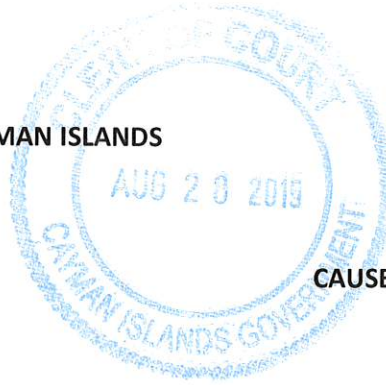


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION



CAUSE NO. G0151 OF 2015



(1) RITCHIE CAPITAL MANAGEMENT, L.L.C. AND

(2) RITCHIE CAPITAL MANAGEMENT, LTD.

Plaintiffs

-and-

- (1) RESERVOIR CAPITAL MASTER FUND, L.P.
- (2) RESERVOIR CAPITAL MASTER FUND II, L.P.
- (3) RESERVOIR CAPITAL INVESTMENT PARTNERS, L.P.
- (4) RESERVOIR CAPITAL PARTNERS, L.P.
- (5) RESERVOIR CAPITAL GROUP L.L.C.
- (6) JOHN DAVIS KERMATH

Defendants

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WRIT OF SUMMONS

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- TO:**
- (1) Reservoir Capital Master Fund L.P, of Maples Corporate Services Limited, P.O. Box 309, Ugland House, South Church Street, Georgetown, Grand Cayman, KY1-1104, Cayman Islands
  - (2) Reservoir Capital Master Fund II, L.P, of Maples Corporate Services Limited, P.O. Box 309, Ugland House, South Church Street, Georgetown, Grand Cayman, KY1-1104, Cayman Islands
  - (3) Reservoir Capital Investment Partners, LP of Maples Corporate Services Limited, P.O. Box 309, Ugland House, South Church Street, Georgetown, Grand Cayman, KY1-1104, Cayman Islands
  - (4) Reservoir Capital Partners, LP of Maples Corporate Services Limited, P.O. Box 309, Ugland House, South Church Street, Georgetown, Grand Cayman, KY1-1104, Cayman Islands
  - (5) Reservoir Capital Group L.L.C of Maples Corporate Services Limited, P.O. Box 309, Ugland House, South Church Street, Georgetown, Grand Cayman, KY1-1104, Cayman Islands
  - (6) John Davis Kermath, 230 Maple Road, Barrington, IL 60010

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiffs in respect of the claim set out on the next page.

Within fourteen (14) days (or, if you are a defendant resident outside of the jurisdiction, within such other period as the court may determine) 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 495, George Town, Grand Cayman KY1-1106, Cayman Islands, 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 of Service within the time stated, or if you return the Acknowledgment of Service 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     day of August 2015

**NOTE:**       This Writ may not be served later than four (4) calendar months (or, if leave is required to effect service out of the jurisdiction, six (6) months) beginning with the date of issue unless renewed by order of the Court.

**IMPORTANT**

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

## GENERAL INDORSEMENT

The Plaintiffs' claim as against each of the Defendants is for a permanent injunction in respect of breach of confidence, breach of contract, breach of trust, negligence and conversion of documentation arising as a result of the Defendants' unlawful delivery and/or transmission and/or receipt and/or use or disclosure of the Plaintiffs' confidential and/or proprietary information.

THE PLAINTIFFS seek against the Defendants the following orders:

- 1 That the Defendants and each of them, whether directly or indirectly, whether by themselves, or in the case of 1<sup>ST</sup> to 5<sup>th</sup> Defendants by its directors, its officers, its agents or any of them howsoever do immediately deliver to the Plaintiffs all documents which are confidential to RCM and/or contain confidential or proprietary information or which belong to RCM as more particularly described in the Affidavit of A.R. Thane Ritchie sworn on 27 August 2015 (the **Supporting Affidavit**);
- 2 That the Defendants and each of them, whether directly or indirectly, whether by themselves, or in the case of 1<sup>st</sup> to 5<sup>th</sup> Defendants by its directors, its officers, its agents or any of them howsoever be prohibited by permanent injunction from disclosing to any third party of any of the Plaintiffs' confidential and/or proprietary information as more particularly described in the Supporting Affidavit;
- 3 Damages;
- 4 Such further orders as this Honourable Court may deem appropriate; and
- 5 Costs.

  
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Harney Westwood & Riegels  
Attorneys-at-Law for and on behalf of the Plaintiffs

**THIS WRIT OF SUMMONS** was issued by Harney Westwood & Riegels, Attorneys-at-Law for the Plaintiffs, whose address for service is 4<sup>th</sup> Floor, Harbour Place, 103 South Church Street, PO Box 10240, Grand Cayman KY1-1002, Cayman Islands (Ref: 047719.0003/DCB).