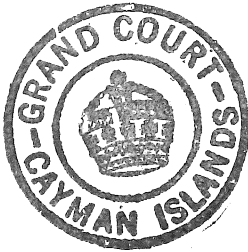


IN THE GRAND COURT OF THE CAYMAN ISLANDS

723
CAUSE NO. OF 2003

IN THE MATTER OF Section 4 of the Confidential Relationships (Preservation) Law (1995
Revision) ✓

AND IN THE MATTER OF an application by Caledonian Bank and Trust Limited



EX PARTE ORIGINATING SUMMONS




LET ALL PARTIES CONCERNED attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the *8th* day of *December*, 2003, at *9:30 am* o'clock on the hearing of an application by Caledonian Bank and Trust Limited ("the Applicant") of PO Box 1043 GT, Caledonian House, First Floor, Jennett Street, George Town, Grand Cayman for directions pursuant to Section 4 of the above-mentioned Law to allow it to disclose certain categories of documents listed in Schedule A hereto ("the Documents") in connection with proceedings between (1) Cantrade Privatbank AG, (2) the Applicant and (1) Fortis Fund Services (Bahamas) Limited, (2) Barry W. Herman, (3) Rhonda D. Mcdeigan-Eldridge, (4) Anthony L.M. Inder Reiden in the Commonwealth of the Bahamas Supreme Court, Common Law Side, Case No 298 of 2001 ("the Action").

The Applicant is a Cayman Islands bank and trust company, which, at relevant times, provided banking services and/or corporate administration services to Delphi International Investment Ltd (a Cayman Island Exempt Limited Liability Company) ("Delphi"). The information contained in the Documents is confidential information that is in the Applicant's possession as a result of provision of the aforesaid services by it to Delphi. The Applicant has been ordered by the Supreme Court of the Commonwealth of the Bahamas to provide discovery of the Documents in the Action.

The Applicant therefore seeks directions that it should provide discovery of the above-mentioned Documents in the Action on the following terms (or such other terms as the Court considers fit):

1. The Documents falling within the classes specified in Schedule A hereto may be disclosed to all parties to the Action, to their attorneys, and to the court trying the Action ("the Court"). They are to be used by them solely for the purpose of the Action.
2. The parties and their attorneys may make further disclosure of the Documents, or the information contained in them, to their employees, officers, directors, and partners and to their witnesses, but only to the extent necessary for the prosecution and defence of the Action.
3. Any person affected by this Order may apply to the Grand Court for directions.

Dated the ^{6th} day of November 2003.


WALKERS
Attorneys for the Applicant

TO: The Attorney General
Attorney General's Chambers
Government Administration Building
Glass House, Elgin Avenue
George Town, Grand Cayman

TIME ESTIMATE: The estimated length of the hearing of this summons is 30 minutes.

This Summons was issued by Walkers, Attorneys-at-Law, P.O. Box 265GT, Walker House, Mary Street, George Town, Grand Cayman, Attorneys-at-Law for the Applicant herein whose address for service is that of its said Attorney-at-Law.

SCHEDULE A

- (a) enclosures to the fax memorandum from J Lew to D Burge dated 24th May 2000, being Delphi Private Placement Memorandum, Delphi Subscription Application Procedures, Delphi Investment Advisors Agreement and Delphi Mutual Fund Administration Agreement, NAV's for Delphi, as, but not limited to those prepared on a monthly basis in 1999. Agreement (or written record of agreement, if oral) whereby, Syngrapha guarantees Arquebus' Investment. Minutes of a meeting of the directors and/or shareholders of Delphi dated 11th March [2000], contents of courier package from Breen relating to Castellum;

- (b) all corporate books and records and documents relating to the administration of, or other services provided to, Delphi International Investments Ltd. Assignment Agreement between Delphi International Investments Ltd and Arquebus Ltd.