

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, 24th 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. 53rd Street
New York, New York 10019

Andrew Madoff
885 Third Avenue, 17th 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

New York Affidavit (personal or corporate service)

Page 1 of 1

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 Feb. 22, 2010

I, Sean LaFleur, 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 8:15 PM, I executed service of SUMMONS IN A CIVIL ACTION; AMENDED CLASS ACTION COMPLAINT; EXHIBITS on MARK MADOFF at 583 BROADWAY, NEW YORK, New York County, NY 10012

By Personal Service to: MARK MADOFF, A white male approx. 40-45 years of age 5'8"-5'10" in height weighing 160-180 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

Signature of Sean LaFleur
Sean LaFleur

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

Signature of Notary Public
Notary Public

H. ANTONIO COOK
NOTARY PUBLIC, State of New York
No. 1006078471
Commission Expires 8/5/2009



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

Order No. 6153257 SEA

