

TwinCar AUTOMOTIVE PTE LTD

Company Registration and GST No. 200714616M

2 Kaki Bukit Avenue 2 #01-17/#01-18 /Heavy Vehicle #01-08/Spray Painting #02-27

Kaki Bukit Autohub Singapore 417921

Tel: 67440510

Fax: 67410510

P.I.C - Melody Chin

Reply to :huixin@n51.com.sg

03 March 2023

Our Ref : CLM15742 / SKH6599C / NOV-28/2022

ALLIANZ INSURANCE SINGAPORE PTE LTD

79 ROBINSON ROAD

#09-01

SINGAPORE 068897

ATTN: MOTOR CLAIMS DEPARTMENT

Dear Sir @ Madam,

RE: ACCIDENT INVOLVING SKH6599C & SCX7343C ON 24/11/2022

ALONG BUNGKOK GREEN TWDS SENGKANG E RD AT BUANGKOK DR JUNC

We refer to the above accident which was caused due to the negligence of your insured driver of vehicle No: **SCX7343C** whose vehicle was insured with you at the material date of the accident.

We are proposing for a direct settlement on the claims as following EXCLUDE personal injury in respect of claim arising out of the above mentioned accident.

Cost of repairs	\$	4,536.00	(Include 8% GST)
Loss of rental (25/11/2022 - 30/11/2022)	\$	600.00	(\$120 X 5 Days)
Loss of rental (30/11/2022 - 02/12/2022)	\$	300.00	(\$100 X 3 Days)
Additional 2 days loss of use for pre repair	\$	160.00	(\$80 X 2 Days)
LTA search fee	\$	7.45	
	S \$	<u>5,603.45</u>	

We enclosed herein the following documents for your necessary attention.

- 1) Our Final Bill No: CLM15742
- 2) Hock Chuan Heng Car rental & Trading Pte Ltd - Invoice No: 16062
- 3) LTA search
- 4) Letter of Authorisation
- 5) GIA report of SKH6599C

We look forward to your prompt reply.

Yours faithfully,



Twincar Automotive Pte Ltd

S.Y.NEO

Director

LETTER OF AUTHORISATION

To: M/s Twincar Automotive Pte Ltd
Singapore

RE: ACCIDENT INVOLVING VEHICLE NOS: SKH 6599C & SCX 7343C
ALONG BUANGKOK GREEN TUNDS SENGKANG E RD AT BUANGKOK ON 24/11/2022
I/We DR JUNE NRIC/Passport No: S 7638715 2
of TASHA BIN ABU BAKAR
BUK 436 PASIR RIS DRIVE 4 #03-489 S(510976)
the owner of vehicle no. SKH 6599C hereby authorise you to commence repair to the said vehicle forthwith. In consideration of you repairing my/our vehicle at my/our request.

- a) I/We hereby irrevocably authorise you to demand claim settle receive whatever amount settled/payable by the insurance and/or third party or to commence legal proceeding, if necessary, in my name, for the costs of repair and loss of use, etc and to you appointing any Solicitor to act for me in respect of the accident' claim and all an any amount claimed, received and/or settled shall belong absolutely to you. I/We agree to assign the whole proceeds of my/our third party claim to you and my/our Solicitors (to be appointed by you on my/our behalf) shall accept this as my/our irrevocable authorisation to pay the amount compensated direct to you after deduction of their costs on a Solicitor & Client basis. I/We undertake to co-operate fully with you and my/our Solicitors to see the claim to a successful conclusion.
- b) If the third party claim is unsuccessful or in your discretion inappropriate for any reason, I/we hereby instruct and authorise you to claim direct from my/our insurance company on my/our behalf for all monies due to you. I undertake to pay you for the Excess applicable under my policy and to reimburse you all costs, fees and expenses incurred by you in pursuing the claim on my behalf.
- c) If the own insurers' claim is not applicable and/or the third party claim fails and/or either of the aforesaid is inadequate, I/we undertake to pay you for your expenses, costs and fees immediately.

I/We also irrevocably authorise you to sign all discharge vouchers/indemnity forms and all necessary papers in connection with the above claim in my/our absence. I/We irrevocable authorise you to appoint such a firm of Solicitors on my/our behalf as you shall deem fit for the purpose of the third party/own insurer's claim.

