

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

FSD 0018.

CAUSE NO: FSD OF 2009

BETWEEN:

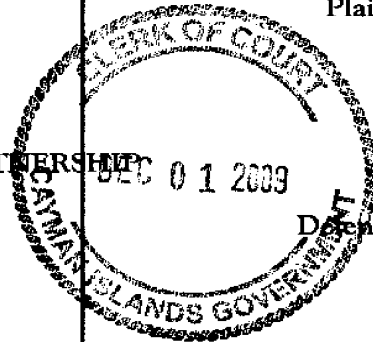


PARDUS SPECIAL OPPORTUNITIES FUND LTD.

Plaintiff

AND

EXCALIBUR LIMITED PARTNERSHIP



Defendant



ORIGINATING SUMMONS

TO: Excalibur Limited Partnership
150 Bloor Street West, Ontario, Canada
Suite 14
Toronto, Ontario
Canada M5S 2X9

LET THE DEFENDANT, within 14 days after service of this Summons on it, counting the day of service, return the accompanying Acknowledgement of Service to the Courts office, PO Box 495, George Town, Grand Cayman KY1-1106.

By this Summons, which is issued on the application of the Plaintiff, Pardus Special Opportunities Fund Ltd., Grand Cayman, the Plaintiff seeks the determination of the Court on the following questions and the following relief:

1. A declaration that, on a true construction of the Subscription Agreement between the Plaintiff and the Defendant ("Subscription Agreement"), the Defendant breached its contract with the Plaintiff by issuing Complaint (Index No. 600628/09) in the Supreme Court of the State of New York (the "New York Action") against the Plaintiff.
2. Further to paragraph 1 above, an injunction permanently restraining the Plaintiff from taking any steps to prosecute or advance the New York Action or from commencing any other actions in any other jurisdiction in relation to the subject matter of this action.
3. Further to paragraph 1 above, damages for breach of contract including all costs incurred by the Plaintiff in the New York Action to be assessed on an indemnity basis.
4. Further to paragraph 1 above a declaration that the Plaintiff is entitled to an indemnity against all costs incurred in the New York Action from the date of the issue of this Summons and an indemnity in respect of any liability found in the New York Action.
5. A declaration that, in accordance with the jurisdiction clause in the Subscription Agreement, the Defendant is required to commence any proceedings it seeks to issue against the Plaintiff, in the Cayman Islands.
6. A declaration that, on a true construction of the Articles of Association and the Private Placement Memorandum of the Plaintiff (together "the Fund's Constitution"), the directors of the Plaintiff acted in accordance with the Fund's Constitution in suspending shareholder redemptions on 26 March 2008;
7. A declaration that the Plaintiff is presently under no obligation to make any payment to the Defendant in respect of its redemption request which was pending on 26 March 2008;
8. Such further or other relief as the Court shall deem fit; and
9. An order that the costs of this action be paid by the Defendant to the Plaintiff.

The grounds upon which the Plaintiff claims to be entitled to the relief sought herein as set out in the Affidavits of David Bree, Mitchell Hurley and Jeremy Walton true copies of which are served herewith.

If the Defendant does not acknowledge service, within 14 days, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 30 day of November 2009

Appleby
Appleby

Attorneys-at-Law for the Plaintiff

NOTE - This Summons 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 that date unless renewed by order of the Court.

IMPORTANT

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

THIS ORIGINATING SUMMONS was issued by Appleby, Attorneys-at-Law for the Plaintiff, whose address for service is that of its said Attorneys, namely Clifton House, 75 Fort Street, PO Box 190, Grand Cayman KY1-1104, Cayman Islands (Ref: JW/17599.002).

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