

## **Power of Attorney**

The

### **WORKING GROUP PHOENIX,**

which consists of the law firms

NIEDING + BARTH Rechtsanwaltsaktiengesellschaft,  
An der Dammheide 10, 60486 Frankfurt am Main

and

TILP Rechtsanwälte, Einhornstraße 21, 72138 Kirchentellinsfurt,  
TILP Rechtsanwälte, Kurfürstendamm 62, 10707 Berlin

(note: This is purely a team working together on this particular project, not a collective law firm)

is hereby granted power of attorney

against

1. Phoenix Kapitaldienst GmbH; insolvency administrator
2. Elvira Ruhrauf; Michael Milde; other (ex)-members of the executive and (ex)-employees
3. Dieter Breitzkreuz heir/community of heirs
4. Entschädigungseinrichtung für Wertpapierhandelsunternehmen (EdW) [Compensatory Fund of Securities Trading Companies (EdW)]
5. Man Financial Ltd.; Man Group
6. Refco Overseas Ltd.
7. Dr. Godehard Puckler, accountant and tax advisor
8. UWP Unitreu GmbH
9. Ernst & Young Deutsche Allgemeine Treuhand AG

for reasons of securing finance, reclaims, compensation, inter alia.

1. to conduct lawsuits (inter alia pursuant to sections 81 cont. ZPO – Code of Civil Procedure) including the authority to put forward and withdraw counterclaims;
2. to represent and defend its client in criminal proceedings and administrative fine matters (sections 302, 374 StPO – Code of Criminal Procedure) including preliminary proceedings as well as to represent its client pursuant to section 411 II StPO (in the event of absence) and with the express authority pursuant to sections 233 I, 234 StPO, to initiate criminal and other permissible complaints and complaints based on the law on compensation for wrongful prosecution, and compensation for amounts payable proceedings;
3. to represent its client in other proceedings and in out of court negotiations of all kinds;
4. to justify and to annul contractual relationships and to submit and be the recipient of unilateral declarations of intention (e.g. notices of dismissal) in connection with the aforementioned litigation.

This power of attorney applies to all judicial instances and all ancillary and consequential proceedings of any kind (e.g. seizure, temporary injunction, proceedings for taxation of costs, for enforcement, intervention, compulsory sale, receivership and lodgment as well as insolvency proceedings). In

particular this power of attorney authorises Team Phoenix to initiate and accept services, to assign the power of attorney in full or in part to third parties (substitute power of attorney), to file, withdraw or to waive an appeal, to bring to a close a dispute or out of court negotiations through mutual settlement, waiver or acknowledgement, to accept money, valuables and deeds, including the matter in dispute and any amounts reimburseable by the opposition, the judicial cash office or by other official agencies as well as to inspect the court files.

I hereby agree that both the lawfirms "TILP Rechtsanwälte" as well as "NIEDING + BARTH Rechtsanwaltsaktiengesellschaft" are entitled to work on my litigation.

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(place, date)

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(signature)