

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



**CAUSE NO. FSD 55 OF 2012**

**BETWEEN:**

**ASIA PACIFIC ON-LINE LIMITED**

**PLAINTIFF**

**AND:**



- (1) MARCUS A. WATSON
- (2) JAY J. NOTINGER
- (3) HENDERSON CONSTRUCTION CO., INC.
- (4) GEORGE M. BERBERIS
- (5) DIANE R. ANTASEK
- (6) JEFFERY P. MINOR
- (7) CDC CORPORATION



**DEFENDANTS**

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**ORIGINATING SUMMONS**

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- TO:**
- (1) MARCUS A. WATSON, of 5565 Glenridge Connector Suite 200, Atlanta, Georgia 30342;
  - (2) JAY J. NOTINGER, of 619 East 8<sup>th</sup> St., Brooklyn, NY 11218, USA
  - (3) HENDERSON CONSTRUCTION CO., INC., of 29 Powell Lane, Fredericksburg, VA 22046, USA
  - (4) GEORGE M. BERBERIS, of 3640 Bloomsbury Way, San Jose, CA 95132, USA
  - (5) DIANE R. ANTASEK, of 4093 SW 98<sup>th</sup> St. Ocala FL 34476, USA
  - (6) JEFFERY P. MINOR, of 5848 Mitchaw Rd., Sylvania OH 43650, USA
  - (7) CDC CORPORATION, of PO Box 309 GT, Umland House, South Church Street, George Town, Grand Cayman, Cayman Islands, KY1-1104.

**LET THE DEFENDANTS** within 21 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Court Office, PO Box 495GT, George Town, Grand Cayman.

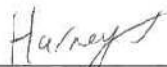
By this Summons, which is issued on the application of the Plaintiff Asia Pacific Online Limited of Scotia Centre, 4<sup>th</sup> Floor, P.O. Box 2804, George Town, Grand Cayman KY1-1112, Cayman Islands, the Plaintiff seeks **DECLARATIONS** pursuant to Order 15 Rule 16 of the Grand Court Rules that:

- (i) designation, subordination or equitable disallowance (as defined) of the Plaintiff's and/or any other person's shareholding interest in the Seventh Defendant made pursuant to an application of the First Defendant in proceedings for the reorganisation of the Seventh Defendant under Chapter 11 of Title 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Georgia, Atlanta Division, with short title (case no. 11-79079) (the "**US Proceedings**") is contrary to Cayman Islands law since it is an unlawful expropriation of the property of the Plaintiff and/or any other shareholder of the Seventh Defendant and not capable of recognition or enforcement before any Court of the Cayman Islands.
- (ii) no designation, subordination or equitable disallowance (as defined) of the Plaintiff's and/or any other person's shareholding interest in the Seventh Defendant made pursuant to an application of the First Defendant in the US Proceedings shall be recognised or have any effect on the rights of the Plaintiff and/or any other shareholder of the Seventh Defendant as a shareholder of the Seventh Defendant before any Court of the Cayman Islands.
- (iii) no designation, subordination or equitable disallowance (as defined) of the Plaintiff's and/or any other person's shareholding interest in the Seventh Defendant made pursuant to an application of the First Defendant in the US Proceedings shall be recognised or have any effect on the rights and/or obligations of the Seventh Defendant before any Court of the Cayman Islands.

The Plaintiff relies upon the affidavit of J. Robert Williamson dated 4 April 2012 filed herein.

If each or any of the Defendants do not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 5th day of April 2012

  
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**HARNEY WESTWOOD & RIEGELS**  
**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 Acknowledgment of Service are given with the accompanying form.

THIS ORIGINATING SUMMONS was issued by Harney Westwood & Riegels, Attorneys-at-Law for the Plaintiff, whose address for service is 3rd Floor, Queensgate House 113 South Church Street, P.O. Box 10240, Grand Cayman KY1-1002, Cayman Islands (Ref: **DWH/043450.0003**).