.g.,  
Beneficial Purchaser or Acquirer, Executor or Administrator)

\_\_\_\_\_  
(Capacity of person(s) signing, e.g.,  
Beneficial Purchaser or Acquirer, Executor or Administrator)

**ACCURATE CLAIMS PROCESSING TAKES A SIGNIFICANT AMOUNT OF TIME.  
THANK YOU FOR YOUR PATIENCE.**

Reminder Checklist:

1. Please sign the above release and declaration.
2. Remember to attach supporting documentation, if available.
3. Do not send original stock certificates.
4. Keep a copy of your claim form and all supporting documentation for your records.
5. If you desire an acknowledgment of receipt of your claim form please send it Certified Mail, Return Receipt Requested.
6. If you move, please send the Claims Administrator your new address.

