

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 270 OF 2007

IN THE MATTER OF CAIRWOOD GLOBAL TECHNOLOGY FUND, LTD.  
(IN VOLUNTARY LIQUIDATION)

AND

IN THE MATTER OF THE COMPANIES LAW (2004 REVISION)

BETWEEN:

- (1) KIRK P. PENDLETON
- (2) LAIRD P. PENDLETON
- (3) THAYER B. PENDLETON

PLAINTIFFS

AND:

- (1) GEOFFREY EUGENE VARGA  
(Joint Liquidator of Cairwood Global Technology Fund, Ltd.  
(In Voluntary Liquidation)
- (2) WILLIAM CLEGHORN  
(Joint Liquidator of Cairwood Global Technology Fund, Ltd.  
(In Voluntary Liquidation)

DEFENDANTS

ORIGINATING SUMMONS

TO: (1) GEOFFREY EUGENE VARGA and (2) WILLIAM CLEGHORN both of Kinetic Partners Cayman LLP, P.O. Box 10387 APO, Strathvale House, 90 North Church Street, George Town, Grand Cayman, Cayman Islands B.W.I.

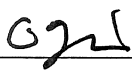
LET THE DEFENDANTS, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of KIRK P. PENDLETON of 2601 Papermill Road, Huntingdon Valley, Pennsylvania 19006, U.S.A., THAYER P. PENDLETON of 2722 Alnwick Road, Bryn Athyn, Pennsylvania 19009, U.S.A. and LAIRD P. PENDLETON of 172 Glezen Lane, Wayland, Massachusetts 01778, U.S.A., the Plaintiffs claim against the Defendants:

1. A declaration that the Plaintiffs have not proved in the liquidation of Cairnwood Global Technology Fund Ltd.
2. A declaration that the purported rejection by the Defendants of the Plaintiffs' claim to an indemnity, as set out in the letter of the Defendants' attorneys, Maples and Calder, dated 1st June 2007, is accordingly of no effect.
3. Alternatively, an Order that the decision of the Defendants rejecting the Plaintiffs' proofs of debt be reversed, and the proofs of debt admitted in full.
4. An Order that the Defendants pay the costs of and incidental to this Summons.

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 the 22<sup>nd</sup> day of June 2007.



\_\_\_\_\_  
Ogier

Attorneys for the Plaintiffs

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 Acknowledgment of Service are given with the accompanying form.

This Originating Summons was issued by Ogier, Attorneys-at-Law, whose address for service is at 3<sup>rd</sup> Floor, Queensgate House, 113 South Church Street, P.O. Box 1234, George Town, Grand Cayman KY1-1108, Cayman Islands (Ref: 3232-0001/CR)

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CAUSE NO. 270 OF 2007

IN THE MATTER OF CAIRNWOOD GLOBAL TECHNOLOGY FUND, LTD. (IN VOLUNTARY LIQUIDATION)

AND

IN THE MATTER OF THE COMPANIES LAW (2004 REVISION)

B E T W E E N:

- (1) KIRK P. PENDLETON
- (2) LAIRD P. PENDLETON
- (3) THAYER B. PENDLETON

Plaintiffs

- and -

- (1) GEOFFREY EUGENE VARGA  
(Joint Liquidator of Cairnwood Global Technology Fund, Ltd.  
(In Voluntary Liquidation)

- (2) WILLIAM CLEGHORN  
(Joint Liquidator of Cairnwood Global Technology Fund, Ltd.  
(In Voluntary Liquidation)

Defendants

**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.

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

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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.**

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**Attorney for the Defendant**  
**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.

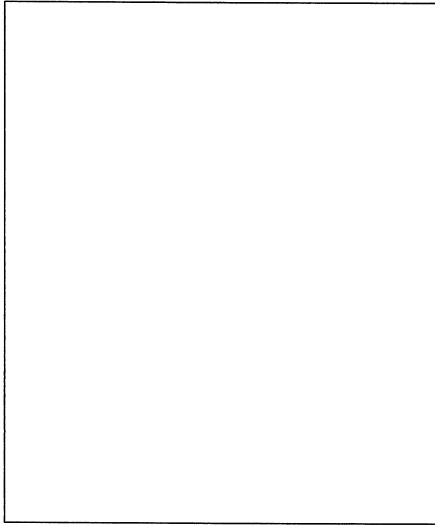
Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

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

OGIER  
Attorneys-at-Law  
P.O. Box 1234  
Queensgate House  
113 South Church Street  
Grand Cayman KY1-1108  
CAYMAN ISLANDS

Ref: 3232-0001/CR  
T: 1 (345).949.9876  
F: 1 (345).949.1987

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

A large, empty rectangular box with a thin black border, intended for the indorsement by the defendant's attorney or the defendant.

## **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 495GT, 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.