

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE N°: 335 OF 2002

BETWEEN: HECTOR MENDEZ (SUING AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF LINDA BERG-MENDEZ (DECEASED))
PLAINTIFF

AND: OVERSEAS INDEMNITY COMPANY, LIMITED
DEFENDANT

WRIT OF SUMMONS

TO: Overseas Indemnity Company, Ltd
c/o Marsh Management Services (Cayman) Ltd
PO Box 10073 APO
Grand Pavilion Corporate Centre
Grand Cayman, 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 following pages.

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 495GT, 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 8th day of May 2002.

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.

THE PLAINTIFF claims:

- (1) The sum of US\$532,361.83, comprising the sum of US\$429,250.83 being damages for breach of Florida Statutes and for breach of contract and part of a final judgment granted to the Plaintiff against the Defendant in proceedings between the Plaintiff and the Defendant in the Circuit Court of the Eleventh Judicial Circuit in and for Dade County, Florida, USA in the Civil Division under Case No 98/29838 CA21 ("the Florida Proceedings") on 29 October 2001 ("the Judgment Date") together with interest in the sum of US\$153,111.00 for the period between 21 November 1997 and 29 October 2001, less the sum of US\$50,000 received on 4 December 2001 pursuant to a Bond posted with Washington International Insurance Company as the Surety on or about 28 September 1999 ("the Bond").
- (2) Further interest on the sum of US\$429,250.83 amounting to US\$4,657.07 from the Judgment Date until 4 December 2001 and interest on US\$379,250.83 from 5 December 2001 to 30 April 2002 amounting to the sum of US\$16,801.31 pursuant to Section 34 of the Judicature Law (1995 Revision) at the rate of 11% per annum.
- (3) Continuing interest on US\$379,250.83 from 1 May 2002 as aforesaid until judgment of this Honourable Court or sooner payment at the daily rate of US\$114.29.
- (4) The sum of US\$500,000 being damages for mental anguish and part of a final judgment granted to the Plaintiff against the Defendant in the Florida proceedings on the Judgment Date.
- (5) Interest on US\$500,000 from the Judgment Date to 30 April 2002 amounting to US\$27,575.34 pursuant to Section 34 of the Judicature Law (1995 Revision) at the rate of 11% per annum.
- (6) Continuing interest on US\$500,000 from 1 May 2002 until judgment of this Honourable Court or sooner payment at the daily rate of US\$150.68.
- (7) The sum of US\$4,000,000 being punitive damages and part of a final judgment granted to the Plaintiff against the Defendant in the Florida proceedings on the Judgment Date.
- (8) Interest on US\$4,000,000 from the Judgment Date to 30 April 2002 amounting to US\$220,602.73 pursuant to Section 34 of the Judicature Law (1995 Revision) at the rate of 11% per annum.
- (9) Continuing interest on US\$4,000,000 as aforesaid from 1 May 2002 until judgment of this Honourable Court or sooner payment at the daily rate of

US\$1,205.48.

- (10) The sum of US\$190,000 being the amount of the Plaintiff's Attorney's fees ordered to be paid by the Defendant to the Plaintiff on the Judgment Date and assessed against the Defendant in the Florida proceedings on 25 February 2002.
- (11) Interest on US\$190,000 from 25 February 2002 to 30 April 2002 amounting to US\$2,998.36 pursuant to Section 34 of the Judicature Law (1995 Revision) at the rate of 9% per annum.
- (12) Continuing interest on US\$190,000 as aforesaid from 1 May 2002 until judgment of this Honourable Court or sooner payment at the daily rate of US\$46.85.
- (13) In the alternative to (2), (3), (5), (6), (8), (9), (11) and (12), interest pursuant to Section 34 of the Judicature Law (1995 Revision) at such rates and on such sums as to the Court shall seem just.
- (14) Costs.

Dated this 8th day of May 2002.



Truman Bodden & Company
Attorneys for the Plaintiff

If, within the time limited for acknowledging service, the Defendant pays the amount claimed to the Plaintiff or his attorneys and costs to be taxed if not agreed, further proceedings will be stayed.

THIS WRIT was issued by Truman Bodden & Company, Attorneys-at-Law, whose address for service is 3rd Floor, Anderson Square Building, PO Box 866GT, George Town, Grand Cayman, British West Indies (reference PWJ), Attorneys for the Plaintiff, Hector Mendez (suing as the personal representative of the estate of Linda Berg-Mendez (deceased)).