

Appendix B

**Questions Directed to Herr Dr. Professor Peter von Wilmowsky for a Court Appointed
Expert Report Pursuant to Federal Rule of Civil Procedure 44.1 and Federal Rule of
Evidence 706**

- 1) What are the elements of a claim under Section 131(1) of the German Insolvency Law? Does Plaintiff's Complaint state a claim for relief under Section 131(1) of the German Insolvency Law?
- 2) What are the elements of a claim under Section 134 of the German Insolvency Law? Does Plaintiff's Complaint state a claim for relief under Section 134 of the German Insolvency Law?
- 3) What are the elements of a claim under Section 133 of the German Insolvency Law? Do the facts as alleged in Plaintiff's Complaint support a claim for relief under Section 133 of the German Insolvency Law in the event that the Court allowed Plaintiff to amend its Complaint?
- 4) How long are the applicable statutes of limitation to claims made under Sections 131, 134, and 133 of the German Insolvency Law?
- 5) On what date does the applicable statute of limitations begin to run under Sections 131, 134, and 133 of the German Insolvency Law?
- 6) What must a Plaintiff prove to state a claim for "equity and good conscience" under German law? Does Plaintiff's Complaint state a claim for "equity and good conscience" under German law?
- 7) Are there other points of German law that you believe the Court should understand in order to make its decision?

In each instance, please explain your conclusion to the extent it is not self evident.