

Ms. Katalin Baranyi and Mr. Herman J Berge
665, rue de Neudorf
L-2220 Luxembourg
Luxembourg

Phone : +352 43 12 65
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Procureur d'Etat (State Public Prosecutor)
Palais de Justice
P.O. Box 15
L-2010 LUXEMBOURG

Luxembourg December 9 2009

Att : Mr. Laurent Seck
Re : Danske Bank S.A. – Criminal Complaint XII
Case # :
Your reference :
Our reference :
Posting by : Fax and registered mail
Your fax # : +352 26 20 25 29
Numbers of pages : 9
Attachment : 1 (6 p)
Copy : CSSF

CRIMINAL COMPLAINT

1. FORMAL INFORMATION

Date of Crime : November 1 2007 – December 9 2009.

Scene of Crime : Danske Bank International S.A., 13, rue Edward Steichen, P.O. Box 173, 2011 Luxembourg.

Perpetrators : Managing Director; Klaus Mønsted Pedersen (Luxembourg)
Legal Adviser; Ole Stenersen (Luxembourg)
Wealth Manager; Anne Kaupang Leighton (Steinsel)

The above named persons are employees of the Danske Bank International S.A., 13, rue Edward Steichen, P.O. Box 173, 2011 Luxembourg.

In regards to the facts in this matter, we refer to previous criminal complaints of 221208, 260109, 280109, 020209, 030209, 050209, 100209, 110209 and 091209 (IX, X and XI) which we advise you to read and assess thoroughly.

As mentioned in the criminal complaint submitted on December 22 2008, the bank informed us in their letters of October 17 2008 and November 3 2008 – as well as in their letter of January 14 2009 – that we were in breach of a Multipurpose Line Agreement (MLA) which sole purpose (according to the MLA itself) was acquisition of real estate (i.e. our house).

We do oppose to the notion that we are part of a legitimate MLA agreement, in this regard please see the criminal complaint I of December 22 2008. For the sake of the argument, let us nevertheless presume that this MLA is valid.

2. THE OFFENCE

On November 1 2007 the so called MIFID went into force. Danske Bank failed, prior to this date, to send these documents to us for acceptance, consequently – as we have learned to know later on – the bank was not allowed to execute any transactions with us after this date. At this point we were unaware of MIFID.

On February 1 2008 we contacted the bank in regards to some IBAN information that we needed. A few days later, on February 5 2008, the Wealth Manager Mr. Øyvind Bjørnsen called us. After this conversation Mr. Bjørnsen sent Mr. Berge an e-mail with the Subject: "MIFID", together with some documents related to this subject.

The bank stated in this e-mail that the client – the content of this e-mail was not addressed to any specific subject/person – has to accept the "Best Execution Policy – Financial Instruments" before November 1 2007.

The client was left with three different alternatives on how to accept this document: 1) Explicitly accept on first contact/phone conversation with the account manager; 2) consenting by e-mail to ExpressConsent@danskebank.lu, mentioning name(s) and client reference number; or 3) trading through Danske e-Bank.

As mentioned Mr. Berge got this batch of documents by e-mail on February 5 2008, just an hour or so after talking with Mr. Bjørnsen on the phone.

After this conversation and the mentioned e-mail, we never heard from Mr. Bjørnsen or from any other person with the bank, until we got Mrs. Anne Kaupang Leighton's distress call on May 9 2008 informing us that Mr. Bjørnsen had been sacked.

It is stated in the e-mail from Mr. Bjørnsen that if this document is not accepted through one of the three listed alternatives, the bank is not allowed to execute any securities transactions with us after November 1 2007.

The fact is then that the "Best Execution Policy – Financial Instruments" has never been accepted by us as the bank hasn't reverted to us and requested such acceptance. Consequently the bank has not been authorised to execute any transactions with us since November 1 2007. The bank has nevertheless – and against better judgement – sold most of our assets during this time span, this in violation of the law in question. All transactions that have been executed within this time span are by this lack of authorisation null and void and are to be reverted.

In this regard please find enclosed as **Appendix I** our petition of February 13 2009 to CSSF which explains and verifies our claim.

