

SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY

FEB 29 2008



S081481-

NO.  
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

EXITPOINT STALLIONS LIMITEE

PLAINTIFF

AND:

CORRINE SUPER  
EXITPOINT FARMS INC.

DEFENDANTS

**WRIT OF SUMMONS**

Name and Address of each Plaintiff:

EXITPOINT STALLIONS LIMITEE  
c/o McCarthy Tétrault LLP  
Suite 1300 – 777 Dunsmuir Street  
Vancouver, British Columbia V7Y 1K2

Name and Address of each Defendant:

CORRINE SUPER  
8450 Gibson Road  
RR 31  
Chilliwack, British Columbia V2P 6H3

EXITPOINT FARMS INC.  
46030 Yale Road, Suite 456  
Chilliwack, British Columbia V2P 8E6

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To the Defendants: CORRINE SUPER  
EXITPOINT FARMS INC.

Form 1 (Rule 8(3))

203635-395326  
DOCS #45056

TAKE NOTICE that this action has been commenced against you by the Plaintiff(s) for the claim(s) set out in this writ.

IF YOU INTEND TO DEFEND this action, or if you have a set off or counterclaim that you wish to have taken into account at the trial, YOU MUST:

- (a) GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this court, at the address shown below, within the Time for Appearance provided for below and YOU MUST ALSO DELIVER a copy of the Appearance to the Plaintiff's address for delivery, which is set out in this writ, and
- (b) if a statement of claim is provided with this writ of summons or is later served on or delivered to you, FILE a Statement of Defence in the above registry of this court within the Time for Defence provided for below and DELIVER a copy of the Statement of Defence to the plaintiff's address for delivery.

YOU OR YOUR SOLICITOR may file the Appearance and the Statement of Defence. You may obtain a form of "Appearance" at the registry.

JUDGMENT MAY BE TAKEN AGAINST YOU IF:

- (a) YOU FAIL to file the Appearance within the Time for Appearance provided for below, or
- (b) YOU FAIL to file the Statement of Defence within the Time for Defence provided for below.

#### **TIME FOR APPEARANCE**

If this Writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

If this Writ is served on a person outside British Columbia, the time for appearance by that person after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

[or, if the time for appearance has been set by order of the court, within that time.]

#### **TIME FOR DEFENCE**

A Statement of Defence must be filed and delivered to the plaintiff within 14 days after the later of:

- (a) the time that the Statement of Claim is served on you (whether with this writ of summons or otherwise) or is delivered to you in accordance with the Rules of Court, and
- (b) the end of the Time for Appearance provided for above.

[or, if the time for defence has been set by order of the court, within that time.]

(1) The address of the registry is:  
The Law Courts  
800 Smithe Street  
Vancouver, BC V6Z 2E1

(2) The ADDRESS FOR DELIVERY is:  
Suite 1300, 777 Dunsmuir Street  
Vancouver, BC V7Y 1K2  
  
Fax Number for Delivery: (604) 643-7900

(3) The name and office address of the Plaintiff's/Plaintiffs' solicitor is:  
Robert W. Cooper  
McCarthy Tétrault LLP  
Barristers & Solicitors  
P.O. Box 10424, Pacific Centre  
Suite 1300, 777 Dunsmuir Street  
Vancouver, British Columbia V7Y 1K2

The Plaintiff's claim is set out in the attached Statement of Claim.

DATED:

February 28

Robert W. Cooper  
Solicitor for the Plaintiff

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DEFENDANTS

**STATEMENT OF CLAIM**

1. The Plaintiff, Exitpoint Stallions Limitee is a company incorporated under the laws of British Columbia with an address for purposes of this litigation at c/o McCarthy Tétrault LLP, 1300 - 777 Dunsmuir Street in Vancouver, British Columbia.
2. The Defendant, Corrine Super ("Super") is an individual who resides at 8450 Gibson Road, RR 31, in Chilliwack, British Columbia.
3. The Defendant, Exitpoint Farms Inc. ("Exitpoint Farms") is a company incorporated under the laws of British Columbia with a registered office at 46030 Yale Road, Suite 456 in Chilliwack, British Columbia.
4. The Plaintiff is in the business of acquiring, training, managing and breeding stallions. In the course of its business, the Plaintiff's stallions compete in national and international show jumping competitions.

