

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION**

CAUSE NO. FSD 231 OF 2010

**BETWEEN:**

**RYE SELECT BROAD MARKET XL PORTFOLIO LTD  
(IN OFFICIAL LIQUIDATION)** PLAINTIFF

**AND:**

- (1) **TREMONT PARTNERS, INC.**
- (2) **RICHARD DARREN JOHNSTON**
- (3) **JAMES MITCHELL**

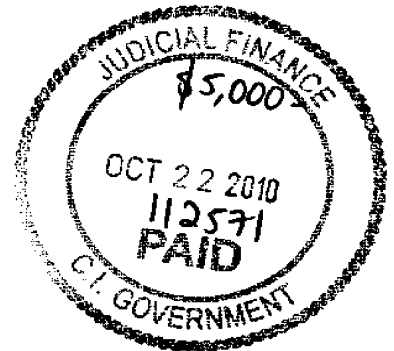
**DEFENDANTS**

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**WRIT OF SUMMONS**

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- TO:**
- (1) **Tremont Partners, Inc.**  
c/o Conyers Dill & Pearman  
Cricket Square, Hutchins Dr.  
P.O. Box 2681  
Grand Cayman KY1-1111  
Cayman Islands
  - (2) **Richard Darren Johnston**  
c/o Conyers Dill & Pearman  
Cricket Square, Hutchins Dr.  
P.O. Box 2681  
Grand Cayman KY1-1111  
Cayman Islands
  - (3) **James Mitchell**  
c/o Conyers Dill & Pearman  
Cricket Square, Hutchins Dr.  
P.O. Box 2681  
Grand Cayman KY1-1111  
Cayman Islands



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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, PO Box 495GT, 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 22nd day of October 2010

**IMPORTANT**

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

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**GENERAL INDORSEMENT**

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THE PLAINTIFF claims:

**(A) AGAINST THE 1<sup>ST</sup> DEFENDANT**

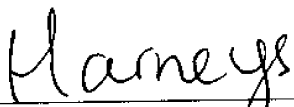
1. Damages for breach of an investment management agreement dated 1 September 2006.
2. Further or alternatively, damages for negligent breach of duty.
3. Further or alternatively, damages and/or equitable compensation for breach of the fiduciary duties it owed as a shadow director of the Plaintiff.

**(B) AGAINST THE 2<sup>ND</sup> & 3<sup>RD</sup> DEFENDANTS**

4. Damages and/or equitable compensation for breach of the fiduciary duties they owed as directors of the Plaintiff.
5. Further or alternatively, damages for negligent breach of duty.

**(C) AGAINST EACH OF THE DEFENDANTS**

6. Interest under section 34 of the Judicature Law (2007 Revision) alternatively pursuant to the equitable jurisdiction of the Court.
7. Further and other relief.
8. Costs.

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**HARNEY WESTWOOD & RIEGELS**  
**Attorneys-at-Law for the Plaintiff**

THIS WRIT was issued by Harney Westwood & Riegels, Attorneys-at-Law for the Plaintiffs, whose address for service is 3<sup>rd</sup> Floor Queensgate House, 113 South Church Street, P.O. Box 10240, Grand Cayman KY1-1002 (Ref: **SED/DWH/040719.0001**).