

RECEIVED

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

UNITED STATES DISTRICT COURT

2010 FEB 11 PM 8:53

for the

Southern District of New York

In re Herald, Primeo, and Thema Funds Securities

Litigation

Plaintiff

v.

Defendant

Civil Action No. 09 Civ. 0289 (RMB)

AMENDED SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) See attachment.

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: JOHNSON BOTTINI, LLP, Francis A. Bottini, Jr., Albert Y. Chang, 501 W. Broadway, Suite 1720, San Diego, CA 92101, (619) 230-0063.

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

Manos Quintero
Signature of Clerk or Deputy Clerk

Date: FEB 11 2010

Civil Action No. 09 Civ. 0289 (RMB)

**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)* \_\_\_\_\_  
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:

**Attachment to Summons**

Bank Medici AG  
Operngasse 6/4  
1010 Vienna, Austria

Sonja Kohn  
Operngasse 6/4  
1010 Vienna, Austria

Peter Scheithauer  
Operngasse 6/4  
1010 Vienna, Austria

Werner Tripolt  
Operngasse 6/4  
1010 Vienna, Austria

John Holliwell  
Operngasse 6/4  
1010 Vienna, Austria

UniCredit SpA  
Piazza Cordusio  
Milan, Milan 20123

Thema International Fund plc  
HSBC House, Harcourt Centre  
Harcourt Street, Dublin 2  
Ireland

Alberto Benbassat  
9 Chemin De Passy  
Eres, Switzerland

Stephane Benbassat  
Chemin De Petit  
Bel-Air 18B NEX  
Switzerland

David T. Smith  
c/o Equus Asset Management Partner  
Bermudiana Arcade  
27 Queen Street  
Hamilton HM 11  
Bermuda

Gerald J.P. Brady  
Birch Hollow  
Upper Kilmacud Road  
Dundrum, Dublin 14, Ireland

Daniel Morrissey  
William Fry Solicitors  
Fitzwilton House  
Wilton Place, Dublin 2, Ireland

HSBC Securities Services (Ireland) Ltd.  
HSBC House, Harcourt Centre  
Harcourt Street, Dublin 2, Ireland

HSBC Institutional Trust Services (Ireland) Ltd.  
HSBC House, Harcourt Centre  
Harcourt Street, Dublin 2, Ireland

HSBC Holdings plc  
8 Canada Square  
London E14 5HQ  
United Kingdom

PricewaterhouseCoopers (Dublin)  
One Spencer Dock, North Wall Quay  
Dublin 1, Ireland

PricewaterhouseCoopers LLP  
300 Madison Avenue  
New York, New York

PricewaterhouseCoopers Bermuda  
Dorchester House, 7 Church Street  
Hamilton HM 11, Bermuda

PricewaterhouseCoopers International Ltd.  
300 Madison Avenue, 24<sup>th</sup> floor  
New York, New York

Genevalor, Benbassat & Cie  
6, Place Camoletti, CH-1207  
Geneva, Switzerland

Thema Asset Management Limited  
Citco Building  
Wickhams Cay, Road Town  
Tortola, British Virgin Islands

BA Worldwide Fund Management Limited  
P.O. Box 71, Road Town  
Tortola, British Virgin Islands

Peter Madoff  
15 W. 53<sup>rd</sup> Street  
New York, New York 10019

Andrew Madoff  
885 Third Avenue, 17<sup>th</sup> floor  
New York, New York 10022

Mark Madoff  
583 Broadway  
New York, New York 10012

William Fry  
300 Park Avenue, Suite 1700  
New York, New York 10022

JP Morgan Chase & Co.  
270 Park Ave.  
New York, New York 10017

The Bank of New York Mellon  
1 Wall Street, 10 floor  
New York, New York 10286

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Plaintiff  
IN RE HERALD, PRIMEO, AND THEMA FUNDS  
SECURITIES LITIGATION THIS DOCUMENT RELATES TO:  
NEVILLE SEYMOUR DAVIS  
vs.  
Defendant  
ALBERTO BENBASSAT, ET AL

Case No.: 09 CIV 0289 (RMB)  
Hearing Date:  
Attorney of Record:

**AFFIDAVIT OF SERVICE**

Received this on \_\_\_\_\_

I, Glenn Burroughs, being duly sworn, depose and say, I have been duly authorized to make service of the document(s) listed herein in the above styled case, I am over the age of 18, and am not a party to or otherwise interested in this matter.


That on Feb 19, 2010 2:39 PM, I executed service of SUMMONS IN A CIVIL ACTION; AMENDED CLASS ACTION COMPLAINT; EXHIBITS on JP MORGAN CHASE & CO. at 270 PARK Avenue, NEW YORK, New York County, NY 10017

By Personal Service to: Leah Hernandez, A Hispanic female approx. 21-25 years of age 5'4"-5'6" in height weighing 100-120 lbs with brown hair


Military Status: Not in Military

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

Executed on Feb 22, 2010

  
\_\_\_\_\_  
Glenn Burroughs

State of New York, County of Richmond  
Subscribed and sworn to before me, a notary public on Feb 22, 2010

  
\_\_\_\_\_  
Notary Public

FOR: Murray, Frank & Sailer, LLP  
REF: MADOFF

DAMIEN CUTUGNO  
Notary Public, State of New York  
No. 01CU4985771  
Qualified in Richmond County  
Commission Expires Aug. 26, 2013

Order No. 6153259 SEA

