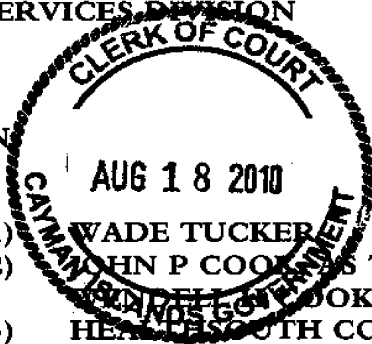


IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD 0191 OF 2010

BETWEEN



- (1) WADE TUCKER
- (2) JOHN P COOK TRUSTEE OF THE  
HEARNESBROOK TESTAMENTARY TRUST
- (3) HEARNESBROOK CORPORATION

Plaintiffs



AND



RICHARD M SCRUSHY  
MARIN LTD

Defendants

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WRIT OF SUMMONS

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TO: (1) Richard M Scrushy, Inmate #24463-001, USP Beaumont, US Penitentiary,  
6200 Knauth Road, Beaumont, Texas 77705, United States of America

(2) Marin Ltd, c/o Maples Corporate Services Limited, PO Box 309, George  
Town, Grand Cayman, Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs  
in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you  
must either satisfy the claim or return to the Court office, PO Box 495, George Town,

Grand Cayman KY1-1106, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 18<sup>th</sup> day of August 2010

**NOTE** - This Writ may not be served later than 4 calendar months (*or, if leave is required to effect service out of the jurisdiction, 6 months*) beginning with the date of issue unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgement of Service are given with the accompanying form.

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## STATEMENT OF CLAIM

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### The Parties

1. The First and Second Plaintiffs are shareholders in the Third Plaintiff.
2. The Third Plaintiff is a public company incorporated in the United States of America.
3. The First Defendant was Chairman and CEO of the Third Plaintiff between 1985 and 19 March 2003 except that he was not CEO between 28 August 2002 and 6 January 2003.
4. The Second Defendant is an exempt Cayman company formed on 24 May 2001 under company number 110463, and is solely and wholly owned and controlled by the First Defendant.

### US Proceedings

5. On or around 18 June 2009, in the Circuit Court of Jefferson County, Alabama in a civil action entitled *Wade Tucker et al v Richard Scruschy et al*, Civil Action No. CV-2002-5212 ("the Action") the First and Second Plaintiffs obtained, on a derivative basis on behalf of the Third Plaintiff, a final judgment against the First Defendant in the sum of US\$2,876,103,000 (a copy of which is attached) ("the Judgment").
6. At the time when the proceedings that gave rise to the Judgment were served on the First Defendant, the First Defendant was voluntarily present in Jefferson County, Alabama and was resident there also. Accordingly, the Alabama County

Court had jurisdiction and was competent to hear and judge the claim against the First Defendant and enter Judgment against him.

7. Further or alternatively, the Judgment was given after a trial of the merits of the claim at which the First Defendant was professionally represented and argued through his representatives that he was not liable in respect of the claim upon which the Judgment was given against him. Accordingly, the First Defendant submitted to the Alabama Court in respect of each of the claims giving rise to the Judgment, which are binding on him.
8. The Judgment is final and conclusive, and for a sum certain as aforesaid. Post-judgment interest is accruing on the Judgment at the statutory rate of 12% per annum pursuant to Alabama Code § 8-8-10, which amounts to US\$945,568.11 per day. As of July 31, 2010, the unpaid balance of the Judgment, including post-judgment interest, after all due credits was US\$3,243,414,951.55.
9. The First Defendant has entered into a pro tanto settlement agreement dated 18 August 2010 ("the Settlement Agreement") whereby he has agreed (inter alia) that the Plaintiffs shall be permitted to execute on and seek collection of the Judgment against him and the Second Defendant.
10. Further, pursuant to and in accordance with the Settlement Agreement, the First Defendant has agreed to the entry of a consent judgment against the Defendants, jointly and severally, in this Court in the amount of US\$3,233,414,951.55 (said amount representing the unpaid legal balance of the Judgment as of July 31, 2010, less a \$10,000,000 credit).