I/We undertake to inform you and/or the Solicitors appointed by you on my behalf in the event the third party's insurance company communicate with me/us directly, orally or in writing and I/we further undertake not to accept any monies or offer of settlement from the third party's insurers without first communicating with you and obtaining your consent.

Upon settlement of the third party claim and in case the settlement monies was sent to me/us by the third party's insurers, I/we undertake to pay you and my/our solicitor the cost of repairs settled and related expenses and disbursement incurred.

My/Our insurer is/are _____

Policy No. 5108018716-03

Expiry Date: _____

Date: 28/11/2022

Excess: _____


Owner's Signature/Co's stamp (if applicable)


Witness Signature/Name

EzLyna (LKKAuto)

From: EzLyna (LKKAuto)
Sent: Wednesday, 5 April 2023 11:35 am
To: Chin Hui Xin
Cc: Admin A
Subject: RE: OFFER / LOD of SKH6599C (TWINCAR) - Accident Involving SKH6599C & SCX7343C ON 24/11/2022 *** LKK REF : CC4/AIS22011890/Apa3

'WITHOUT PREJUDICE'
SAVE AS TO COSTS

Dear Sirs,

Solely for purposes of amicable settlement, we are agreeable to resolve the matter at **S\$ \$5,043.45** (all in) in full and final settlement of all claims your client has or may have against Allianz Insurance Singapore and/or their insured arising out of this incident.

If the above offer is accepted, kindly confirm settlement by providing a copy of the **Letter of Authorization / Warrant to Act** and your **Bank details** for us to process payment.

Please note that your client's receipt of the settlement sum or settlement sums shall constitute a full discharge of liability and waiver of any past, present or future claims your client may have against Allianz Insurance Singapore and/or our insured as a result of the accident on **24-Nov-2022**.

Please note that the clearance of this cheque / settlement sum or receipt of the successful electronic payment or payments constitutes your client's acceptance of payment and full discharge of liability.

Thank you.

**I am working from home from 04.04.2023~12.05. 2023. If you wish to contact me, pls whatsapp call at 80287880 or email.*

Best Regards,
Ezlyna Eng | Case Handler
LKK Auto Consultants Pte Ltd
phone: 6841-6051 | email: Ezlyna@lkkauto.com |
Blk 51, Paya Ubi Industrial Park, Ubi Avenue 1, #02-25 | S(408933)

From: Chin Hui Xin <huixin@n51.com.sg>
Sent: Friday, March 31, 2023 3:11 PM
To: EzLyna (LKKAuto) <ezlyna@lkkauto.com>
Cc: Admin A <admin-a@lkkauto.com>
Subject: Re: OFFER / LOD of SKH6599C (TWINCAR) - Accident Involving SKH6599C & SCX7343C ON 24/11/2022 *** LKK REF : CC4/AIS22011890/Apa3

Without Prejudice

Dear Ezlyna,

Refer to the above subject.

We agreed as per offer \$5,043.45.

Kindly proceed for necessary action.

Thank you 😊

Regards,

Melody Chin

N-51 Automotive Pte Ltd

TWINCAR Automotive Pte Ltd

Direct line : 6932 4863

Office : 6842 0051

Fax : 6741 0510



On Mon, Mar 27, 2023 at 2:46 PM EzLyna (LKKAUTO) <ezlyna@lkkauto.com> wrote:

Without Prejudice

Dear Melody,

We refer to the above matter.

We have our principal's instruction to offer as follows:-

Cost of Repair - \$4,536.00 (inclusive of 8% GST) Agreed

Loss of Rental - \$ 500.00 (5 days x \$100)

LTA Search fee - \$ 7.45 (Agreed)

Total - \$5,043.45

Kindly confirm acceptance & DV shall follow shortly. Thank you.

