

**PETITION TO THE ATTORNEY GENERAL FOR REMISSION OR
MITIGATION OF CRIMINAL FORFEITURE, OR CIVIL
FORFEITURE PURSUANT TO 18 U.S.C. § 981(e)(6) BY
VICTIMS OF THE UNDERLYING OR RELATED OFFENSE**

TO: THE ATTORNEY GENERAL OF THE UNITED STATES
c/o U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK
ONE ST. ANDREW'S PLAZA-3RD FLOOR
NEW YORK, NEW YORK 10007
ATTN: David Esseks and
Sharon Cohen Levin

FROM:

John P. Coffey, Esq.
BERNSTEIN LITOWITZ
BERGER & GROSSMANN LLP
1285 Avenue of the Americas
New York, NY 10019
Tel: (212) 554-1400
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*Attorneys for Lead Plaintiff RH
Capital Associates LLC and Co-
Lead Counsel for the Class*

Stuart M. Grant, Esq.
GRANT & EISENHOFER P.A.
Chase Manhattan Centre
1201 North Market Street
Wilmington, DE 19801
Tel: (302) 622-7000
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*Attorneys for Lead Plaintiff Pacific
Investment Management Company
LLC and Co-Lead Counsel for the
Class*

On behalf of the Court-appointed Lead Plaintiffs in the securities class action entitled In re Refco Inc. Securities Litigation, S.D.N.Y. Case No. 05 Civ. 8626 (GEL) (the "Securities Class Action"), RH Capital Associates LLC and Pacific Investment Management Company LLC, and on behalf of the Class preliminarily certified for purposes of the BAWAG Settlement Agreement (defined below) (collectively, the "Victims"), we assert that the Victims were injured by violations of federal securities laws, including a securities fraud and wire fraud scheme involving, among others, BAWAG P.S.K., Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse AG ("BAWAG"). As a direct result of these securities law violations, as generally described in the First Amended Consolidated Class Action Complaint filed on May 5, 2006 in the Securities Class Action (the "Complaint") (attached as Schedule 1), the Victims have lost money and/or property. At the time the Victims lost the money and/or property, the Victims were unaware that BAWAG was involved in a scheme with Refco, Inc. (together with its predecessors, affiliates and subsidiaries referred to herein as "Refco"), its officers and directors and others to violate federal securities laws and to defraud Refco's investors.

- The money and/or property that the Victims lost is as follows:

- Estimated to be well in excess of \$675 million.
- The circumstances that led to the Victims being injured are as follows:
 - See detailed allegations set out in the Complaint attached as Schedule 1.
- Lead Plaintiffs have made the following efforts to receive compensation for Victims' losses:
 - Commenced the Securities Class Action;
 - Participated as claimants in Refco's bankruptcy proceeding entitled In re Refco, Inc., et al., Case No. 05-60006 (RDD);
 - Negotiated an independent settlement agreement directly with BAWAG dated February 13, 2007 (the "BAWAG Settlement Agreement") (attached as Schedule 2). Pursuant to the BAWAG Settlement Agreement, BAWAG agreed to pay to Lead Plaintiffs, on behalf of the Class, at least \$108 million, with the possibility of an additional payment of up to \$32 million upon the sale of BAWAG. The BAWAG Settlement Agreement was preliminarily approved by the Honorable Gerard E. Lynch, United States District Court Judge, in the Securities Class Action on March 5, 2007 (attached as Schedule 3). Pursuant to the BAWAG Settlement Agreement, BAWAG is required to pay \$8 million of the settlement consideration directly into escrow and Lead Plaintiffs are required to submit this Petition to seek the balance of the settlement consideration from the victim restitution fund established by the Office of the U.S. Attorney for the Southern District of New York. Any amounts received by the Victims from this fund will be credited against the balance of BAWAG's obligations under the BAWAG Settlement Agreement.
- We each affirm that if the Victims are granted relief under this Petition, Lead Plaintiffs will not pursue any compensation for losses arising from the fraud described in United States v. \$337.5 Million in United States Currency, Including Certain Contingent Funds (06 Cv. 4227) from BAWAG or any BAWAG affiliate or successor, other than as provided for under the BAWAG Settlement Agreement. Pursuant to the BAWAG Settlement Agreement, any efforts by other Victims to pursue compensation for such losses from BAWAG or any BAWAG affiliate or successor will be enjoined by the terms of the final judgment rendered in the Securities Class Action.
- We each affirm on behalf of the Victims that if the Victims are granted relief under this Petition, none of the funds obtained pursuant to this Petition will be used to pay counsel fees.
- We each understand that this Petition will be governed by the regulations, including definitions of terms as "victim" and "related offense," set forth in 28 C.F.R. § 9.1 et seq.