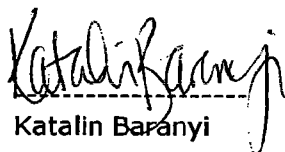
3. IN CLOSING WE PETITION THE PROCUREUR D'ETAT (PUBLIC PROSECUTOR):

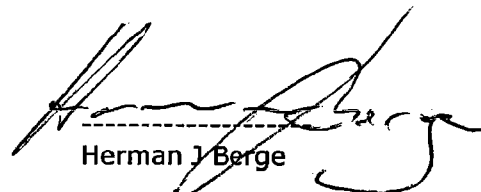
- to investigate the above mentioned actions and prosecute the offenders.
- to inform us, within two weeks of this letter, whether the actions pointed out in this and the previous criminal complaints are offences or not according to Luxembourg law.

We do reserve the right to claim compensation for any economic loss, as well as non-pecuniary damages, these actions have caused us. In this regard we wish to be notified by the Public Prosecutor whether such claims can be filed as part of the criminal case.

This Criminal Complaint is submitted to the Procureur d'etat in English in accordance with the ECHR.

Sincerely,


Katalin Baranyi


Herman J Berge

DATED in Luxembourg this 9th day of December 2009; delivered by fax and registered mail to the attention of Mr. Laurent Seck with the Procureur d'etat.

000001

Ms. Katalin Baranyi and Mr. Herman J Berge
665, rue de Neudorf
L-2220 Luxembourg
Luxembourg

Phone : +352 43 12 65
Fax : +352 26 43 12 11

Commission de Surveillance du
Secteur Financier Luxembourg
110, route d'Arlon
L-2991 Luxembourg

Luxembourg February 13 2009

Att : Ms. Natasha Deloge
Re : Deposits in Danske Bank International S.A., Luxembourg – Legal
Opinion.
Case # :
Your reference : SG.09/247-NDE/MR/LTG 1090
Our reference : 653147
Posting by : Mail and fax
Your fax # : 26 25 1 601
Numbers of pages : 6
Attachment : e-mail February 5 2008 from Danske Bank Intl. S.A. to Berge (4 p)
Copy :
Priority :

Dear Ms. Deloge.

In our letter to the Danske Bank Intl. S.A. of January 19 2009 we petitioned the bank to provide us with the agreements in which the bank alleges that we are in breach of, as well as documents that constitute our savings account.

In a dispatch from the Danske Bank Intl. S.A. of January 21 2009 the bank provided us with the requested documents, and among these, some unsigned MiFID documents.

On February 1 2008 we contacted the bank in regards to some IBAN information that we needed. A few days later, on February 5 2008, the Wealth Manager Mr. Øyvind Bjørnsen called Mr. Berge. After this conversation Mr. Bjørnsen sent Mr. Berge an e-mail (enclosed here) with the Subject: "MIFID", together with some documents related to this subject.

In this e-mail in which the content was not addressed to any specific subject/person, it is stated that the following documents will be considered approved if the client within the next 30 days failed to notify the bank about any possible objections:

- Best Execution Policy – Financial Instruments
- General Terms & Conditions
- List of Fees
- Risk Disclosure

The e-mail, with these *contractual* documents attached to it, was sent to Mr. Berge's e-mail address, only.

Later on in this same e-mail, it states that the client has to accept the "Best Execution Policy – Financial Instruments" before November 1 2007.

We remind the CSSF that Mr. Berge got this e-mail more than three months *after* November 1 2007.

We were left with three different alternatives on how to accept this document: 1) Explicitly accept on first contact/phone conversation with the account manager; 2) consenting by e-mail to ExpressConsent@danskebank.lu, mentioning name(s) and client reference number; or 3) trading through Danske e-Bank.

As mentioned Mr. Berge got this batch of documents by e-mail on February 5 2008, just an hour or so after talking with Mr. Bjørnsen in the phone.

After this conversation and the mentioned dispatched e-mail, we never heard from Mr. Bjørnsen or from any other person with the bank, until we got Ms. Anne Kaupang Leighton's distress call on May 9 2008 informing us that Mr. Bjørnsen had been sacked.

