

**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: UNITED STATES DEPARTMENT OF JUSTICE  
CRIMINAL DIVISION  
ASSET FORFEITURE AND MONEY LAUNDERING SECTION  
1400 NEW YORK AVENUE N.W., SUITE 10100  
WASHINGTON, DC 20530  
ATTN: Richard Weber,  
Chief, Asset Forfeiture and Money Laundering Section

FROM:

John P. Coffey, Esq.  
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*Attorneys for Lead Plaintiff RH  
Capital Associates LLC and Co-  
Lead Counsel for the Class*

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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 putative Class in the Securities Class Action (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, Phillip R. Bennett ("Bennett"), Tone N. Grant ("Grant"), Robert C. Trosten ("Trosten") and Santo C. Maggio ("Maggio"). As a direct result of these securities law violations, as generally described in the Second Amended Consolidated Class Action Complaint filed on December 3, 2007 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 Bennett, Grant, Trosten, Maggio and others were 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 significantly 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.
- The Victims have made the following efforts, among other things, to receive compensation for their 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 P.S.K., Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse AG ("BAWAG") dated February 13, 2007 (the "BAWAG Settlement Agreement") (attached hereto as Schedule 2). Pursuant to the BAWAG Settlement Agreement, BAWAG agreed to pay to Lead Plaintiffs, on behalf of the Class, \$140 million (including a non-contingent payment of \$108 million, with \$32 million additional due as a result of the sale of BAWAG). The BAWAG Settlement Agreement received final approval from the Honorable Gerard Lynch, United States District Court Judge, in the Securities Class Action on June 29, 2007. BAWAG paid \$8 million of the settlement consideration into escrow;
  - Submitted a Petition To The Attorney General For Remission Or Mitigation Of Criminal Forfeiture, Or Civil Forfeiture Pursuant to §18 U.S.C. 891(e)(6) By Victims Of The Underlying Or Related Offense dated on or about April 12, 2007 (the "BAWAG Petition"). Pursuant to the BAWAG Settlement Agreement, Lead Plaintiffs submitted the BAWAG Petition seeking up to \$132 million 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. By letter received by Lead Plaintiffs on or about March 11, 2008, the Asset Forfeiture and Money Laundering Section communicated that it had authorized the restoration of \$132 million of forfeited funds to the Victims. This amount was credited against the balance of BAWAG's obligations under the BAWAG Settlement Agreement;
  - Negotiated a settlement agreement with Sandler O'Neill & Partners L.P. (an investment bank that underwrote approximately 2.8% of Refco's 2005 initial public offering) dated October 10, 2008 (the "Sandler O'Neill Settlement Agreement") (attached hereto as Schedule 3). Pursuant to the Sandler O'Neill Settlement Agreement, Sandler O'Neill & Partners L.P. agreed to pay to Lead Plaintiffs, on behalf of the Class, \$3.5 million. The Sandler O'Neill Settlement Agreement received preliminary approval from the Honorable Gerard Lynch, United States District Court Judge, in the Securities Class Action on November 5,

2008. The Victims have not yet received any funds pursuant to the Sandler O'Neill Settlement Agreement. Sandler O'Neill & Partners L.P. paid the settlement funds of \$3.5 million into escrow on or about January 21, 2009; and

- Negotiated a settlement agreement with Dennis A. Klejna dated December 6, 2007 (the "Klejna Settlement Agreement") (attached hereto as Schedule 4). Pursuant to the Klejna Settlement Agreement, Klejna agreed to pay to Lead Plaintiffs, on behalf of the Class, \$7.6 million, including a personal contribution of \$50,000.00 in cash with the remainder of the settlement funds to be paid out of insurance proceeds payable to Klejna from Directors & Officers liability insurers that issued primary or excess insurance policies under which Klejna is named as an insured person (the "Insurance Payment"). The Klejna Settlement Agreement received preliminary approval from the Honorable Gerard Lynch, United States District Court Judge, in the Securities Class Action on January 22, 2008. Klejna's insurance carriers subsequently refused to pay the Insurance Payment. As a result, the Klejna Settlement Agreement is now voidable, and a settlement with Klejna is unlikely on the previously negotiated terms. The Victims received no funds pursuant to the Klejna Settlement Agreement; and
- Negotiated an independent settlement agreement directly with Joseph J. Murphy dated February 12, 2008 (the "Murphy Settlement Agreement") (attached hereto as Schedule 5). Pursuant to the Murphy Settlement Agreement, Murphy agreed to pay to Lead Plaintiffs, on behalf of the Class, \$7.9 million, including a personal contribution of \$350,000.00 in cash with the remainder of the settlement funds to be paid out of insurance proceeds payable to Murphy from Directors & Officers' liability insurers that issued primary or excess insurance policies under which Murphy is named as an insured person (the "Insurance Payment"). The Murphy Settlement Agreement received preliminary approval from the Honorable Gerard Lynch, United States District Court Judge, in the Securities Class Action on March 26, 2008. Murphy's insurance carriers subsequently refused to pay the Insurance Payment. As a result, the Murphy Settlement Agreement is now voidable, and a settlement with Murphy is unlikely on the previously negotiated terms. The Victims received no funds pursuant to the Murphy Settlement Agreement.
- 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

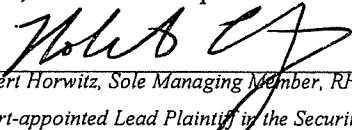
County of: Bergen

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

to represent me in this proceeding, that I have fully reviewed the petition, including any attachments thereto, and that the petition is true.

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

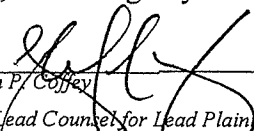
8-21-09  
Date

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, including any attachments thereto, is true and correct in every respect.

Executed:   
\_\_\_\_\_  
*John P. Coffey  
Co-Lead Counsel for Lead Plaintiff and the Victims*

8/17/09  
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:

Stuart M. Grant, Esq.  
**GRANT & EISENHOFER P.A.**  
1201 North Market Street  
Wilmington, DE 19801  
Tel: (302) 622-7000  
Fax: (302) 622-7100

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

to represent me in this proceeding, that I have fully reviewed the petition, including any attachments thereto, and that the petition is true.

Executed:



*Laurence Bolton, Vice President / Attorney  
Pacific Investment Management Company LLC  
Court-appointed Lead Plaintiff in the Securities Class Action*

26 August 2009

Date

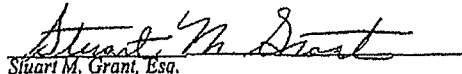
DECLARATION OF ATTORNEY REPRESENTING PETITIONER

State of: Delaware

County of: New Castle

I hereby declare under penalty of perjury that upon information and belief the foregoing petition, including any attachments thereto, is true and correct in every respect.

Executed:



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

9-2-09

Date