### **Relief Sought**

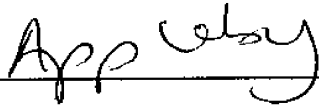
11. The Plaintiffs now seek the entry of a judgment in this Court against the Defendants, jointly and severally, in the amount of US\$3,233,414,951.55

12. The Plaintiffs are entitled to interest on the requested Judgment from the Defendants from 18 August 2010 at the rate of 5% per annum pursuant to Section 34 of the Judicature Law (2007 Revision) or at such rate and for such period as the Court thinks fit.

AND THE PLAINTIFFS CLAIM:

1. Judgment in the amount of US\$3,233,414,951.55 ;
2. Interest from 18 August 2010 pursuant to Section 34 of the Judicature Law (2007 Revision) at 5% per annum or at such rate and for such period as the Court thinks fit.
3. Such further or other relief as the Court thinks fit.

Dated the 18<sup>th</sup> day of August 2010

  
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Appleby

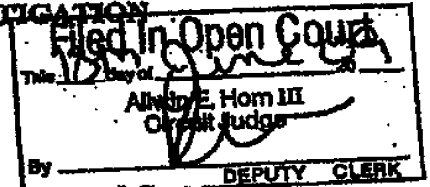
THIS WRIT was issued on behalf of the Plaintiffs by their Attorneys-at-Law, Appleby, of Clifton House, 75 Fort Street, PO Box 190, Grand Cayman KY1-1104, Cayman Islands (Ref. JW/MH/319019.0001).

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
HEALTHSOUTH CORPORATION 2002 DERIVATIVE LITIGATION

WADE TUCKER, ET AL.  
Plaintiff

v.  
RICHARD M. SCRUSHY, ET AL.  
Defendants

CV 02-5212 By  
(And All Consolidated Cases  
CV 03-3522, CV 03-2023,  
CV 03-2420 and CV 98-6592)



**FINAL JUDGMENT IN FAVOR OF WADE C. TUCKER, DERIVATIVELY ON  
BEHALF OF HEALTHSOUTH CORPORATION, AGAINST  
RICHARD M. SCRUSHY**

This cause came on to be heard on May 11, 2009, on the bench trial of the claims of Derivative Plaintiffs herein, Wade C. Tucker and the Wendell H. Cook Sr. Testamentary Trust, John P. Cook, Trustee, against Richard M. Scrushy. Upon consideration of the evidence and the arguments of counsel, and pursuant to the Memorandum Opinion filed and entered contemporaneously herewith, **IT IS ORDERED, ADJUDGED and DECREED** as follows:

1. That Judgment be and the same is hereby entered in favor of Derivative Plaintiffs, Wade C. Tucker and the Wendell J. Cook, Sr. Testamentary Trust, John P. Cook, Trustee, for and on behalf of HealthSouth Corporation, and against Richard M. Scrushy, in the total sum of two billion, eight hundred seventy six million one hundred three thousand dollars (\$2,876,103,000.00).
2. That all employment agreements between Richard M. Scrushy and HealthSouth Corporation be and the same are hereby declared to be rescinded and void. HealthSouth Corporation shall have no further obligation under any such employment agreement including, without limitation, (a) the 1986 Employment Agreement; (b) the 1998 Employment Agreement, including a purported Retirement Agreement attached hereto; and (c) the 2002 Employment Agreement, including a purported Retirement Agreement attached thereto.

3. Pursuant to the Alabama Rules of Civil Procedure, Rule 54(b), this Court hereby certifies that there is no just reason for delay and expressly directs entry of Final Judgment forthwith as per the above.

DONE and ORDERED this 18<sup>th</sup> day of June, 2009.

  
ALLWIN E. HORN, III  
Circuit Judge

AEH/kcm

Distribution: Copies of this Order are being provided to all Steering Committee Counsel with directions that said counsel further distribute this Order to all Parties in their respective Groups.

cc: Honorable Karen O. Bowdre  
U. S. Federal Judge  
Hugo Black U. S. Courthouse  
1729 5<sup>th</sup> Avenue North  
Birmingham, AL 35203