

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case Number: 2:11-cr-20622

Plaintiff,

Honorable Julian Abele Cook, Jr.

v.

Defendant.

Danfoss Flensburg, GmbH

GUILTY PLEA QUESTIONNAIRE

- ✓ 1. My name is Thomas Christoffer Bobzin
- ✓ 2. My current age is 38
- ✓ 3. Can you read, write and understand the English language? Yes
- ✓ 4. My formal schooling consists of Masters of Law, Aarhus Universitet
- ✓ 5. Is it your desire to enter a plea of guilty on behalf of the Defendant? Yes
- ✓ 6. Do you have authority to enter this guilty plea on behalf of the Defendant? Yes
- ✓ 7. Who gave you the authority to enter this guilty plea on behalf of the Defendant? Board of Directors of Danfoss A/S and General Counsel of Danfoss A/S
- ✓ 8. When was this authority given to you? Nov. 30, 2011
- ✓ 9. Was this authority given to you orally or in writing? writing (Note: If the authority to enter the guilty plea was in writing, attach a copy of the written authority to this Guilty Plea Questionnaire).
- ✓ 10. Do you know that the Court may ask questions of you during this proceeding, the answers to which may be used against you in perjury or false statement prosecutions by the Government?
Yes
- ✓ 11. Do you know that the Defendant has a right to have an attorney represent its interests during every legal proceeding before this Court? Yes
- ✓ 12. Do you know that the Court will appoint, and the Government will pay for, an attorney to represent the interests of the Defendant during a trial if it cannot afford to retain an attorney of its own selection? Yes



- ✓ 13. Do you know that the Defendant has a right to plead not guilty? Yes
- ✓ 14. Do you know that the Defendant has a right to a trial by jury? Yes
- ✓ 15. If this Court accepts the offer of guilty by the Defendant, do you know that (a) there will be no trial, and (b) the acceptance of this guilty plea will have the legal effect of waiving or giving up the right of the Company to a trial? Yes
- ✓ 16. If the Defendant elects to plead not guilty and is subsequently convicted at trial, do you know that the Company would have the right to (a) an appeal, and (b) have an attorney assist it with an appeal? Yes
- ✓ 17. Do you wish to waive (or give up) the right of the Defendant to a jury trial? Yes
- ✓ 18. Do you know that the Defendant is presumed to be innocent until proven guilty by a jury or by the Court as a result of a non-jury trial? Yes
- ✓ 19. Do you also understand that the Defendant is presumed to be innocent until its guilty plea is accepted by the Court? Yes
- ✓ 20. Do you know that the Government would have to prove the guilt of the Defendant beyond a reasonable doubt at trial? Yes
- ✓ 21. Do you understand that the Defendant has a right to be confronted by all of the witnesses who may be called upon by the Government to testify in this case? Yes
- ✓ 22. Do you know that the attorney for the Defendant has a right to cross examine all of the witnesses who may be called upon by the Government to testify against the Company? Yes
- ✓ 23. Do you understand that the Defendant has a right to call witnesses on its own behalf? Yes
- ✓ 24. Do you know that the Defendant may use a subpoena for the purpose of obtaining the presence of a witness or witnesses to appear for trial? Yes
- ✓ 25. Do you understand that the Defendant, through its agents or representatives, has a right to remain silent and not to incriminate itself at any time during the course of a trial? Yes
- ✓ 26. Do you know that none of the agents or representatives of the Defendant are obligated to take the witness stand in connection with defense against the criminal charges in this case?
Yes
- ✓ 27. Do you know that the United States Attorney cannot comment upon the election by the agents or representatives of the Defendant not to take the witness stand in its defense? Yes
- ✓ 28. Are you aware of the right of the Defendant to have the jury instructed at the conclusion of the trial that no inference of guilt can be assumed by its election not to take the witness stand or offer any evidence to support its presumption of innocence? Yes

- ✓29. Do you, as the authorized representative of the Defendant, fully understand the charge(s) pending against the Company? Yes
- ✓30. Has the Defendant's attorney answered all of your questions about the pending charges to your complete satisfaction? Yes
- ✓31. Has the Defendant's attorney fully explained the charge(s) to which you are about to offer a plea of guilty on behalf of the Defendant? Yes
- ✓32. Does your willingness to submit a guilty plea on behalf of the Defendant to this Court result from prior negotiations between the Defendant's attorney and the attorney for the Government which brought about the formation of an agreement pursuant to Federal Rule of Criminal Procedure Eleven (Rule 11 Plea Agreement)? Yes
- ✓33. Are you aware that this proposed Rule 11 Plea Agreement is only a recommendation to the Court? Yes
- ✓34. Do you know that the Court is not obligated to accept this proposed Rule 11 Plea Agreement? Yes
- ✓35. Do you realize that the Court has the right to reject this proposed Rule 11 Pleas Agreement? Yes
- ✓36. Do you fully understand the nature and the content of this proposed Rule 11 Plea Agreement, including the terms of any provision in which you, on behalf of the Defendant, waive (or give up) its right to (1) appeal or (2) collaterally attack the sentence that will be imposed upon the Company by this Court? Yes
- ✓37. Do you know that if this proposed Rule 11 Plea Agreement with the Government is covered by (a) Federal Rule of Criminal Procedure 11(c)(1)(A) [to wit, the U.S. Attorney has agreed to move to dismiss the other charges] or (b) Federal Rule of Criminal Procedure 11(c)(1)(C) [to wit, the U.S. Attorney has promised to advise the Court of his/her belief that a specific sentence or sentencing range is the appropriate disposition of the case or that a particular provision of the Sentencing Guidelines, a policy statement, or a specific sentencing factor is or is not applicable to your case] this proposed Rule 11 Plea Agreement will be binding upon the Defendant and the Government if and when it is accepted by the Court? Yes
38. Do you also understand that if this proposed Rule 11 Plea Agreement with the Government is covered by Federal Rule of Criminal Procedure 11(c)(1)(B) [to wit, the U.S. Attorney has agreed to (a) recommend, or has agreed not to oppose the Defendant's request for, a particular sentence or a sentencing range, or (b) advise the Court that a particular provision of the Sentencing Guidelines, a policy statement, or a specific sentencing factor is or is not applicable to your case, with the understanding that his/her recommendation will not be