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5. The Plaintiff is the owner of, and entitled to immediate possession of the following:
- (a) A black Holsteiner stallion, 16.1 hands in height, with distinctive white star and stripe markings on its head, born in 1996 and known as Capone I (“Capone”). Capone is a breeding stallion and a highly successful show-jumper in the prime of his competitive career;
  - (b) A grey German riding pony, under 14 hands in height, born in 2001 and known as Brock’s Neuville (“Neuville”). Neuville is a breeding stallion and a competitive show jumper;
  - (c) A grey Holsteiner stallion, 16.1 hands in height, born in 1992 and known as Aquilan Calypso (“Ace”). Ace is a breeding stallion and a competitive show jumper;
  - (d) The Fédération Équestre Internationale (“FEI”) Horse Passport for Capone which identifies, *inter alia*, Capone’s owner and is required for competing in FEI and nationally-sanctioned show jumping events, together with other related documentation (collectively, the “Passport”);
  - (e) Any and all semen samples extracted from Capone, Neuville or Ace; and
  - (f) Certain tack, supplies, and equipment, including, but not limited to the following:
    - (i) Tack and training supplies, including three black tack boxes with grooming and tack supply contents; four Holsteiner-logo winter horse blankets; a clear plastic tackle box with jumping studs and accessories;

velvet/velour style saddle pads; light-blue Holsteiner-logo fleece cooler sheets; black-zipper custom black tall riding boots; a GPA riding helmet; an International-level riding helmet in size 8.5; black leather trench coat, two leather jumping girths (belly guard), one with green elastic (Devocoux) and one with white (Antares);

- (ii) Office supplies and equipment, including computer and monitor; computer hard-disk; two-drawer black filing cabinet with “My Dog Banks with ICSB” sticker; wooden bookshelf; wooden half-height bookstand; green leather reclining chair; black/grey Aeron office chair; “Ausghewalte” hardcover stallion book in blue; miscellaneous books and videos; transparent Rubbermaid storage container with miscellaneous electrical parts, cords and cables; and
- (iii) Miscellaneous items, including a framed Bruno pedigree; an Old Mill Road sign; black-metal dog silhouettes – Rotti and German Shepherd; miscellaneous bits hung from stud chain in barn; a snowboard – green Burton “supermodel”; a Japanese katana; a half-sized plate armour statue; heavy, black, full-size punching bag and mounting hardware; blue patterned Tibetan prayer rug; and a framed fox-hunting print.

(collectively, the “Supplies”)

6. Capone, Neuville and Ace (collectively, the “Stallions”) each generate substantial revenue and notoriety.

7. At all material times prior to the Plaintiff acquiring ownership of the Stallions, Passport and Supplies, the Stallions, Passport and Supplies were owned by a syndicate of investors carrying on business as Wolf Advisors Limited (“Wolf Advisors”).
  
8. In or about February 2005, Wolf Advisors, as lessor, and the Defendants jointly as lessees, entered into a lease agreement (the “Lease”) whereby the parties agreed, either expressly or by implication, *inter alia*, as follows:
  - (a) Wolf Advisors would lease, *inter alia*, seven horses, including the Stallions, together with the Passport and the Supplies to the Defendants for a term beginning in or about February 2005 and ending in or about December 2006;
  - (b) During the term of the Lease, the Stallions, Passport and Supplies would reside with the Defendants, or one of them;
  - (c) The Defendants would manage, promote and care for the Stallions during the term of the Lease, and would cover all their operational expenses, including expenses related to breeding and show jumping competitions;
  - (d) In consideration for their obligations under the Lease, the Defendants would keep all income generated from the Stallions during the term of the Lease, including income from breeding and show jumping competitions; and
  - (e) The Defendants could breed any of their own mares to the Stallions during the term of the Lease, at no cost to the Defendants.
  