It is stated in the e-mail from Mr. Bjørnsen that if this document is not accepted through one of the three listed alternatives, the bank is not allowed to execute any securities transactions with us after November 1 2007.

The fact is then that the "Best Execution Policy – Financial Instruments" has never been accepted by us as the bank hasn't reverted to us and requested such acceptance.


Examining this case and our relationship with the bank has shown us that something has been wrong from day we opened what we thought was a savings account in 2003. In the time span from late 2007 until the market started to collapse in 2008 and onwards, the bank did not contact us once with the intention to inform us about the financial crisis' or any consequences/impact this crisis could have on our savings, or give advice – if needed – on how to react. We had thus no reason to believe that our savings were at risk.

The fact that the bank never came back to us to obtain our acceptance on the above mentioned documents, or for any other reason, shows yet again that the bank has not cared about us or about the wellbeing of our savings. The dialogue the bank in their letter to the CSSF of January 9 2009 alleges have existed between the bank and us, seems to have been wilfully put forward to mislead the CSSF.

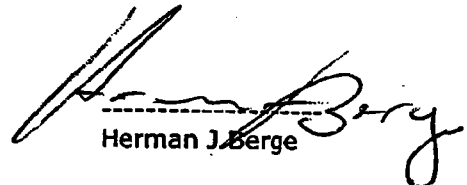
We hereby petition the CSSF to give a legal opinion on all the consequences – for us as well as for the bank – of the fact given; that the above mentioned MiFID documents have not been signed, nor have they in any other way been accepted by us.

We would highly appreciate your soonest response. Thank you.

Sincerely,


Katalin Baranyi

Luxembourg February 13 2009


Herman J. Berge

Hovedidentitet

Fra: "Øyvind Bjørnsen" <oyvind.bjornsen@danskebank.lu>
Til: <herman.berge@libertymedianetworks.co.uk>
Sendt: 5. februar 2008 10:53
Legg ved: Best Execution Policy - Financial Instruments (23331).pdf, Fees (23020).pdf, General Terms & Conditions (23021).pdf, Risk Disclosure (23080).pdf
Emne: MIFID

Dear Client,

MiFID – a standardised set of rules for securities trading

On 1 November 2007, the new EU directive "Markets in Financial Instruments Directive (MiFID)" will come into effect. The purpose of the new directive is, through a standardised set of rules for securities trading, to ensure a more transparent and integrated financial market as well as an increased level of client protection.

Consequently, Danske Bank International will be obliged in the future to classify all its clients in one of the following categories: Private (retail) clients, professional clients and eligible counterparties. Based on our records we have classified you as a **private (retail) client**.

Danske Bank International is required to fulfil a differentiated list of duties linked to each client category which, among other things, will include

- Product information
- Collection of client data
- Advisory and order processes.

Furthermore, you will be given the protection appropriate to your categorisation and benefit from:

- Higher quality of trade confirmations, statements and other documents
- Improved transparency in the execution of security trades.

You can read more about the different categorisations and their impacts on our website.

Updated documents

We have updated a number of documents to reflect the changes. All relevant documents are enclosed and include:

- Best Execution Policy – Financial Instruments
- General Terms & Conditions
- List of Fees
- Risk Disclosure

Please read the documents carefully. Should you disagree with any of the details you must contact us within 30 days, otherwise the documents will be considered approved.

Acceptance of the Best Execution Policy

Due to the new directive, we must have your acceptance of our Best Execution Policy – Financial Instruments before we are allowed to execute any securities transactions with you after 1 November 2007. You can choose any of the following methods:

- Explicitly accept the Best Execution Policy during the first contact/phone conversation with your account manager after 1 November 2007.
- Email your consent to ExpressConsent@danskebank.lu, mentioning your name(s) and

13.02.2009

client reference number(s).

- Also, when trading through Danske eBanking your electronic signature will act as Express Consent.

For more information on MiFID please visit www.danskebank.lu.

