

judgement

COPY

DISTRICT COURT, AMSTERDAM

Private Law Division

case no./number on case list: C/13/553686 / HA ZA 13/1715

Judgement of 25 June 2014

in the case of

1. Rutger Jan SCHIMMELPENNINCK, residing at Amsterdam,
 2. Bernardus Franciscus Maria KNÜPPE, residing at Dordrecht,
- both in their capacity as administrators in the insolvency of the public limited liability company DSB BANK N.V.,
legal counsel V.H. Affourtit,
3. the association, in possession of full legal capacity,
VERENIGING DSBSPAARDER.NL,
established at Lemmer,
legal counsel W.M. Schonewille,
 4. the association, in possession of full legal capacity,
DSBDEPOSITOS.NL,
established at Amsterdam,
legal counsel K. Rutten,
 5. the foundation
STICHTING BELANGEN RECHTSBIJSTANDVERZEKERDEN DSB,
established at Amsterdam,
legal counsel J.H. Lemstra,
- claimants* in the case brought on 5 November 2013,
defendants in conditional counterclaim,

against

the public limited liability company
DE NEDERLANDSCHE BANK N.V.,
established at Amsterdam,
legal counsel D.F. Lunsingh Scheurleer,
defendant in original claim,
claimant in conditional counterclaim.

GROUNDS OF DECISION

The defendant having been summoned and the statement of defence heard, the court orders the parties to appear before it for the purpose of eliciting information and exploring a settlement.

The case will be considered by the bench. The court requests the claimant to provide it with three extra sets of papers within two weeks of today's date.

Each of the parties will have the opportunity to explain its position by reference to notes.

In the first instance, each party will be allowed to address the court for not more than 30 minutes.

The parties should have any documentation they wish to make use of with them in court. These documents should reach the court by no later than two weeks prior to the session, copies also being sent to the counterparty.

In these documents, relevant passages should be highlighted where necessary. The same applies to the itemisation of amounts or calculations.

Any change in the claim should reach the court by no later than two weeks prior to the session, a copy also being sent to the counterparty.

The defendant in the counterclaim should respond to the counterclaim in writing by no later than two weeks prior to the session.

At the court hearing, the parties will be requested to state what concrete evidence they have supporting their particular positions.

At the court appearance, decisions may be made concerning orders to adduce evidence or the production of expert reports and a date for hearing witnesses may be set. A date may also be set for a written judgement. The parties will only have the opportunity of reply and rejoinder if that is necessary with a view to hearing both sides of the argument or proper preparation of the case.

The hearing will explore the possibility of a settlement.

The date for the appearance has been set, taking account of the dates on which both parties are available.

DECISION

The court:

- orders the parties to appear in person, legal entities being represented by a competent director or by an agent with the written authority of the executive board, accompanied as desired by counsel for the purpose stated in the grounds of the judgement;
- determines that this appearance shall take place on

Tuesday, 16 December 2014, from 09:30 to 12:30 and from 13:30 to 16:30

with a possible continuation on

Friday, 19 December 2014, commencing at 09:30,

in the District Court Building, Parnassusweg 220-228, Amsterdam;

- determines that this case shall be heard by A.W.H. Vink, L.S. Frakes and K.M. van Hassel;
- defers any further decision.

This judgement was given by A.W.H. Vink and delivered in open court on 25 June 2014.

[Signed
CERTIFIED TRUE COPY
The clerk to the
District Court, Amsterdam]