

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

FSD CAUSE NO: 0089 OF 2012

IN THE MATTER OF SECTION 46 OF THE COMPANIES LAW (2011)

AND IN THE MATTER OF ARAMID ENTERTAINMENT FUND LIMITED

BETWEEN:



WIMBLEDON FINANCING MASTER FUND LIMITED

PLAINTIFF

AND:

ARAMID ENTERTAINMENT FUND LIMITED



DEFENDANT

ORIGINATING SUMMONS

LET THE DEFENDANT, of PO Box 309 GT, Uglan House, South Church Street, George Town, Grand Cayman, Cayman Islands attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the _____ day of _____ 20____ at _____ o'clock on the hearing of an application by the Plaintiff c/o Harbour Centre, 42 North Church Street, PO Box 1348, George Town, Grand Cayman, KY1-1108, Cayman Islands for an Order that:

1. Pursuant to section 46 of the Companies Law (2011 Revision) (the "**Law**"), the Register of Members of the Defendant be rectified by striking out the name of ABN AMRO Fund Services (Cayman) Limited (formerly known as Fortis Prime Fund Solutions (Cayman) Limited) in respect of the shares held by it as Custodian on behalf of the Plaintiff (the "**Wimbledon Shares**") and by inserting in lieu thereof the name of the Plaintiff as the holder of the Wimbledon Shares;

2. Pursuant to section 47 of the Law, notice of such rectification be given to the Registrar of Companies;
3. Pursuant to section 46 of the Law, the Defendant pay the Plaintiff damages sustained by it as a result of it being omitted from the Register of Members of the Defendant, in such amount as the Court may determine;
4. The cost of this Summons be paid by the Defendant;
5. Or such other order as the Court shall think fit.

AND FURTHER TAKE NOTICE THAT the particulars by which the Plaintiff claims relief are as follows:

- (A) On 30 August 2007 the Plaintiff subscribed for, and was issued, the Wimbledon Shares. At all material times the Plaintiff is and has been the beneficial holder of the Wimbledon Shares.
- (B) The Wimbledon Shares were held by ABN AMRO Fund Services (Cayman) Limited (formerly known as Fortis Prime Fund Solutions (Cayman) Limited) (the "**Custodian**") as Custodian on behalf of the Defendant pursuant to a custody agreement.
- (C) Following a transfer of business from ABN AMRO Bank N.V. to Credit Suisse AG by which the relationship of the Initial Custodian with the Plaintiff was novated to Credit Suisse AG ("**Credit Suisse**") on 31 May 2011 Credit Suisse gave notice of its intention to terminate the custody arrangement, following which the Custodian executed a share transfer in respect of the Wimbledon Shares on 15 November 2011, which was then submitted to the Defendant's Administrator on 6 December 2011. The Wimbledon Shares are now legally and beneficially owned by the Plaintiff.
- (D) The Defendant is now, without reasonable cause, omitting to enter the Plaintiff in the Register of Members in respect of the Wimbledon Shares and further has failed to make any distribution in respect of the Wimbledon Shares equivalent to that which has been made to other members of the Defendant.
- (E) In all the circumstances, the Plaintiff is entitled to orders as prayed, in order to bring together the legal and beneficial ownership of the Wimbledon Shares and to allow the Plaintiff to participate in any distributions which the Defendant has made, or will make, to its members.

AND 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.

Dated the 14th day of June 2012

Appleby (Cayman) Ltd

APPLEBY (CAYMAN) LTD.

NOTES:

- (1) 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 the above date unless renewed by order of the Court.
- (2) If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

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

THIS ORIGINATING SUMMONS was issued by Appleby (Cayman) Ltd. of Clifton House, 75 Fort Street, PO Box 190, Grand Cayman KY1-1104, Cayman Islands (Ref. PM/JS/415438.0001), Attorneys-at Law for the Plaintiffs, whose address for service is 75 Fort Street, PO Box 190, George Town, Grand Cayman KY1-1104, Cayman Islands.

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE OF ORIGINATING SUMMONS¹

The accompanying form of Acknowledgement 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, PO Box 495G, George Town, Grand Cayman.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

¹ This form is current as of July 2011.

Service of the Originating Summons is acknowledged accordingly

Attorneys for
[Defendant in person]

Address for service:

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.

Please complete overleaf

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

Appleby (Cayman) Ltd.
Attorneys-at-Law
Clifton House
75 Fort Street
PO Box 190
Grand Cayman KY1-1104
Ref: 415438.0001

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]