



Clerk of Court's Office
P.O. Box 495
George Town
Grand Cayman
Cayman Islands
B.W.I.

F.P. # 33/2010

AFFIDAVIT OF SERVICE

I, Velma Powery-Hewitt of George Town, Grand Cayman, affirm and say as follows:

1. I am the Bailiff of the Grand Court of the Cayman Islands.
2. On Tuesday the 13th of April 2010, at 12:15 hrs. I served

the following documents, namely:
NOTICE

 SUMMONS IN A CIVIL ACTION

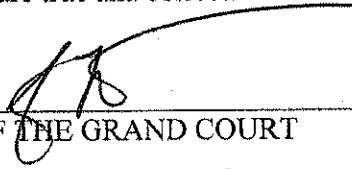
 CONSOLIDATED AMENDED COMPLAINT

 CERTIFICATION OF PLAINTIFF PURSUANT TO FEDERAL SECURITIES LAW

 PRIMEO EXECUTIVE FUND
 On the registered office of _____
 HSBC 68 BAYTOWN PLAZA, WEST BAY ROAD, GRAND CAYMAN
 Located at _____
 CAYMAN ISLANDS

 CHET MORRISON, AFS @ HSBC
 By handing the said documents to _____
 HSBC OFFICES, GRAND CAYMAN, CAYMAN ISLANDS
 At _____

3. The above statements made by me are true and correct.



 BAILIFF OF THE GRAND COURT

Affirm to before me on Monday the 19th day of April 2010.



 NOTARY PUBLIC GEORGE TOWN
 GRAND CAYMAN, CAYMAN ISLANDS

Dockets.Justia.com

CERTIFICATE OF NOTARY

I, Audrey Bodden, Deputy CLERK OF THE COURTS OF THE CAYMAN ISLANDS DO HEREBY CERTIFY THAT DELENE CACHO NOTARY PUBLIC, is validly appointed and remains a Notary Public under the Notaries Public Law.1982 (2006 Revision).

HER License expires 31st January, 2011

Dated this 18th day of May 2010



Deputy CLERK OF COURTS
FOR THE CAYMAN ISLANDS



F.P. 33/10

Civil Case No.: 09 CIV 289 (RMB) (HBP)

**REQUEST
FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS
DEMANDE
AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE**

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.
Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

Identity and address of the applicant
Identité et adresse du requérant

Karina Shreefer, Esq.
LEGAL LANGUAGE SERVICES
8014 State Line Road, Suite 110
Leawood, Kansas 66208
UNITED STATES OF AMERICA
Tel. 1.913.341.3167

Address of receiving authority
Adresse de l'autorité destinataire

HAGUE CENTRAL AUTHORITY FOR THE CAYMAN ISLANDS
Courthouse
Clerk of the Courts
Georgetown
Grand Cayman
CAYMAN ISLANDS

The undersigned applicant has the honour to transmit in duplicate the document listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,

(identity and address)
Le requérant soussigné a l'honneur de faire parvenir—en double exemplaire—à l'autorité destinataire les documents ci-dessous énumérés, en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:
(identité et adresse) PRIMEO EXECUTIVE FUND

68 West Bay Road, Grand Cayman, KY1-1102
CAYMAN ISLANDS

- (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
(a) selon les formes légales (article 5, alinéa premier, lettre a).
- (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:
(b) selon la forme particulière suivante (article 5, alinéa premier, lettre b) : Personal (in-hand) service by a Judicial Officer in accordance with your internal law for service of documents upon persons or entities in your territory.
- (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*;
(c) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents—and of the annexes*—with a certificate as provided on the reverse side.
Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte—et de ses annexes—avec l'attestation figurant au verso.

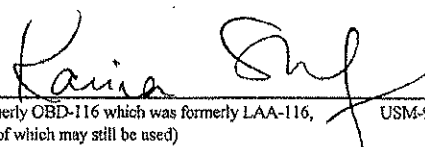
THE PERSONS AND ENTITIES WITHIN THE UNITED STATES COMPETENT TO FORWARD SERVICE REQUESTS PURSUANT TO ARTICLE 3 INCLUDE ANY COURT OFFICIAL; ANY ATTORNEY; OR ANY OTHER PERSON OR ENTITY AUTHORIZED BY THE RULES OF THE COURT. (See U.S. declarations at Hague Conference website: http://www.hcch.net/index_en.php?act=authorities.details&aid=279)

List of documents
Énumération des pièces

- Executed "Request," in duplicate
- "Certificate" (unexecuted), in duplicate
- "Summary," in duplicate
- "Notice," in duplicate
- Summons in a Civil Action, in duplicate
- Consolidated Amended Complaint, in duplicate
- Certification of Plaintiff Pursuant to Federal Securities Laws,
in duplicate

*Delete if inappropriate
Rayer les mentions inutiles.

Done at Leawood, Kansas, U.S.A., the 6 April 2010
Fait à _____, le _____
Signature and/or stamp.
Signature et/ou cachet.


