

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ~~512~~ ⁵¹⁹ OF 2009

BETWEEN:

ATC TRUSTEES (CAYMAN) LTD

PLAINTIFF

AND:

ROTHSCHILD TRUST CAYMAN LIMITED

DEFENDANT



WRIT OF SUMMONS

TO: Rothschild Trust Cayman Limited
5th Floor Citrus Grove
Goring Avenue
George Town
Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of October 2009.

NOTE - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

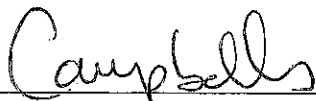
IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

GENERAL ENDORSEMENT

THE PLAINTIFF claims:

1. Equitable and common law damages for breach of fiduciary duty, negligence, gross negligence and wilful default arising out of the Defendant's actions and duties as Trustee of the Makar Trust and the Nomad Trust both established by deeds of settlement dated 24th December 1996 (the "Trusts") and/or its actions and duties as Trustee of the Makar Novus and Ardher Trusts dated 13 December 2001 which were subsequently declared void by the Grand Court on 13 July 2005 (the "Void Trusts") including but not limited to the following:
 - a. The Defendant's failure as Trustee of the Trusts and the Void Trusts to maintain adequate books and records;
 - b. The Defendant's failure to maintain proper accounts relating to the Trusts and the Void Trusts;
 - c. The Defendant's failure to hand over the books and records including accounting information relating to the Trusts and the Void Trusts in a timely manner upon being removed as Trustee on 4 August 2005 and 1 July 2005 respectively;
 - d. The Defendant's conduct and actions in Cause Number 176 of 2005 in order to cover up its failures in items (a) and (b) above;
 - e. The Defendant's failures with respect to investments in the Loomis Sayles Global Bond Fund, ticker symbol LSGBX;
 - f. Losses related to investment in Sysdome Inc; and
 - g. Potential tax issues relating to the failure to keep proper books and records and/or failure to provide full information to the beneficiaries' tax attorneys and/or failure to make timely reports to the United States Internal Revenue Service.
2. Interest pursuant to section 34 of the Judicature Law;
3. Costs;
4. Further and/or other relief



CAMPBELLS ATTORNEYS AT LAW

THIS WRIT was issued by Campbells Attorneys at law on behalf of the Plaintiff whose address for service is 4th Floor, Scotia Centre, PO Box 884, George Town, Grand Cayman, Cayman Islands KY1-1103 (ref: JRM/MPC/11178).

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2009

BETWEEN:

ATC TRUSTEES (CAYMAN) LTD

APPLICANT

AND:

ROTHSCHILD TRUST CAYMAN LIMITED

RESPONDENT

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes

no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)

yes

no

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

Please complete overleaf

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

C ampbells Attorneys at Law
4th Floor Scotia Centre
PO Box 884
Grand Cayman KY1-1103

Ref: MPC/11178

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

[Empty box for defendant's attorney indorsement]

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

1. The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.