

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ⁹⁰⁸ OF 2002

BETWEEN: GERDY HENRY-PFEIFFER

PLAINTIFF

AND: MERRILL LYNCH BANK AND
TRUST COMPANY (CAYMAN) LTD.

DEFENDANT

WRIT OF SUMMONS

TO: MERRILL LYNCH BANK AND TRUST COMPANY
(CAYMAN) LTD.
P.O. Box 1164 0GT
George Town,
Grand Cayman



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claims 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, P.O. Box 495G, George Town, Grand Cayman, 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 Acknowledgement within the time stated, or if you return the Acknowledgement 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 12th day of December, 2002.

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 the order of the Court.

IMPORTANT

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

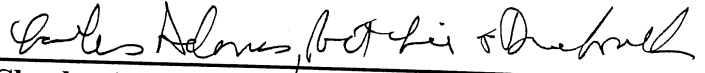
INDORSEMENT

The Plaintiff's claim for relief against the Defendant arises out of and/or is connected with the receipt by the Defendant of certain funds which were transferred from Mr. Barry Henry and/or Tempo Technology Corporation or any other company with which Mr. Barry Henry is affiliated or in any way connected at any time from the date of the Plaintiff's marriage to Mr. Barry Henry, the 11th February, 1977 to the accounts held and/or maintained by the Defendant on behalf of Barry Henry and/or Supra Holdings Ltd. and/or Evensong Ltd. for the benefit of Mr. Barry Henry and the Plaintiff.

AND THE PLAINTIFF CLAIMS against the Defendant:

- (1) A declaration that in respect of the monies paid to the Defendant :
 - (i) the Plaintiff is entitled to trace such monies and/or the proceeds thereof and/or any assets upon which the said sums or any part thereof have been expended which were received and/or are held for the benefit of Mr. Barry Henry;
 - (ii) one half of such sum and/or the proceeds thereof and/or any assets upon which the said sums or any part thereof have been expended are in equity the property of the Plaintiff .
 - (iii) one half of such sum and/or the proceeds thereof and/or any assets upon which the said sums, or any part thereof, have been expended, are held by the Defendant on trust for the Plaintiff.

- (2) Such tracing and/or discovery and/or injunctive and/or other equitable or other relief as this Honourable Court deems just.
- (3) Interest on all sums found due to the Plaintiff pursuant to Section 34 of the Judicature Law (2002 Revision) and the rules made thereunder at such rate and for such period as this Honourable Court thinks just and/or in equity.
- (4) Costs.



Charles Adams, Ritchie & Duckworth
Attorneys-at-Law for the Plaintiff

THIS WRIT was issued by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law, for and on behalf of the Plaintiff herein, whose address for service is that of their said Attorneys-at-Law, P.O. Box 709G, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.