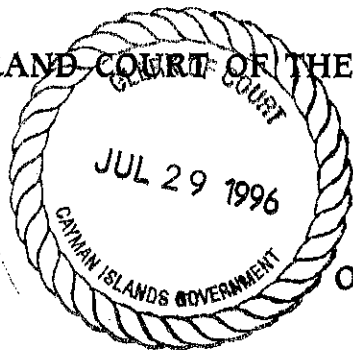


IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO: 395 of 1996

BETWEEN: OSWALD STEWART

PLAINTIFF

AND: SCOTTS EQUIPMENT LTD AND/OR SCOTTS INDUSTRIES LTD., D.B.A. SCOTTS MUFFLERS/ SCOTTS EXHAUSTS

DEFENDANT(S)



WRIT OF SUMMONS

TO: The Manager(s) Scotts Equipment Ltd and/or Scotts Industries Ltd, D.B.A. Scotts Mufflers/Exhausts, George Town, 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 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 29th day of July 1996.

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.



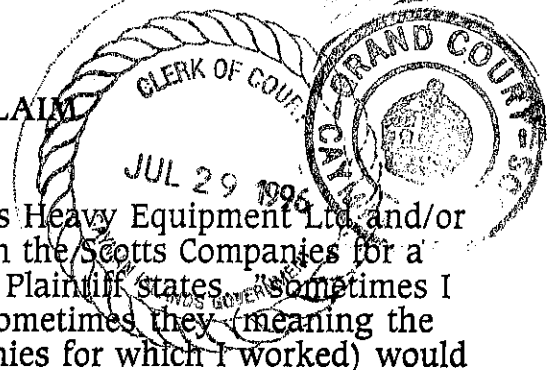
INDORSEMENT ON WIRT

The Plaintiffs suit is in negligence in that the employers(s) / Defendants(s) assigned two persons to undertake a task beyond their skills and level of competence.

Dated this *29th* day of *July*, 1996

Collins Broadhurst & Furniss
Collins Broadhurst & Furniss

STATEMENT OF CLAIM



1. The Plaintiff was employed by either Scotts Heavy Equipment Ltd. and/or Scotts Industries. The Plaintiff worked with the Scotts Companies for a period of some 14 years as a welder. The Plaintiff states, "Sometimes I would be working for one company and sometimes they (meaning the Scott brothers who own the several companies for which I worked) would have me switched over to another company... and this they did from time to time."
2. Albeit, the Plaintiff was under the direct supervision of one Mr. Alburn Scott at the time of his accident - a person whom he says he regarded with dread - when he was sent with another worker to replace the drive shaft coupling on a twenty five (25) yard dump truck which had broken down on a site at Spotts in Grand Cayman.
3. The driver of the truck was not at the scene when the Plaintiff arrived to do the repairs and neither the Plaintiff or the other worker with whom he was sent are heavy equipment operators or mechanics.
4. It would seem that while effecting repairs it became necessary to match two couplings and to this end the other worker started the engine of the dump truck while it was still in gear causing it to run over the Plaintiffs lower limbs crushing them while he was still on the ground under the vehicle.
5. The Plaintiff was unconscious for quite some time after this and was admitted to The George Town Hospital but had to be transferred to Baptist Hospital in Miami by air ambulance because of the severity of the injuries to his lower limbs.
6. The Plaintiff had spent some 8 months in hospital and is presently undergoing out-patient care at The George Town Hospital. It seems clear that the Plaintiffs employers have lived up to their obligations in so far as they have accepted liability for the medical costs occasioned by his injuries and up to a point continued to pay him to a regular basis. These payments have now stopped. His employers had also offered to employ the Plaintiff in work of a less strenuous nature.
7. However, the Plaintiff is, as a result of his accident, deformed. He has had metal pins inserted in one of his legs, walks with a limp, has had to undergo skin graft surgery and suffers permanent muscle weakness as a direct result.
8. At this stage, the Plaintiff is primarily interested in his compensation for pain and suffering and for the loss of use of his limbs to the extent that

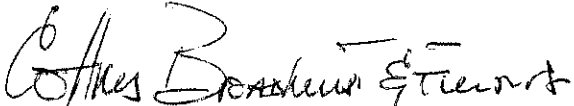
there is a permanent degree of impairment and of course any potential loss of earnings that will result from this.

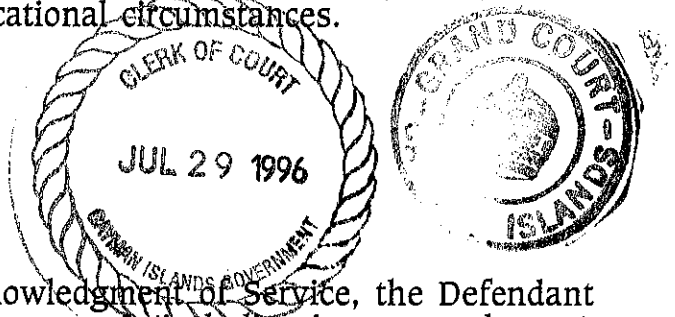
9. The Plaintiff is now lame and is no longer able to run, jump, climb, or, stoop down without ancillary support. Sometimes his left knee buckles without warning. The Plaintiff states that he has to do waking exercises in bed in order to be able to walk. He states that he is unable to climb stairs without holding onto the railings.
10. The Plaintiff has a wife and two young children to support as well as an aged mother and if he returns to Jamaica, he will, unless very lucky, have to undergo great changes in his vocational circumstances.

AND THE PLAINTIFF claims:

1. Damages

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of [\$] (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.]


Signature of Plaintiff or his Attorney



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 395 OF 1996

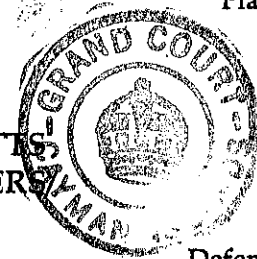
Between:

OSWALD STEWART

Plaintiff

-and-

SCOTTS EQUIPMENT LTD. AND/OR SCOTTS INDUSTRIES LTD., D.B.A. SCOTTS MUFFLERS SCOTTS EXHAUSTS



Defendant

ACKNOWLEDGEMENT 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 []

Service of the Writ is acknowledged accordingly

(signed) _____

[Attorney] for

[Defendant in Person]

Address for service:

Notes on address for service

Attorney: where 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 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.

*Endorsement by Plaintiff's Attorney
(or by Plaintiff if suing in person)
of his name, address and reference,
if any, below.*

*Endorsement by Defendant's Attorney
(or by Defendant if suing in person)
of his name, address and reference,
if any, below.*

Collins Broadhurst & Furniss
Attorneys-at-Law
Elizabethan Square
P.O. Box 2503, G.T.
Grand Cayman,
Cayman Islands,
B.W.I.