With warmest regards,

Ezlyna

From: Mei Kwan (LKKAuto) <Meikwan@lkkauto.com>

Sent: Monday, March 27, 2023 9:59 AM

To: Motor Claims (Allianz Insurance Singapore) <claims@allianz.com.sg>; Chin Hui Xin <huixin@n51.com.sg>; EzLyna (LKKAuto) <ezlyna@lkkauto.com>

Cc: Admin A <admin-a@lkkauto.com>

Subject: RE: LOD of SKH6599C (TWINCAR) - Accident Involving SKH6599C & SCX7343C ON 24/11/2022 *** LKK REF : CC4/AIS22011890/Apa3

Dear Sir / Madam,

Thank you for your email.

Our respective case handler will look into the matter and get back to you in due course.

Hi Lyna,

Kindly assist.

To check availability of the case handler, you may contact the undersigned.

Thank you.

Best Regards,

Mei Kwan | Admin

LKK Auto Consultants Pte Ltd

Phone: 6366 0055 | email: MeiKwan@lkkauto.com

Blk 51, Paya Ubi Industrial Park, Ubi Avenue 1, #02-25 | S(408933)

From: Motor Claims (Allianz Insurance Singapore) <claims@allianz.com.sg>

Sent: Sunday, March 26, 2023 12:05 AM

To: Chin Hui Xin <huixin@n51.com.sg>; Admin A <admin-a@lkkauto.com>

Cc: admin-d <admin-d@lkkauto.com>

Subject: FW: LOD of SKH6599C (TWINCAR) - Accident Involving SKH6599C & SCX7343C ON 24/11/2022

Internal

2022 22008434FR-SCX7343C

Dear LKK

For your necessary action

TwinCar AUTOMOTIVE PTE LTD

Kaki Bukit AutoHub

2 Kaki Bukit Ave 2

#01-17 / #01-18 / Heavy Vehicle #01-08 / Spray Painting #02-27

Singapore 417921

Tel No. : +65 6842 0051 Fax No. : +65 6741 0510

E-Mail : sales@n51.com.sg

Company Reg. No. : 200714616M

GST Registration No. : 200714616M

ALLIANZ INSURANCE SINGAPORE PTE LTD
79 ROBINSON ROAD
#09-01
SINGAPORE 068897

TAX INVOICE

Date : 28/12/2022

Date in : 25/11/2022

Vehicle Num. : SKH6599C

Make/Model : TOYOTA VIOS E AUTO-2008

Chassis/Eng# : MR053HY9305085532/1NZX816092

Accident Date : 24/11/2022

Claim No : CLM15742

Reference : NOV-28/2022

Policy No. : 5108018716-03 (06/03/2023)

LUMPSUM REPAIR BILL
REF : CLM15742-TWINCAR DATED 28/11/2022
BY DIRECT

Amount S\$
4,200.00



E. & O.E.	Sub S\$:	4,200.00
Add GST (8%) S\$:		336.00
Total Amount S\$:		4,536.00

for TWINCAR AUTOMOTIVE PTE LTD



HOCK CHUAN HENG CAR RENTAL & TRADING PTE LTD.

No. 4 Petain Road, Petain Court Singapore 208086 Tel: 6298 1936, 6294 0246, 6294 9170 Fax: 6298 3864

HIRER'S PARTICULARS
If Different From
Section ①I/We TASHA BIN ABU BAKAR
of BLK 486 PASIR RIS DRIVE 4
#03-489 S 510486 Tel: 9386 2440

hereinafter called "the Hirer" hereby confirm having agreed to hire, this day from HOCK CHUAN HENG CAR RENTAL & TRADING PTE LTD hereinafter called "the Owner" the undermentioned Vehicle at the rental fees as shown below and I further agree that I shall be held responsible for:-

- a) **THIRD PARTY ONLY MOTOR VEHICLE COVERAGE**
the Excess which is the maximum amount of \$1500 to cover for any third party damage or injury claims and also bear the full cost of any damage caused to the hired Vehicle resulting from any single accident including loss from inability to let the same Vehicle out on hire or loss resulting from theft and destruction of the Vehicle.
- b) **COMPREHENSIVE MOTOR VEHICLE COVERAGE**
the Excess which is the maximum amount of \$2000 for any damage caused to the hired Vehicle from any single accident or any loss resulting from third party damage claim, injury claim, theft or destruction of the Vehicle.
- c) Only persons above 24 years of age with more than 2 years driving experience, authorised licensed and signing this agreement may drive the vehicle.

whether or not such damage or loss is by person/persons known or unknown to me or by negligence or any breach by me of the Terms and Conditions of Hire, hereinafter mentioned and printed at the back hereof.

