

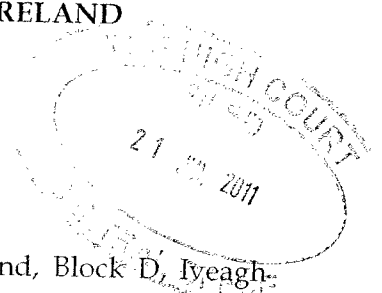
THE HIGH COURT

Record No. 2011 No. 219MCA

IN THE MATTER OF CUSTOM HOUSE CAPITAL LIMITED
AND IN THE MATTER OF AN APPLICATION PURSUANT TO REGULATION 166 OF
THE EUROPEAN COMMUNITIES (MARKETS IN FINANCIAL INSTRUMENTS)
REGULATIONS 2007

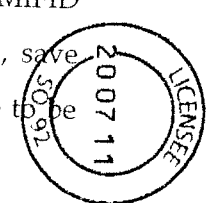
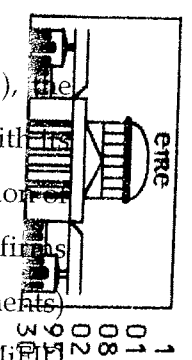
ON THE APPLICATION OF THE CENTRAL BANK OF IRELAND

AFFIDAVIT OF GEORGE TREACY

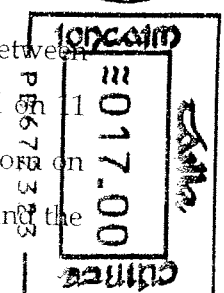


I, **GEORGE TREACY**, head of division, of the Central Bank of Ireland, Block D, Iveagh Court, Harcourt Road, Dublin 2 aged 18 years and upwards **MAKE OATH AND SAY** as follows:

1. I am a Senior Regulator of the Central Bank of Ireland ("the Central Bank"), the applicant herein, and I make this affidavit on behalf of the Central Bank and with its authority. I am the head of the Investment Service Providers Supervision division of the Central Bank and in that role I oversee the supervision of investment firms pursuant to the European Communities (Markets in Financial Instruments) Regulations 2007, Statutory Instrument No. 60 of 2007 (as amended) (the "MiFID Regulations"). I make this affidavit from facts within my own knowledge, save where otherwise appears, and where so otherwise appears I believe the same to be true.



2. I make this affidavit for the purpose of verifying the account of a meeting between representatives of the Central Bank and Appian Asset Management Limited on 11 July 2011 as described at paragraph 47 of the affidavit of Noel Thompson sworn on 15 July 2011 in the within proceedings. I say that I attended the said meeting and the



account provided at paragraph 47 of the affidavit of Mr Thompson is accurate and accords with my recollection of the meeting. I also say that the note of the meeting which is exhibited at Tab 33 of the Exhibit Folder ("NT1") to Mr Thompson's affidavit is a fair and accurate summary of the meeting.

3. At the hearing of the application of the Central Bank to this Honourable Court on 15 July 2011 for the appointment of inspectors pursuant to regulation 166 of the MiFID Regulations, I was sworn in and gave evidence in relation to a number of matters including the meeting between representatives of the Central Bank and Custom House Capital Limited which took place on 14 July 2011. The Central Bank was directed to prepare a note of the evidence which I gave. I beg to refer to a copy of that note upon which marked with the letters "GT1" I have signed my name prior to the swearing hereof. I confirm that this note is an accurate account of my evidence to this Honourable Court.

SWORN by the said **GEORGE TREACY** on 20
July 2011

at *Sir John Rogerson's Quay*
in the City of Dublin

before me a Practising Solicitor and I know the
Deponent



Sarah Cassidy

Practising Solicitor

This Affidavit is filed this day of July 2011 by McCann FitzGerald, Solicitors, of Riverside One, Sir John Rogerson's Quay, Dublin 2 (Ref: RCB/FOB)