

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO: 271 OF 2005

IN THE MATTER OF a Declaration of Trust made on 1st November 2002 by Barclays Private Bank & Trust (Cayman) Limited known as the Bio Trust ✓

AND IN THE MATTER OF a Declaration of Trust made on 1st November 2002 by Barclays Private Bank & Trust (Cayman) Limited known as the Blue Hill Trust

AND IN THE MATTER OF Section 48 of the Trusts Law (2001 Revision)

BETWEEN:

BARCLAYS PRIVATE BANK & TRUST (CAYMAN) LIMITED

Plaintiff

-and-

- 1) VERONIQUE FRANÇOIS
- 2) ANNE BEAUFOUR
- 3) HENRI BEAUFOUR

Defendants

ORIGINATING SUMMONS

TO: the above-named Defendants

LET THE DEFENDANTS, within 14 days after service of this Summons upon them, counting the day of service, return the Acknowledgement of Service to the Courts Office, PO Box 495GT, George Town, Grand Cayman.

By this Summons, the Plaintiff, in its capacity as the Trustee of the above-named Settlements, seeks the following opinion, advice or direction of the Court as appropriate:

1. Whether the Plaintiff should take any and if so what steps in connection with the proposed Initial Public Offering of shares envisaged by the Agreement dated 22 April 2005 or any modification of such Agreement or proposed Initial Public Offering;
2. Whether the Plaintiff should take any and if so what steps in connection with the Settlements' interests, whether direct or indirect, in:
 - (a) Favorim S.A.
 - (b) Altawin S.A.
 - (c) Beech Tree S.A.R.L.
 - (d) Bee Master Holdings B.V.
 - (e) Bee Master Holdings II B.V.
 - (f) Finhestia S.A.
 - (g) Ipsen S.A.
 - (h) Beaufour-Ipsen S.A.
3. Whether and if so the extent to which the Plaintiff should participate in Grand Court Cause No. 175 of 2005 for the purposes of seeking a discharge or variation of the ex parte injunction obtained by the First Defendant on 25 April 2005 in the said proceedings;
4. Whether and if so the extent to which the Plaintiff should participate in Grand Court Cause No. 175 of 2005 generally;
5. That the Plaintiff shall be indemnified out of the above-named Settlements in respect of all costs properly incurred by it in connection with or incidental to such participation in the said proceedings for the purposes of seeking a discharge or variation of the said ex parte injunction including:
 - (a) all costs of and incidental to instructing Leading Counsel to advise in relation to the Plaintiff's participation in the said proceedings, including

work done or time spent by Leading Counsel in this regard and her conduct of this matter generally on behalf of the Plaintiff;

(b) all costs of and incidental to instructing Walkers to advise in relation to the Plaintiff's participation in the said proceedings and work done or time spent in relation to seeking and obtaining the opinion of Leading Counsel and in relation to Walkers' conduct of this matter generally on behalf of the Plaintiff;

(c) its own professional fees in respect of all work done or time spent in connection with its participation in the said proceedings and in taking such further steps as the Court may direct.

6. That the Plaintiff shall be indemnified out of the above-named Settlements in respect of all costs properly incurred by it in connection with or incidental to such participation in the said proceedings generally including:

(a) all costs of and incidental to instructing Leading Counsel to advise in relation to the Plaintiff's participation in the said proceedings, including work done or time spent by Leading Counsel in this regard and her conduct of this matter generally on behalf of the Plaintiff;

(b) all costs of and incidental to instructing Walkers to advise in relation to the Plaintiff's participation in the said proceedings and work done or time spent in relation to seeking and obtaining the opinion of Leading Counsel and in relation to Walkers' conduct of this matter generally on behalf of the Plaintiff;

(c) its own professional fees in respect of all work done or time spent in connection with its participation in the said proceedings and in taking such further steps as the Court may direct.

7. That the Plaintiff shall be indemnified out of the Settlements in respect of all costs properly incurred by it in connection with this application on the indemnity basis to be taxed if not agreed; and

8. Such further or other relief or such further or other directions as the Honourable Court may deem just.

If the Defendants do not acknowledge service, such judgment may be given or order made against or in relation to them as the Court may think just and expedient.

DATED this 14th day of June 2005

Walkers

WALKERS

Attorneys-at-Law for the Plaintiff

NOTE – 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 that date unless renewed by order of the Court.

IMPORTANT

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

This Originating Summons is issued by Walkers, P O Box 265 GT, Walker House, Mary Street, George Town, Grand Cayman, attorneys-at-law for the Plaintiff whose address for service is that of its said attorneys-at-law.

Acknowledgement of service of originating summons (0.10, r.5)

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgment 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, P.O. Box 495G, George Town, Grand Cayman.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment 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.

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

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.

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

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes

no

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] 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 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.

WALKERS
P.O. BOX 265GT
MARY STREET
GEORGE TOWN
GRAND CAYMAN.
REF: SC/MM/0305-52163

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