DECLARATION OF REPRESENTED PETITIONER
(To Be Completed by Petitioners with Attorneys)

State of: New Jersey

County of: Bergen

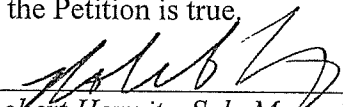
I hereby declare under penalty of perjury that I have authorized:

John P. Coffey, Esq.
BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP
1285 Avenue of the Americas
New York, NY 10019
Tel: (212) 554-1400
Fax: (212) 554-1444

*Attorneys for Co-Lead Plaintiff RH Capital
Associates LLC and Co-Lead Counsel
for the Class*

to represent RH Capital Associates LLC in this proceeding, that I have fully reviewed the
Petition and that the Petition is true.

Executed:



*Robert Horwitz, Sole Managing Member, RH Capital Associates LLC
Court-appointed Co-Lead Plaintiff in the Securities Class Action*

4-11-07

Date

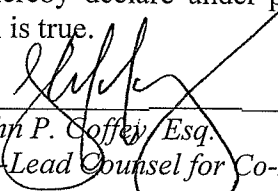
DECLARATION OF ATTORNEY REPRESENTING PETITIONER

State of: New York

County of: New York

I hereby declare under penalty of perjury that upon information and belief the
foregoing Petition is true.

Executed:



*John P. Coffey, Esq.
Co-Lead Counsel for Co-Lead Plaintiff and the Victims*

4/12/07

Date

DECLARATION OF REPRESENTED PETITIONER
(To Be Completed by Petitioners with Attorneys)

State of: California

County of: Orange

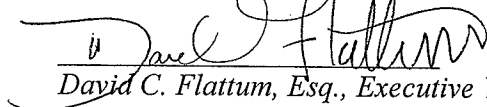
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*Attorneys for Co-Lead Plaintiff Pacific
Investment Management Company LLC
and Co-Lead Counsel for the Class*

to represent Pacific Investment Management Company LLC in this proceeding, that I have fully reviewed the Petition and that the Petition is true.

Executed:



*David C. Flattum, Esq., Executive Vice President and General Counsel
Pacific Investment Management Company LLC
Court-appointed Lead Plaintiff in the Securities Class Action*

3-21-07

Date

DECLARATION OF ATTORNEY REPRESENTING PETITIONER

State of: Delaware

County of: New Castle

I hereby declare under penalty of perjury that upon information and belief the foregoing Petition is true.

Executed:

*Stuart M. Grant, Esq.
Co-Lead Counsel for Lead Plaintiff and the Victims*

Date

DECLARATION OF REPRESENTED PETITIONER
(To Be Completed by Petitioners with Attorneys)

State of: California

County of: Orange

I hereby declare under penalty of perjury that I have authorized:

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*Attorneys for Co-Lead Plaintiff Pacific
Investment Management Company LLC
and Co-Lead Counsel for the Class*

to represent Pacific Investment Management Company LLC in this proceeding, that I have fully reviewed the Petition and that the Petition is true.

Executed:

*David C. Flattum, Esq., Executive Vice President and General Counsel
Pacific Investment Management Company LLC
Court-appointed Lead Plaintiff in the Securities Class Action*

Date

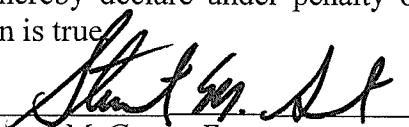
DECLARATION OF ATTORNEY REPRESENTING PETITIONER

State of: Delaware

County of: New Castle

I hereby declare under penalty of perjury that upon information and belief the foregoing Petition is true.

Executed:



*Stuart M. Grant, Esq.
Co-Lead Counsel for Lead Plaintiff and the Victims*

March 8, 2007

Date