Vehicle Regn No. 車輛註冊號碼 <u>SXD 52821</u>		Rental Agreement 合同號碼 <u>No. H 16062</u>	
Section ① Hirer's And/Or Driver's Particulars 租車者/駕駛員個人記錄		租出日期及時間 Date & Time OUT <u>25/11/22 11:45 Hrs</u>	
姓名 Name: <u>AS ABOVE</u>		交車日期及時間 Date & Time IN <u>30/11/22 18:15 Hrs</u>	
地址 Address: <u>AS ABOVE</u>		Chargeable Rates Amount	
S		5 天 Days @ \$ <u>8600/-</u>	
居民證/護照號碼 I/C No./Passport No: <u>S76387152</u>		星期 Weeks @ \$	
居民證/護照種類 Type of I/C/Passport:		月 Months @ \$	
出生日期 Date of Birth: <u>24/11/1976</u>		月 Months @ \$	
發出地 Place of Issue:		月 Months @ \$	
三號保險底金 \$1500/- a) Third Party Only Policy Excess \$1500/-		一號保險底金 \$2000/- b) Comprehensive Policy Excess \$2000/-	
車輛必須歸還車主於 Vehicle Must Be Returned To Owner's Office By:		保險 Insurance	
備註與付款記錄 Remarks & Payment Records		總計 Total Charge	
按金 Security Deposit		總金額 Total Payable <u>8600/-</u>	
來銀 Amount Paid		送車/費 Delivery Fees	
收車費用 Collection Fees/Misc.		超過/小時 Extra Hours @ \$	
出車油箱 Fuel Tank OUT		出車油箱 Fuel Tank IN	
車牌號碼 Vehicle No:		起 From:	
車牌號碼 Vehicle No:		起 From:	
工具 Tools		裝飾品 Accessories	
車輛發出人 Vehicle Issued By:		車輛接收人 Vehicle Collected By:	
NOTE: 註 租車者或司機必須付所有停車, 違反交通及噴過量黑煙法例負起一切的責任。 HIRER AND/OR DRIVER IS LIABLE FOR ALL PARKING, TRAFFIC AND SMOKY EXHAUST VIOLATION.		加額費用 Total Additional Charges	
租車者不准載沙或石灰 HIRER MUST NOT CARRY SAND AND CEMENT ON THE VEHICLE PLS CHECK ENGINE OIL AND RADIATOR WATER EVERY MORNING.		總計 Grand Total	

我/我們同意以上及後頁租車公司所列的條規與條件。
I/We have read and hereby agree to the terms and conditions on both sides of this rental agreement.日期
Date:租車者簽名
Signature of Hirer:



福泉興汽車出租及貿易私人有限公司

HOCK CHUAN HENG CAR RENTAL & TRADING PTE LTD.

No. 4 Petain Road, Petain Court Singapore 208086 Tel: 6298 1936, 6294 0246, 6294 9170 Fax: 6298 3864

Official Receipt

No. **2424**

Date 25/11/2023

Received from TASHA BIN ABU BAKAR

the sum of Dollars SIX HUNDRED ONLY

being payment of RENTAL CHARGES FROM 25/11/2022 - 30/11/2022 (5 days)

HOCK CHUAN HENG CAR RENTAL & TRADING PTE LTD

S\$ 600/-
Cash/Cheque No.


Authorised Signature

> Back to OneMotoring



Land Transport Authority

10 Sin Ming Drive

Singapore 575701

GST Registration No. : M4-0006529-2

Print Date/Time : 25 Nov 2022 / 12:04:11

Receipt Date/Time : 25 Nov 2022 / 12:04:11

Tax Invoice/Receipt

Receipt No. : ITNET-00000-221125-001578

Previous Receipt No. :

S/N	Item Description/ Business Transaction Reference No.	Amount Before GST (S\$)	GST Amount (S\$)	Amount After GST (S\$)
Result of Insurance Enquiry - SCX7343C				
As at 24 Nov 2022/20:50:00				
Insurance Co: ALLIANZ INSURANCE SINGAPORE PTE. LTD.				
1	Insurance Enquiry - SCX7343C Enquiry Fee 20221125120354192152	7.00	0.49	7.49
Sub-Total		7.00	0.49	7.49
Total Before Rounding		7.00	0.49	7.49
Rounding Difference				-0.04
Total Amount Payable				7.45
Paid By				
84g4s211			Credit Card	7.45
Total				7.45
Cash Change				0.00
Tendered Amount				7.45
Excess Refundable Amount				0.00

THANK YOU AND HAVE A NICE DAY!

