

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 0214 **OF 2009**

IN THE MATTER OF THE EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS) CAYMAN ISLANDS ORDER 1978

AND IN THE MATTER OF A REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE FROM THE COURT OF THE JUDICIAL DISTRICT OF TAMBAU, STATE OF SAO PAULO, BRAZIL

AND IN THE MATTER OF CIVIL PROCEEDINGS NOW PENDING BEFORE THE COURT OF THE JUDICIAL DISTRICT OF TAMBAU, STATE OF SAO PAULO, BRAZIL ENTITLED, FABIO HENRIQUE SOARES DA SILVA BRUNO AGAINST NASCIMENTO E CIA LTDA.



EX PARTE ORIGINATING SUMMONS



LET ALL PARTIES concerned attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the day of 2009 at o'clock in the forenoon upon an application by the Attorney General for the following orders that:

1. Mariana Pereira da Silva of North West Point Rocal 495, West Bay, Grand Cayman, Cayman Islands, do appear at such place, date and time as the Clerk of Courts shall appoint to be examined upon oath by the said Clerk of Courts in terms of Schedule A attached hereto.
2. That the Clerk of Courts do cause all evidence produced by the said Mariana Pereira da Silva to be filed in the Registry of the Grand Court and do forward the said evidence to the Court of the Judicial District of Tambau, State of Sao Paulo, Brazil.

3. Such other orders and directions as this Honourable Court deems fit.

Dated this 1st day of May 2009



Cheryll M. Richards
Solicitor General

TO: **The Clerk of the Courts**

TIME ESTIMATED: The estimated length of the hearing of this summons is fifteen (15) minutes.

This summons was issued by the Attorney General's Chambers whose address for service is Government Legal Department, First Floor, Ansbacher House, 20 Genesis Close, George Town, Grand Cayman..

Schedule A

Questions to be asked of witness Mariana Pereira da Silva

1. Did the Plaintiff have to “climb any wall” or obstacle to reach the ashes?
2. What obstacle was it necessary to cross and how high was it approximately?
3. Was there any barbed wire fence protecting the ash dump?
4. Does she remember how long after arriving in the uncle’s pottery factory the accident occurred?
5. Where did the plaintiff and his family live when the accident happened?
6. Was the Plaintiff hospitalized due to his burns?
7. Can she tell which hospitals and where?
8. How long was the hospitalization?
9. How long was the treatment?
10. Did the Plaintiff even miss his school year due to such hospitalization or treatment?
11. Did the Plaintiff’s parents pay for the hospital treatment? Did the plaintiff have to continue his treatment at home?
12. Did the Plaintiff have to take medicines during the treatment? Who used to buy them?
13. Can she tell who paid for transportation expenses?
14. Did any of the pottery factory owners contact the Plaintiff’s parents to contribute to the treatment or offer any help?
15. Did the Plaintiff’s parents have to sell any property or enter any financing to pay for the treatment expenses?
16. The case records report that Mr. Fabio, the Plaintiff herein, had to resort to debridement or scraping procedures. Can she tell what this is and if she witnessed such procedures?
17. How many times did it have to be done? And for how long?

18. Did the Plaintiff use to cry or display any sign of pain?
19. Did she or Ms. Caroline, the Plaintiff's sister, have to hold him to scrap the grafts and the bums?
20. Did the Plaintiff acquire any scar or deformity?
21. Was the Plaintiff ashamed to show his legs?
22. Does the Plaintiff usually wear shorts today? How come?
23. Does the witness remember whether the accident happened in a weekend? Was there any person on the defendant's pottery factory premises?
24. Is the pottery factory established in an urban center? Can she tell if there are schools and clubs nearby?
25. How did the site where Fábio climbed looked like?
26. What did both the witness and Fabio's sister had to do at the accident?
27. The witness must describe the plaintiff's injuries right after he was removed from the ashes.
28. Is the witness a Plaintiff's relative? Are they close friends?
29. Is Uncle Latino Furini's house far from where the events occurred?
30. Is there any Pottery Factory owned by Uncle Latino between Uncle Latino's house and the event site?
31. Leaving from Uncle Latino's house, is it necessary to cross Uncle Latino's Pottery Factory to reach the event site?
32. Did the clay existing in Uncle Latino Furini's Pottery Factory even touch the wall of the Pottery Factory owned by the defendant?
33. Was the mass of clay in Uncle Latino Furini's Pottery Factory high? Did such mass of clay touch the wall of the Pottery Factory owned by the Defendant?
34. Did the witness climb the wall of the Pottery Factory owned by the Defendant on the event day? If no, why?
35. Did any person warn not to enter the Defendant's pottery factory when they entered his Uncle Latino's pottery factory? Has any person warned them on the hazards of a pottery factory? Was it forbidden to climb the wall of such property?

36. Where were then the Plaintiff's parents and the Latino Furini Pottery Factory's owner?
37. Does Uncle Latino Furini 's Pottery Factory manufacture pottery products, similarly to the Defendant's Pottery Factory, with the existence of furnaces, ashes, clay, firewood?
38. How high is the wall separating Uncle Latino's Pottery Factory from the
39. Defendant's Pottery Factory considering the latter toward the former? Is such wall
40. higher in the sense of the Defendant's Pottery Factory toward Uncle Latino
41. Furini's Pottery Factory or the contrary? Does the witness have any idea of how high such wall is?
42. Where was the witness when she realized that the Plaintiff had had an accident? What did she do?
43. Who was with the Plaintiff on the event day? Was he the only one to climb the bordering wall?

END OF SCHEDULE