

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**



CAUSE NO FSD: 0160 OF 2012

BETWEEN:

WEAVING MACRO FIXED INCOME FUND LIMITED (IN OFFICIAL LIQUIDATION)



PLAINTIFF

AND

ERNST & YOUNG CHARTERED ACCOUNTANTS (A FIRM)

FIRST DEFENDANT

ERNST & YOUNG LTD.



SECOND DEFENDANT

ERNST & YOUNG (A FIRM)

THIRD DEFENDANT

WRIT OF SUMMONS

TO: **Ernst & Young Chartered Accountants**, Block 1 Harcourt Centre, Harcourt Street, Dublin 2, Dublin, Ireland

TO: **Ernst & Young Ltd.**, PO Box 510 GT Suite 6401, 62 Forum Lane, Camana Bay, Grand Cayman, Cayman Islands

TO: **Ernst & Young**, Suite 6401, 62 Forum Lane, Camana Bay, Grand Cayman, Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of care of Grant Thornton Specialist Services (Cayman) Limited, 48 Market Street, 2nd Floor, Suite 4290,

Canella Court, Camana Bay, Grand Cayman, Cayman Islands in respect of the claim 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 Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment 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 day of November 2012.

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 order of the Court.

IMPORTANT

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

GENERAL ENDORSEMENT

AND THE PLAINTIFF claims:

Against the Defendants, and each of them:-

1. Damages for deceit in and in relation to their audits and auditors' reports as auditors of the Plaintiff for the years ended 31 December 2005, 31 December 2006 and 31 December 2007;
2. Alternatively damages for breach of the contracts of retainer subsisting between the Plaintiff and the Defendants as follows:
 - (1) a contract made in writing by the Defendants' letter dated 20 November 2003 and its countersignature on behalf of the Plaintiff; and
 - (2) a contract made in writing by the Defendants' letter dated 17 April 2007 and its countersignature on behalf of the Plaintiff

whereby in each case the Plaintiff retained the Defendants to act as its auditors and the Defendants agreed to do so for reward;

3. Alternatively damages for negligence in carrying out their audits and making their auditors' reports as auditors of the Plaintiff for the years ended 31 December 2005, 31 December 2006 and 31 December 2007;

4. Further or alternatively if and so far as the First Defendant and/or the Second Defendant would not otherwise be responsible for meeting any liability arising under paragraphs 1 to 3 hereof inclusive, they irrevocably agreed to be responsible for such liability by and as provided in clause 4.1 of Deeds made between the Plaintiff and the Defendants and dated on or about 9 May 2012, 20 June 2012, 12 September 2012 and 21 October 2012;
5. Interest pursuant to section 34 of the Judicature Law (2007 Revision) and/or in equity; and
6. Costs.

Ogier

Ogier

Attorneys for the Plaintiff

Dated this 29th day of November 2012

THIS WRIT was issued by Ogier, Attorneys for the Plaintiff, whose address for service is 89 Nexus Way, Camana Bay, Grand Cayman, KY1-9007, Cayman Islands (Ref: 422993.00001/RDL/MIM).

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

1. 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.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his Defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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. 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.
3. 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 Writ of Summons)".
4. 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.
5. 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.
6. 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.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

execution against any judgment entered by the Plaintiff (tick box)

yes

no

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

Please complete overleaf

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.

OGIER
Attorneys-at-Law
89 Nexus Way
Camana Bay
Grand Cayman
Cayman Islands KY1-9001
(Ref. RDL/MJM/422993.00001)

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