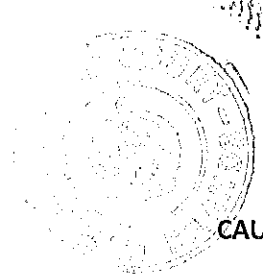


IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO: 394 OF 2012

BETWEEN:

SAMUEL AUGUSTUS WHITELOCKE

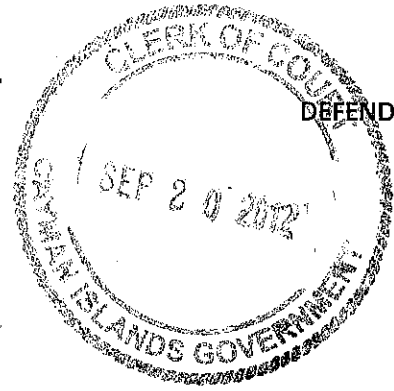
PLAINTIFF

AND

HURLEY'S SUPERMARKET LTD.

DEFENDANT

WRIT OF SUMMONS



TO: Hurley's Supermarket Ltd.
Stuarts Corporate Services Ltd.
PO Box 2510
4th Floor Cayman Financial Center
36A Dr. Roy's Drive
Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff 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, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of September 2012

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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The defendant was and is at all relevant times the occupier of a shop premises at Grand Harbour, Grand Cayman, Cayman Islands, to which they invited members of the public to enter for the purpose of purchasing groceries and other goods.
2. On the 1st July 2009 at approximately 3 p.m. the plaintiff entered the shop as a customer for the purpose of shopping at the store for groceries.
3. The plaintiff was approximately 20 feet inside the entrance to the store and was approaching the delicatessen area and was close to a large box sitting on a pallet containing watermelons when he slipped upon water or upon some other wet, moist or slippery substance upon the floor. As a result as he was falling, he struck the right side of his back off the wooden pallet and proceeded to fall to the ground sustaining personal injury.
4. The plaintiff alerted a manager to the accident and the manager attended at the scene of the fall and spoke with the plaintiff.
5. The accident and resulting injury were caused by the negligence of the defendant, its employees, servants or agent, or both.
6. Particulars of Negligence
 - (a) Failing to take any or any reasonable care to see that the plaintiff would be reasonably safe in using the premises as a customer.
 - (b) Causing or permitting the floor to be or to become or to remain a danger and a trap to persons lawfully using the same.
 - (c) Causing or permitting the water or other moist or slippery substance to be present upon the floor.
 - (d) Failing to cause the water or other substance to be cleaned up and the floor dried.

- (e) Failing to institute or enforce any or any adequate system for the inspection and cleaning of the floor.
- (f) Failing to give the plaintiff any or any adequate or effective warning of the presence of the substance upon the floor.
- (g) Permitting the plaintiff to walk along the aisle when they knew or ought to have known that it was unsafe and dangerous for him to do so.
- (h) Failing to place any barrier around the wet/moist area of floor.
- (i) Failing to safely store in an appropriate container a good, namely watermelons, that were likely to emit water or other substances onto the floor thereby causing a danger.

The plaintiff will rely on the fact of the presence of the spillage on the floor as proving negligence unless the Defendant proves how the spillage could have remained on the floor without negligence.

7. As a result of the Defendant's negligence, the Plaintiff has suffered personal injuries, loss and damage.

Particulars of Personal Injury

8. The plaintiff who was born on the 20th March 1950 sustained the following injuries:
 - (a) General pain and suffering including severe pain in the back and hip.
 - (b) Subligimental disc herniation at L4-L5.
9. As a result of his injuries the plaintiff attended at George Town hospital the day after of the accident complaining of tenderness over his right hip and difficulty walking.
10. The plaintiff further attending George Town hospital on a number of occasions between July and August 2009 due to the severity of his injuries and was recommended for a surgical decompression of his spine in August 2009.
11. The plaintiff had a surgical decompression of his spine on 29th June 2012 at George Town Hospital.
12. The plaintiff continued to attempt to lead a normal life but experienced episodes of pain restricting his activities and requiring further consultation with medical professionals and had to take time off work and frequently takes medication for the pain.

13. The plaintiff has suffered loss of amenity as follows:

- (a) Inability to sit, stand or walk for extended period of time without pain or discomfort.
- (b) Unable to perform usual household chores or to carry out gardening at his home.
- (c) Inability to continue to be involved in normal physical activities.
- (d) Incapable of lifting heavy items such as suitcases and grocery bags.
- (e) Restriction on his social and personal life.

14. The plaintiff has been unable to work due to his injuries since the subject accident and has suffered loss.

Particulars of Loss and Damage

15. At the time of the accident the plaintiff was aged 59.

16. At the time of issuing these proceedings the plaintiff is aged 62.

17. Prior to the accident the plaintiff's was working full time as a self employed trucker. Details of his pre-accident earnings will be supplied as soon as available.

18. Since the date of the accident the plaintiff has been unable to work and continues to be unfit for work at this time.

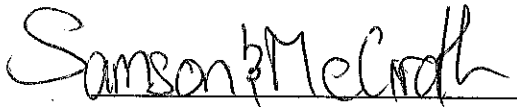
19. The Plaintiff claims loss of earnings to the date of the issue of the Writ and for future loss of earnings and handicap on the labour market.

20. The plaintiff further claims the cost of past and future medical treatment. Full details cannot be ascertained at this time but will be forwarded in due course.

21. The Plaintiff claims interest pursuant to section 34 of the Judicature Law (2007 Revision) on the amount found to be due to the Plaintiff at such rate and for such periods as the court thinks fit.

AND THE PLAINTIFF claims:

1. Damages to be assessed.
2. Interest in accordance with the Judicature Law (2007 Revision)
3. Costs

A handwritten signature in black ink that reads "Samson & McGrath". The signature is written in a cursive, flowing style and is positioned above a solid horizontal line.

Samson & McGrath

Attorneys for the Plaintiff

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

1. The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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PLAINTIFF

AND

HURLEY'S SUPERMARKET LTD.

DEFENDANT

ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes

no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)

yes

no

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

Please complete overleaf

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Samson & McGrath
Attorneys at Law
3rd Floor Genesis Building
Genesis Close
PO Box 446
George Town
Grand Cayman

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

[Empty box for defendant's attorney indorsement]