9. The term of the Lease was subsequently extended to on or about September 10, 2007.

10. In or about August 2007, prior to the expiry of the Lease, the Plaintiff acquired ownership of the Stallions, Passport and Supplies from Wolf Advisors.
11. Of the seven horses that were leased to the Defendants pursuant to the Lease, four of them were returned to the Plaintiff or otherwise sold in or about September 2007, in accordance with the Lease.
12. In or about October 2007, after the expiry of the Lease, the Defendants returned Capone to the Plaintiff.
13. The Defendants have wrongfully detained Neuville, Ace, the Passport and the Supplies beyond the expiry of the Lease.
14. Further, at some time unknown to the Plaintiff and during the term of the Lease, the Defendants, or one of them, wrongfully and without lawful excuse represented that Super was the lawful owner of Capone, and had the Passport altered to reflect same.
15. Further, at times unknown to the Plaintiff, the Defendants, or one of them, wrongfully and without lawful excuse extracted semen samples (the "Semen Samples") from one or more of the Stallions and stockpiled the Semen Samples for future breeding purposes.
16. The Plaintiff has demanded the return of Neuville, Ace, the Passport, the Semen Samples and the Supplies from the Defendants, but the Defendants have refused and continue to refuse to deliver Neuville, Ace, the Passport, the Semen Samples and the Supplies to the Plaintiff. By their actions, the Defendants have wrongfully detained Neuville, Ace, the

Passport, the Semen Samples and the Supplies and have deprived the Plaintiff of their use and enjoyment.

17. The Plaintiff has also demanded that the Defendants take steps to ensure that Super is not registered in any way as the owner of Capone, including on the Passport, but the Defendants have refused and continue to refuse to do the same.

18. In the alternative, the Defendants have converted and continue to convert Neuville, Ace, the Passport and the Supplies to their own use and have and continue to wrongfully deprive the Plaintiff of them, particulars of which include:

- (a) Unlawfully deriving revenue from Neuville and Ace, including, but not limited to, revenue from shows and competitions, lessons, breeding, and leases;
- (b) Unlawfully representing that the Super is the lawful owner of Capone, and having the Passport altered to reflect same;
- (c) Unlawfully extracting the Semen Samples; and
- (d) Unlawfully making use of the Supplies.

19. By reason of the Defendants' wrongful detention of Neuville, Ace, the Passport, the Semen Samples and the Supplies, or in the alternative, by reason of the Defendants' past and continuing conversion of Neuville, Ace, the Passport and the Supplies to their own use, the Plaintiff has suffered and continues to suffer loss and damage, particulars of which are as follows:

- (a) Loss of breeding opportunities and breeding revenue associated with breeding Neuville and Ace;
- (b) Loss of prize revenue associated with Neuville and Ace competing in show jumping competitions;
- (c) Loss of prize revenue associated with Capone, due to the inability of the Plaintiff to enter Capone in FEI and nationally-sanctioned show jumping competitions in the absence of the Passport, including qualification trials for the 2008 Beijing Olympics;
- (d) Damage to the Plaintiff's economic interests arising from the unlawful representations that Super is the owner of Capone, and from Super having the Passport altered to reflect same; and
- (e) Such further and other loss and damage as may be proven at trial.

WHEREFORE the Plaintiff claims as follows:

- (a) A declaration that the Stallions, the Passport, the Semen Samples and the Supplies are the Property of the Plaintiff;
- (b) An injunction restraining the Defendant from directly or indirectly converting Neuville, Ace, the Passport and the Supplies to her own use or in any way dealing with Neuville, Ace, the Passport and the Supplies without the Plaintiff's consent;

- (c) An Order that Neuville, Ace, the Passport, the Semen Samples and the Supplies be unconditionally given up to the Plaintiff pending the outcome of this proceeding;
- (d) An Order for delivery of Neuville, Ace, the Passport, the Semen Samples and the Supplies to the Plaintiff;
- (e) In the alternative, an Order for payment to the Plaintiff of the value of Neuville, Ace, the Passport, the Semen Samples and the Supplies;
- (f) Damages for wrongful detention; and
- (g) An Order requiring the Defendant to take all necessary steps to ensure that she is not registered as the owner of Capone with the FEI, or otherwise.

PLACE OF TRIAL Vancouver, British Columbia

DATED: Feb 28/06 \_\_\_\_\_ Robert W. Cooper  
Solicitor for the Plaintiff

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM is filed by Robert W. Cooper, of the firm of McCarthy Tétrault LLP, Barristers and Solicitors, whose place of business and address for service is Suite 1300, 777 Dunsmuir Street, Vancouver, British Columbia, V7Y 1K2, (604) 643-7100.

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**WRIT OF SUMMONS AND  
STATEMENT OF CLAIM**

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Robert W. Cooper  
McCarthy Tétrault LLP  
P. O. Box 10424, Pacific Centre  
Suite 1300, 777 Dunsmuir Street  
Vancouver, B.C. V7Y 1K2  
Phone: (604) 643-7100  
Fax: (604) 643-7900

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