

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

FSD 33 of 2011

IN THE MATTER OF THE COMPANIES LAW (2010 REVISION)

BETWEEN:

RMF MARKET NEUTRAL STRATEGIES (MASTER) LIMITED

PLAINTIFF

- and -

JAMES CLEAVER AND RICHARD FOGERTY  
(as Joint Official Liquidators of DD Growth Premium 2x Fund)

DEFENDANTS

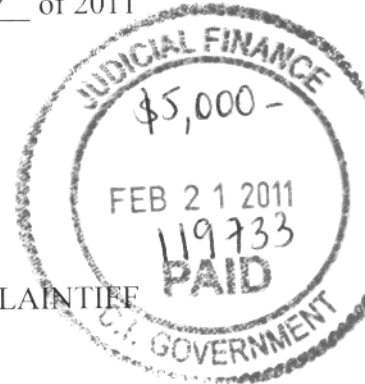
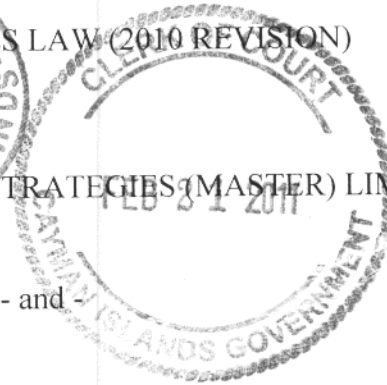
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**ORIGINATING SUMMONS**

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LET the Defendants, of Zolfo Cooper, 4th Floor, Building 3, Cayman Financial Centre, Grand Cayman, KY1-1102, Cayman Islands, attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on \_\_\_\_\_, \_\_\_\_\_, 2011 at \_\_\_\_\_ upon an application by the Plaintiff that it be determined:

1. Whether upon the true construction of section 37(6)(a) of the Companies Law (2010 revision) "debts" includes payments to other redeeming shareholders.
2. Whether upon the true construction of section 37(6) of the Companies Law (2010 revision) there is a restitutionary remedy to recover a payment made in circumstances where section 37(6)(a) renders such payment unlawful.



3. And that in the event that the answer to either of these questions is negative, a declaration be granted that the Plaintiff is not liable to repay to the Defendants the sum of US\$23,014,300.03 paid in January and February 2009 in respect of share redemptions.
4. Further or other relief.
5. Costs.

AND 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 Court office.

**DATED** this 21<sup>st</sup> day of February 2011



Conyers Dill & Pearman  
Attorneys-at-Law for the Plaintiff

**NOTES:-**

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 the above date unless renewed by order of the Court.

If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

**IMPORTANT**

Directions for Acknowledgment of Service are given with accompanying form.

Acknowledgment 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 appropriate "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.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO: FSD OF 2011**

**BETWEEN:**

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**PLAINTIFF**

**- and -**

**JAMES CLEAVER AND RICHARD FOGERTY  
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**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)  <input type="checkbox"/> Yes <input type="checkbox"/> 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 or principal office.

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

Conyers, Dill & Pearman LLP  
Cricket Square  
P.O. Box 2681  
Grand Cayman KY1-1111  
  
Attn. Nigel Meeson, QC/  
Fraser Hughes

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