Please ensure that all payments to the Authority are good and promptly settled by the payment service provider / financial institution. Otherwise, the transaction and receipt is considered void and late fee may apply.

EzLyna (LKKAUTO)

From: EzLyna (LKKAUTO)
Sent: Wednesday, 25 January 2023 5:45 PM
To: limweijie2016@gmail.com
Cc: Admin A
Subject: ACCIDENT INVOLVING SCX7343C (ALLIANZ) AND SKH6599C AT/ALONG BUANGKOK GREEN ON 24/11/2022

Dear Lim Choong Leong & Lim Wei Jie,

You Ref: SCX7343C

Our Ref: CC4/AIS22011890/Apa3

ACCIDENT INVOLVING SCX7343C (ALLIANZ) AND SKH6599C AT/ALONG BUANGKOK GREEN ON 24/11/2022

We refer to the above subject matter. We write to inform you that we are the loss adjuster appointed by your motor insurer, Allianz Insurance Singapore Pte. Ltd to deal with the third party claim against your policy.

We have received a claim from **SKH6599C** against your insurance policy.

Based on the accident report and accident scenario, we are of the view that liability is not in your driver's favour. Therefore, we shall proceed to negotiate for an amicable settlement of the third-party claim at best to avoid further litigation, which would escalate to even more cost.

Please be informed that your No Claim Discount (NCD) may be affected as a result of the claim against your policy.

As Insurers, they shall proceed to deal with the claim(s) subject to the merits of the case and according to the rights afforded under the policy. Should you not be seeking the protection of your policy and seek to take conduct of third party claim(s) arising from this incident, at your own cost and defence, please reply to us within 7 days from the date of this letter. Your intent must be formally expressed to Allianz and acknowledged by Allianz.

To protect your interest(s) in the handling of this claim, please do not discuss liability with any of the Third Party(s) and/or their legal representatives, or make any compromise or settlement without our prior knowledge and consent. If you receive any correspondence or legal document such as a Writ of Summons in connection with this accident, please forward it to us immediately. You may email it to customerservice@allianz.com.sg or deliver it by hand to Allianz Customer Care Centre.

This letter should not be regarded as a waiver by Allianz of their rights to repudiate any claim because of any breach of policy terms and conditions you and/or your authorised driver may have committed.

In the event of receiving and handling of any third-party injury claim(s), we shall keep you informed of the final indemnity upon conclusion of the matter(s).

If you need any clarification, please do not hesitate to contact as at 68416051 or ezlyna@lkkauto.com.

Thank you.

Best Regards,

Ezlyna Eng | Case Handler

LKK Auto Consultants Pte Ltd

phone: 6841-6051 | email: Ezlyna@lkkauto.com |

Blk 51, Paya Ubi Industrial Park, Ubi Avenue 1, #02-25 | S(408933)