binding upon the Court], the Defendant does not have a right to withdraw its plea of guilty even if the Government's recommendation or request is rejected? n/a

- ✓39. Do you understand that this Court may require the Defendant to provide full and complete restitution to any victim (or victims) of its alleged criminal offense(s)? Yes. However, an order of would give rise to a right by Danfoss Flensburg, GmbH to withdraw its guilty plea under section 10(b) of the Plea Agreement.
- ✓40. Do you know that if the Defendant's plea of guilty is accepted by this Court, a special assessment for each count to which the guilty plea applies will be imposed in addition to any fine? Yes

✓41. Indicate your understanding of the special assessment statute that is applicable to the Defendant's case by placing an "x" in the appropriate box:

Misdemeanor Cases:

- Class A \$25.00 against an individual Defendant
- \$125.00 against a person other than an individual
- Class B \$10.00 against an individual Defendant
- \$50.00 against a person other than an individual
- Class C \$5.00 against an individual Defendant
- \$25.00 against a person other than an individual

Felony Cases:

- \$100.00 against an individual Defendant
- \$400.00 against a person other than an individual

42. Advise the Court of the specific criminal acts that were committed by the Defendant as well as all other facts that are relevant to this case. The relevant facts are set forth in paragraph 4 of the Plea Agreement.

✓43. Do you understand that the maximum and minimum sentences are governed by the sentencing guidelines which have been issued by the United States Sentencing Commission pursuant to the Sentencing Reform Act of 1984 (Title I of the Comprehensive Crime Control Act of 1984)? Yes

44. Set forth your understanding of the statutory maximum and minimum periods of incarceration and fines that can be imposed upon the Defendant by the Court in this case.

Maximum period of incarceration n/a

Minimum period of incarceration na/

Maximum fine \$100M or twice the gross gain or gross loss

Minimum fine \$0

45. Is the Defendant's guilty plea freely, understandingly, and voluntarily made by you on its behalf? Yes

If answer is NO, please provide the Court with the basis for your answer. _____

✓46. Have you been induced or persuaded to offer the Defendant's guilty plea as the result of any statement or representation that the Court would treat the Defendant with leniency because it elected to waive (or give up) its constitutional right to a trial? No

If your answer is YES, state the nature of the promise, threat, undue influence and/or duress, as well as the name of the person(s) who made the promise and/or threat, or exercised undue influence and/or duress, against you. _____

47. Have you consumed any drugs, medication, alcohol or a controlled substance during the past forth eight (48) hours that would impair, or tend to impair, your ability to (a) understand the nature of the criminal charges that have been places against the Defendant, (b) fully understand all of the questions that have been asked of you by the Court, and (c) give full, complete and truthful answers to the questions by the Court? No

If your answer is YES, provide the Court with the basis for your answer. _____

✓48. Do you know of anything that would impair, or tend to impair or tend to impair, your ability to (a) fully understand the nature of the criminal charges that have been placed against the Defendant, (b) thoroughly understand the questions that have been submitted to you by the Court, and (c) provide the Court with full, complete and truthful answers to these questions? No

If your answer is YES, provide the Court with the basis for your answer. _____


✓ 49. Are you pleading guilty because you believe that it is to be in the Defendant's best interest?
Yes

✓ 50. Are you pleading guilty because the Defendant is guilty? Yes

✓ 51. After reviewing all of the rights of the Defendant in this cause, do you, acting with full authority of the Defendant, now waive (or give up) all of those rights and plead guilty to conspiracy to violate Section 1 of the Sherman Act (15 U.S.C. Sec. 1) Yes.

52. Have you thoroughly understood all of the questions that have been asked of you in this Questionnaire? Yes

If NO, specifically identify the question(s) that you do not thoroughly understand. _____

 Corporate Counsel
Signature and Title of the Defendant's
authorized representative

Dated: 7/11/2011
Detroit, Michigan