

UNITED STATES DISTRICT COURT

for the

Southern District of New York

In re Herald, Primeo, and Thema Funds Sec. Litig.

Plaintiff

v.

Defendant

Civil Action No. 09 Civ. 289 (RMB) (HBP)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Unicredit
150 East 42nd St.
New York, New York 10017-4679

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

S. Douglas Bunch
Cohen Milstein Sellers & Toil PLLC
1100 New York Avenue, N.W.
Suite 500, West Tower
Washington, DC 20005

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

J. MICHAEL McMAHON

CLERK OF COURT

Date: 11 FEB 2010

Catherine Gansley
Signature of Clerk or Deputy Clerk

Civil Action No. 09 Civ. 289 (RMB) (HBP)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Unicredit
was received by me on *(date)* _____

I personally served the summons on the individual at *(place)* _____
on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ABC PROCESS SERVICE, INC.
Attorney:
COHEN MILSTEIN SELLERS & TOLL,
P.L.L.C.
Index No. 09 CIV 289 (RMB) (HBP)
Date Filed / /
Office No. CMHT01150AB

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE:

HERALD, PRIMEO, AND THEMA FUNDS SEC. LITIG. (PLAINTIFF)
against (DEFENDANT)

STATE OF NEW YORK, COUNTY OF NEW YORK SS:

GEORGE P. RUSH being duly sworn, deposes and says
that he is over the age of 18 years, not a party to the action, and resides in
the State of New York:

That on the 12 day of March 2010 at 3:52 PM, at

150 EAST 42ND ST; NEW YORK, NY 10017-4679 32ND FL
he served the annexed SUMMONS IN A CIVIL ACTION, CONSOLIDATED AMENDED COMPLAINT
upon

UNICREDIT in this action, by delivering to and leaving with said MS. CHRISTINA
HIGGINS, MANAGING AGENT a true copy thereof.

Deponent describes person served as aforesaid to the best of deponents ability
at the time and circumstances of service as follows:

Sex FEMALE, Color WHITE, Hair BROWN, app.age 54 YRS, app.ht 5'5", app.wt
150 LBS

DEPONENT FURTHER SAYS, that he knew the Corporation so served as aforesaid to be
the Corporation mentioned and described in the said SUMMONS IN A CIVIL ACTION,
CONSOLIDATED AMENDED COMPLAINT.

SWORN to before me this 15
day of March 2010

JAY BRODSKY
Notary Public, State of New York
No. 31-4683271
Qualified in New York County
Commission Expires Feb. 2/2011

GEORGE P. RUSH
License No.: 0791734 :bb
CMHT01150AB

□