(Formerly OBD-116 which was formerly LAA-116, USM-94 both of which may still be used) (Est. 11/22/77)

**CERTIFICATE
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1) that the document has been served *

1. que la demande a été exécutée

- the (date)

- *le (date)*

- at (place, street, number)

- *à (localité, rue numéro)*

- in one of the following methods authorised by article 5-

-dans une des formes suivantes prévues à l'article 5:

(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention*.

a) selon les formes légales (article 5, alinéa premier, lettre a).

(b) in accordance with the following particular method*:

b) selon la forme particulière suivante :

(c) by delivery to the addressee, who accepted it voluntarily. *

c) par remise simple

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à:

-(identity and description of person)

-(identité et qualité de la personne)

-relationship to the addressee (family, business, or other):

-liens de parenté, de subordination ou autres, avec le destinataire de l'acte:

2) that the document has not been served, by reason of the following facts*:

2. que la demande n'a pas été exécutée, en raison des faits suivants:

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire et joint.

Annexes

Annexes

Documents returned:

Pièces renvoyées:

Done at _____, the _____

Fait à _____, le _____

In appropriate cases, documents establishing the service:

Le cas échéant, les documents justificatifs de l'exécution:

Signature and / or stamp.

Signature et / ou cachet.

Civil Case No.: 09 CIV 289 (RMB) (HBP)

SUMMARY OF THE DOCUMENT TO BE SERVED
ELEMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.
(article 5, fourth paragraph)
(article 5, alinéa 4)

Name and address of the requesting authority: Karina Shreefer, Esq.
Nom et adresse de l'autorité requérante : LEGAL LANGUAGE SERVICES
8014 State Line Road, Suite 110, Leawood, Kansas 66208, U.S.A.
Tel. 1.913.341.3167

Particulars of the parties*:
Identité des parties : IN RE HERALD, PRIMEO AND THEMA FUNDS SECURITIES LITIGATION

JUDICIAL DOCUMENT**
ACTE JUDICIAIRE

Nature and purpose of the document:
Nature et objet de l'acte : To give notice to the Defendant of the commencement of a civil claim against it and to summon it to answer or otherwise respond.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:
Nature et objet de l'instance, le cas échéant, le montant du litige : A civil action has been commenced against the Defendant.

Date and place for entering appearance**:
Date et lieu de la comparution : Within twenty-one (21) days after service of the Summons (not counting day of receipt), Defendant must serve upon the Plaintiff's Attorney (Cohen Milstein Sellers & Toll PLLC) an Answer to the attached Complaint or a Motion under Rule 12 of the Federal Rules of Civil Procedure. Defendant also must serve its Answer or Motion with the court Clerk of the United States District Court, Southern District of New York located at: 500 Pearl Street, New York, New York 10007, U.S.A.

Court which has given judgment**:
Jurisdiction qui a rendu la décision : N/A

Date of judgment**:
Date de la décision : N/A

Time limits stated in the document**:
Indication des délais figurant dans l'acte : Within twenty-one (21) days after service of the Summons (not counting day of receipt), Defendant must serve upon the Plaintiff's Attorney (Cohen Milstein Sellers & Toll PLLC) an Answer to the attached Complaint or a Motion under Rule 12 of the Federal Rules of Civil Procedure. Defendant also must serve its Answer or Motion with the Court. If Defendant fails to respond, judgment by default will be entered against it for the relief demanded in the Complaint.

EXTRAJUDICIAL DOCUMENT**
ACTE EXTRAJUDICIAIRE

Nature and purpose of the document:
Nature et objet de l'acte : N/A

Time limits stated in the document**:
Indication des délais figurant dans l'acte : N/A

* If appropriate, identity and address of the person interested in the transmission of the document.
S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

*U.S. Government Printing Office: 1990-262-211/15302

** Delete if inapplicable.
Rayez les mentions inutilisées.

Civil Case No.: 09 CIV 289 (RMB) (HBP)

NOTICE

*(recommended by the Fourteenth Session of
Hague Conference of October, 1980)*

identité et adresse du destinataire
identity and address of the addressee

PRIMEO EXECUTIVE FUND
68 West Bay Road
Grand Cayman
KY1-1102
CAYMAN ISLANDS

TRÈS IMPORTANT

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES "ÉLÉMENTS ESSENTIELS DE L'ACTE" VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET. IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.

SI VOS RESSOURCES SONT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITÉ D'OBTENIR L'ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE SOIT DANS VOTRE PAYS SOIT DANS LE PAYS D'ORIGINE DU DOCUMENT.

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D'OBTENIR L'ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES :

Legal Services for New York City
350 Broadway
New York, New York 10013
U.S.A.
Tel. 1.212.431.7200

IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE "SUMMARY OF THE DOCUMENT TO BE SERVED" WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD, HOWEVER, READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

Legal Services for New York City
350 Broadway
New York, New York 10013
U.S.A.
Tel. 1.212.431.7200