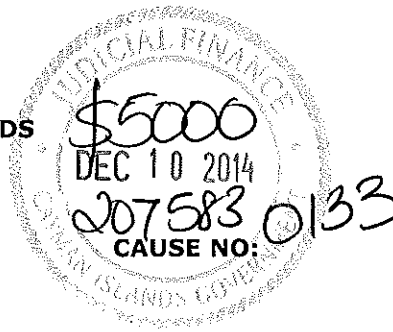


IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION



OF 2014

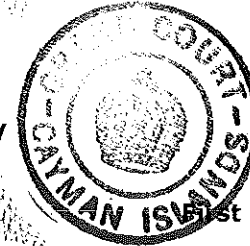
BETWEEN:

**DD GROWTH PREMIUM 2X FUND (IN OFFICIAL LIQUIDATION)**

Plaintiff

AND

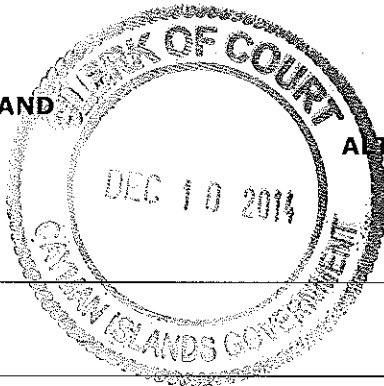
**CITCO GLOBAL CUSTODY NV**



First Defendant

AND

**ALTEDGE DIVERSIFIED FUND SPC**



Second Defendant

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**WRIT OF SUMMONS**

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TO: Citco Global Custody NV, Custom House Plaza, Block 3, International Financial Services Centre, Dublin 1, Ireland

and

Altedge Diversified Fund SPC, Maples Corporate Services Limited, PO Box 309, Ugland House, South Church Street, George Town, Cayman Islands, KY1-1104

**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 \_\_\_ 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, Cayman Islands, the accompanying Acknowledgement 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 *10<sup>th</sup>* day of December 2014

**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 Acknowledgement of Service are given with the accompanying form.

**GENERAL INDORSEMENT**

The Plaintiff's claim is for an order that the Defendants repay the sums following sums paid to the First Defendant by the Plaintiff for the redemption of shares held by the First Defendant in the Plaintiff as custodian or nominee for the Second Defendant on the dates specified (the **Payments**):

- USD\$2,037,437.50 paid on 11 December 2008;
- USD\$1,022,368 paid on 16 January 2009; and
- USD\$4,089,472 paid on 20 January 2009.

The Payments were unlawful contrary to section 37 of the Companies law 2007 and the Defendants are liable to repay the sum in restitution, as money paid by mistake, alternatively as money held on constructive trust, as damages for knowing receipt, alternatively by way of return of a voidable preference. Interest is claimed on this sum from the date of the Payments at the rates prescribed in the Judgment Debts (Rates of Interest) Rules from time to time together with costs.

As at the date of this writ interest pursuant to the Judgment Debts (Rates of Interest Rules) amounted to US\$1,346,092.82 and continues to accrue at a rate of USD\$465.19 per day.

If, within the time for returning the Acknowledgement of Service, the Defendants pay the total amount claimed of US\$8,495,370.32 (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

  
\_\_\_\_\_  
**Appleby (Cayman) Ltd.**

**THIS WRIT** was issued by Appleby (Cayman) Ltd, Attorneys-at-Law for the Plaintiff, whose address for service is Clifton House, 75 Fort Street, PO Box 190, Grand Cayman KY1-1104, Cayman Islands (Ref. 318234.0010)

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

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

After completion it must be delivered or sent by post to the Law Courts, PO BOX 495GT, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 28 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on a Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 28 days after a Statement of Claim has been served on a Defendant.

If a 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 a Defendant's goods may be applied for where a 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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 a Defendant desires to make for payment of the money by instalments or otherwise.

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**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 Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 28 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.

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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.

**BETWEEN:**

**DD GROWTH PREMIUM 2X FUND (IN OFFICIAL LIQUIDATION)**

**Plaintiff**

**AND**

**CITCO GLOBAL CUSTODY NV**

**First Defendant**

**AND**

**ALTEDGE DIVERSIFIED FUND SPC**

**Second Defendant**

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**ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

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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.

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

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

YES

NO

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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

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Service of the Writ is acknowledged accordingly

\_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant

**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.

Endorsement 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  
George Town  
Grand Cayman KY1-1104  
Ref: JW/JS/318234.0010

Endorsement 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 endorsement]