

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

In re HERALD, PRIMEO and THEMA FUNDS
SECURITIES LITIGATION

Plaintiff

v.

HERALD FUND SPC-HERALD USA SEGREGATED
PORTFOLIO ONE, et al. (SEE ATTACHMENT "A"
FOR ADDITIONAL
DEFENDANTS)

Defendant

Civil Action No. 09 CIV 289 (RMB) (HBP)
(Consolidated with 09 CIV 2032
and 09 CIV 2558)

AMENDED
SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HERALD FUND SPC-HERALD USA SEGREGATED PORTFOLIO ONE, et al.

(SEE ATTACHMENT "B" FOR COMPLETE LISTING OF ALL DEFENDANTS
AND ADDRESSES)

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: STULL, STULL & BRODY
Timothy J. Burke (admitted Pro Hac Vice)
10940 Wilshire Boulevard
Suite 2300
Los Angeles, California 90024
Tel: (310) 209-2468

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

[Handwritten signature]

Signature of Clerk or Deputy Clerk

Date: FEB 11 2010

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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 S.A.
was received by me on *(date)* 3/24/2010

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)* Kathrin Rauschnabel, LLM, who is
designated by law to accept service of process on behalf of *(name of organization)* Unicredit S.A.,
150 East 42nd St., New York, NY 10017 on *(date)* 3/24/10 ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ -0- for travel and \$ -0- for services, for a total of \$ 0.00

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

Date: 3/24/10

Maksim Fuchs
Server's signature

Maksim Fuchs
Printed name and title

STULL, STULL & BRODY
6 East 45th Street
New York, NY 10017
Server's address

Additional information regarding attempted service, etc:

Additional documents served: Amended Class Action Complaint, Electronic Case Filing Rules and Instructions for U.S. District Court, Southern District of New York, and Individual Practices of Hon. Richard M. Berman, Civil Case Cover Sheet

ATTACHMENT "A"

Additional Defendants:

Herald (LUX)
Herald Asset Management Limited
Paul de Sury
Gabriel Safdié
William A. Jones
Bank Medici
Unicredit S.A.
Sonja Kohn
Peter Scheithauer
Helmuth E. Frey
Andreas Pirkner
Friedrich Pfeffer
Franco Mugnai
Richard Goddard
Hannes Saleta
Bank Austria Creditanstalt
Ernst & Young S.A.
Ernst & Young, Cayman Islands
Ernst & Young Global Limited
HSBC Securities Services (Luxembourg) S.A.
HSBC Holdings plc
Friedling & Horowitz

ATTACHMENT "B"

All Defendants and Addresses:

Herald Fund SPC-Herald USA Segregated Portfolio One
M&C Corporate Services Limited
P.O. Box 309 GT
Ugland House, South Church Street
Georgetown, Grand Cayman
Cayman Islands

Herald (LUX)
40 Avenue Monterey
B.P. 413, L-2014
Luxembourg

Herald Asset Management Limited
Whitehall House, 238 North Church Street
Seven Mile Beach
George Town, Grand Cayman
Cayman Islands, B.W.I.

Paul de Sury
(Agent/Address unknown at this time)

Gabriel Safdié
(Agent/Address unknown at this time)

William A. Jones
(Agent/Address unknown at this time)

Bank Medici S.A.
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Vienna, 1010
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Helmuth E. Frey
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Andreas Pirkner
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Hannes Saleta
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Austria

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Luxembourg

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L-1160 Luxembourg
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Fax: 352 27 025 774

Friehling & Horowitz
(Agent/Address unknown at this time)