

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern District of New York

L. A. MURPHY, MARVIN STERNHELL, and HENOCH KATMAN, on their own behalf and on behalf of all others similarly situated

SUMMONS IN A CIVIL ACTION

V.

KOHLBERG KRAVIS ROBERTS & COMPANY; CARLYLE GROUP; CLAYTON, DUBILIER & RICE; SILVER LAKE PARTNERS; BLACKSTONE GROUP; BAIN CAPITAL LLC; THOMAS H. LEE PARTNERS; TEXAS PACIFIC GROUP; MADISON DEARBORN PARTNERS; APOLLO MANAGEMENT LP; PROVIDENCE EQUITY PARTNERS; MERRILL LYNCH AND CO., INC.; and WARBURG PINCUS, LLC.,

CASE NUMBER:

06 CV 13210

TO: (Name and address of Defendant)

MERRILL LYNCH AND CO., INC. 250 Vessey Street, New York, New York

JUDGE STANTON

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Fred T. Isquith, Gregory Nespole, Gustavo Bruckner WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP 270 Madison Avenue New York, New York 10016

Answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you or the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

NOV 15 2006

J. MICHAEL McMAHON

CLERK

DATE

Deputy CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE 11/17/06
NAME OF SERVER (PRINT) KAVEH DABASHI	TITLE Paralegal

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served:
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:
- Returned unexecuted:

Other (specify): served upon CRT offices, service agent for Defendant, on "Elena", 5'4", blonde hair, brown eyes, 110 lbs., caucasian

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 12/5/06 [Signature]  
Date Signature of Server

270 Madison Avenue, 10<sup>th</sup> Floor  
Address of Server  
New York, NY 10016

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