

Ms. Katalin Baranyi and Mr. Herman J Berge
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Procureur d'Etat (State Public Prosecutor)
Palais de Justice
P.O. Box 15
L-2010 LUXEMBOURG

Luxembourg February 10 2009

Att : Mr. Laurent Seck
Re : Danske Bank Intl. S.A. - Criminal Complaint VII
Case # :
Your reference :
Our reference :
Posting by : Fax and mail
Your fax # : +352 26 20 25 29
Numbers of pages : 3
Attachment :
Copy : CSSF

We refer to Criminal Complaints of December 22 2008, January 26 and 28 2009,
February 2, 3 and 5 2009.

C R I M I N A L C O M P L A I N T

1. FORMAL INFORMATION

Date of Crime : September 29 2008, January 9 2009
Scene of Crime : Danske Bank International S.A., 13, rue Edward Steichen, 2011
Luxembourg.
Perpetrator : Managing Director; Klaus Mønsted Pedersen (Luxembourg), Legal
Adviser; Ole Stenersen (Luxembourg) and Wealth Manager; Anne
Kaupang Leighton (Steinsel).

The above named persons are employed with the Danske Bank International S.A., 13,
rue Edward Steichen, 2011 Luxembourg.

2. CRIMINAL ACTIONS

We want to underline that we do not agree to the bank's statements elsewhere
that we have committed ourselves to a house-loan called Multipurpose Line
Agreement (we will get back to this in a separate criminal complaint), but for the
sake of the argument in this complaint and as an exercise to point out the bank's
unlawful actions, let's assume that we do.

The fact that there is a civil dispute between a bank and its clients *does not* eliminate the possibility that the bank could have acted fraudulent during the fiduciary period, nor does it justify any criminal act whatsoever.

* * *

During a meeting at the bank's premises on September 29 2008 the Wealth Manager, Ms. Anne Kaupang Leighton, told us that we had to transfer some € 4.000 to balance our account. She browsed through the sheet of paper she had brought with her and showed us what we could sell off to handle this matter. To paint a picture of what our options were, she told us that the Stable Fund and the DLF Balanced Fund had done better than the market, which was not the case in regards to the Dynamic Fund, she added.

After giving us to believe that we were in the position to choose between the above mentioned alternatives (Funds), Ms. Kaupang Leighton stated her advice:

"If it was my money, in a market like we have now, I would certainly bite the big bullet and withdraw, taking some of the Dynamic part, and then come in again when the market starts to turn, but that's my opinion."

As the Public Prosecutor will observe, the Wealth Manager firstly assess' the situation, saying that DLF Balanced and Stabel Funds has done quite well compared to the market, that the Dynamic hasn't done that well, thus letting us believe that the Dynamic is more risky to sit on than the two other ones. Then she gives us those three alternatives: Dynamic, Stabel or Balanced, concluding with the advice to sell from the Dynamic.

The fact is though that 14 days prior to this meeting, Lehman Brothers filed for bankruptcy. As a consequence trading with the DLF Balanced Fund ceased, or at least should have ceased, this very same day. Any trading with the DLF Balanced Fund after this date would be impossible as this would have been a crime:

"...the Balanced Fund owns positions in JPMorgan Distressed Debt Fund and in JPMorgan Absolute Return Credit Fund. These Funds used Lehman Brothers as Prime broker. As all assets kept with Lehman Brothers are frozen for as long as it takes...it is not possible to trade the JPMorgan Funds owned by the Balanced Fund"¹

During the meeting Ms. Kaupang Leighton didn't mention (in regards to our savings) the Lehman Brothers-collapse or that the bank had invested on our behalf in funds kept by Lehman Brothers, neither did she mention anything about the consequences this situation had caused us and the bank, e.g. that the DLF Balanced Fund was practically worthless.

As proven in the "criminal complaint" # VI of February 5 2008, where Ms. Kaupang Leighton assured us that:

"There is no crisis (for you). Listen now; there is no crisis, just so you know it!"

we were by a criminal intent mislead to believe that everything was ok with our savings. To strengthen this delusion Ms. Kaupang Leighton gave us to believe that nothing was wrong with the DLF Balanced Fund, and that we hence had the alternative to sell, also from the DLF Balanced Fund - which we today know was impossible.

¹ Extract of a letter of October 16 2008 from the bank.

Nevertheless, merely giving us the *alternative* to sell "holdings" in the ceased DLF Balanced Fund – where parts of its possessions were frozen – is a crime. By obtaining voice recordings from the bank, it will be proven that the bank has – by this deception – attempted and succeeded to mislead us – among other things; from taking any safeguard measures.

Attempting to convince us during the meeting that everything was ok, on top of concealing the collapse in the Lehman Brothers/Madoff-scam – and especially about its serious consequences for us – are not only disloyal acts but also a crime as we can't find one single reason why the bank should keep this important information away from us. One consequence of this wilful concealment is that we have been halted from taking any preserving actions in regards to our savings.

The above mentioned facts prove that the bank has lied to the CSSF when they stated in their letter of January 9 2009 that: "...the Bank has had an ongoing dialogue with Mr. Berge.", thus implying that the bank has kept us informed about the status of our savings. The "dialogue" which the bank alleges that they have had with us, has not concerned the health of our savings and not at all the fiduciary responsibility of the bank.

If there really existed an open sound dialogue, we would obviously had been informed about the Lehman-collapse and its consequences for the DLF Balanced Fund immediately after September 15 2008.

The bank also lied to the CSSF when they in the same letter stated that they had "...gone through all transactions on all accounts..." and that they consequently couldn't find anything that could give reason for any attention. To conceal the consequences caused by the collapse in the Lehman Brothers/Madoff-scheme, as well as convincing us that we were not affected by the crisis, should obviously be more than enough to constitute a reason to have a second opinion on the bank's assessment of the matter.

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

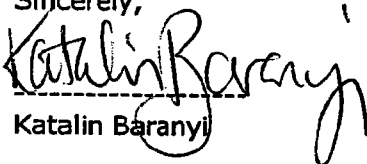
- to investigate the above mentioned actions and prosecute the offenders.

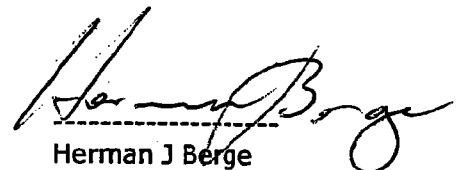
We do reserve the right to claim compensation for any economical loss, as well as non-pecuniary damages, these actions has caused us. In this regard we wish to be informed by the Public Prosecutor whether such a claim can be filed as a part of the criminal case.

* * *

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 10th day of February 2009; delivered by fax and ordinary mail to the attention of Mr. Laurent Seck with the Procureur d'etat.