Should you have any questions concerning how MiFID will affect you, please do not hesitate to contact your account manager.

Kind regards

Danske Bank International

Kind regards,
Øyvind Bjømsen
Wealth Manager

Danske Bank International S.A.
Private Banking
2, rue du Fossé, P.O. Box 173
L-2011 Luxembourg
Phone +352 46 12 75 457
Fax +352 47 30 78
Mobile +352 621 49 28 47
oyvind.bjomsen@danskebank.lu
www.danskebank.lu

Herman.berge <herman.berge@libertymedianetworks.co.uk>

05/02/2008 01:49

Please respond to Herman.berge

To: Øyvind Bjømsen/YBJ/Intranet/DDB@DKDDBLUX
cc:

Subject: Re: Konto opplysninger

Hei igjen, Øyvind.

Jo takk, og nå går det jo mot lysere tider igjen.

Du, jeg beklager at jeg ikke rakk den mobilen. Jeg fløy etter den, men den har det med å sende oppringninger til svareren litt vel fort. Bare ring meg når du har anledning og slikt. I morgen har jeg et lite møte her tidlig på formiddagen, men ellers er jeg ledig...og så drar vi muligens på en eller annen liten tur senere i uken. Det er jo vinterferie for sønnen vår, vet du. Vell, vi høres ved.

13.02.2009

herman

----- Original message -----

From: "Øyvind Bjørnsen" <oyvind.bjornsen@danskebank.lu>
To: "Herman.berge" <herman.berge@libertymedianetworks.co.uk>
Subject: Re: Konto opplysninger
Date: 02-04-08 09:39

Hei Herman,

Jeg håper alt står bra til med dere også.

Jeg forsøkte akkurat å ringe deg, uten hell.

Jeg prøver igjen litt senere.

Hei så lenge!

Mvh,
Øyvind

Øyvind Bjørnsen
Wealth Manager

Danske Bank International S.A.
Private Banking
2, rue du Fossé, P.O. Box 173
L-2011 Luxembourg
Phone +352 46 12 75 457
Fax +352 47 30 78
Mobile +352 621 49 28 47
oyvind.bjornsen@danskebank.lu
www.danskebank.lu

Herman.berge

01/02/2008 17:50

Please respond to Herman.berge

To: Øyvind Bjørnsen/YBJ/intranet/DDB@DKDDBLUX

cc:

Subject: Konto opplysninger

Hei, Øyvind.

Jeg håper alt er vel.

Et enkelt spørsmål: Det ser ikke ut for at alt går så bra som Riis & Co hadde ønsket i Oslo. For det tilfelle at jeg skulle få utbetalinger, hvilket kontonummer kan jeg oppgi for innbetaling? Jeg har et iban nummer, men jeg er ikke sikker på om det er korrekt lenger, så, når du har tid.

Og mht denne nye e-mail adressen, så er jo den ny for deg, så det er vel best at du svarer meg på telefon eller noe, uansett.

Ellers; God Helg!

13.02.2009

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Med vennlig hilsen
Herman J Berge

Vi gjør oppmerksom på, at denne e-mail kan inneholde fortrolig informasjon. Hvis du ved en feiltagelse mottager e-mailen, beder vi dig vennligst informere afsender om fejlen ved at bruge svar-funktionen. Samtidig beder vi dig slette e-mailen i dit system uden at videregende eller kopiere den.

Selv om e-mailen og ethvert vedhæftet bilag efter vores overbevisning er fri for virus og andre fejl, som kan påvirke computeren eller it-systemet, hvori den modtages og læses, åbnes den på modtagerens eget ansvar. Vi påtager os ikke noget ansvar for tab og skade, som er opstået i forbindelse med at modtage og bruge e-mailen.

Please note that this message may contain confidential information. If you have received this message by mistake, please inform the sender of the mistake by sending a reply, then delete the message from your system without making, distributing or retaining any copies of it. Although we believe that the message and any attachments are free from viruses and other errors that might affect the computer or IT system where it is received and read, the recipient opens the message at his or her own risk. We assume no responsibility for any loss or damage arising from the receipt or use of this message.