Claim Audit

AUDIT TRAIL				
No.	On	Audit	Remarks	By
1	27 Nov 2022 16:27	Clm Dtl Modified	Claimant's Name: -> TASHA BIN ABU BAKAR. Claimant's ID: -> S7638715Z.	[A] HOW MEI KWAN
2	27 Nov 2022 16:27	Clm Veh Model Changed	(200942) TOYOTA VIOS 1.5 E (A).	[A] HOW MEI KWAN
3	27 Nov 2022 16:27	Clm Created	Reg No: SKH6599C. Acct Date: 2022/11/24. Claim Type: TP. Insurer: Allianz Insurance Singapore Pte. Ltd. (HQ). TP Insurer: Income Insurance Limited (HQ). Works hop: Twincar Automotive Pte Ltd - Kaki Bukit (HQ)	[A] HOW MEI KWAN
4	27 Nov 2022 16:27	Adj Co Assigned	LKK Auto Consultants Pte Ltd (HQ):	[A] HOW MEI KWAN
5	27 Nov 2022 16:27	Adj Next Rpt Changed	Next Rpt:Final Rpt.Due Date:2022/12/06	[A] HOW MEI KWAN
6	27 Nov 2022 16:27	Adj Mandate Set	Approved:0.00.Reinsp:Adj decides.	[A] HOW MEI KWAN
7	27 Nov 2022 16:27	Adj Adjuster Assigned	[None] -> ADRIAN LING	[A] HOW MEI KWAN
8	03 Jan 2023 12:20	Clm Registration Modified	Pol No:->SP2002755283.	[I] Faiz Rosli
9	03 Jan 2023 12:20	Adj Next Rpt Changed	Next Rpt:Final Rpt.Due Date:2022/12/06. Mandate Remarks: Head to Rear - Proceed with Direct Settlement	[I] Faiz Rosli
10	03 Jan 2023 12:20	Adj Mandate Set	Approved:0.00:Head to Rear - Proceed with Direct Settlement	[I] Faiz Rosli
11	26 Jan 2023 08:48	Adj Mandate Request	Cur,Req:0.00:Liability: 100%. BOLA:27 Insured rear-ended third party. We seek your mandate at \$5,018.00 (if claim LOU) / \$ 5,338.00 (if claim LOR). TP-Mandate IA had been uploaded in Merimen. Kindly let us have your approval/instruction.	[A] Ezlyna
12	26 Jan 2023 14:37	Adj Next Rpt Changed	Cur Rpt:Final Rpt. Cur Due Date:2022/12/06. Mandate Remarks: Proceed with Offer - \$5,018.00 (LOU) / \$ 5,338.00 (LOR).	[I] Faiz Rosli
13	26 Jan 2023 14:37	Adj Mandate Set	Approved:5338.00:Proceed with Offer - \$5,018.00 (LOU) / \$ 5,338.00 (LOR).	[I] Faiz Rosli

Date From Date To Audit Type

ACTIVITY
[28/11/2022 11:27] HOW MEI KWAN: OINR. To send out first letter

Merimen Billing for this case - Transaction History								
Bill Ref No	Bill Date	Bill Type	Acc Type	Acc Name	Co Name (Branch)	Ref 1	Ref 2	Amount
2874281	27 Nov 2022 16:27:34	TP Case (Insurer)	Motor	Allianz Insurance Singapore Pte. Ltd. (HQ)	Allianz Insurance Singapore Pte. Ltd. (HQ)	SKH6599C		xx.xx

EzLyna (LKKAuto)

From: Chin Hui Xin <huixin@n51.com.sg>
Sent: Wednesday, 5 April 2023 11:44 am
To: EzLyna (LKKAuto)
Cc: Admin A
Subject: Re: OFFER / LOD of SKH6599C (TWINCAR) - Accident Involving SKH6599C & SCX7343C
ON 24/11/2022 *** LKK REF : CC4/AIS22011890/Apa3
Attachments: LOA.pdf

WITHOUT PREJUDICE

Dear Ezlyna,

Refer to the Bank Transfer Details and attachment.

Company Name	Twincar Automotive Pte Ltd
Contact Number	6744 0510
GST Registration Date	01/10/2008
GST Registration Number	200714616M
Contact Email (for payment advice to be sent to)	huixin@n51.com.sg

Beneficiary's Bank's Details

Bank Name	UOB
Bank Branch	UOB Tai Seng Branch
Bank Address	30 Tai Seng St #01-01 Breadtalk IHQ S(534013)
Bank Code	7375
Branch Code	004
SWIFT Code	UOVBSGSG

Beneficiary's Details

Beneficiary's Name	Twincar Automotive Pte Ltd
--------------------	----------------------------

Beneficiary's Account No.	3103081430
Beneficiary's Registered Address	2 Kaki Bukit Ave 2 #01-18 Kaki Bukit Autohub S(417921)
Beneficiary's Mailing Address	2 Kaki Bukit Ave 2 #01-18 Kaki Bukit Autohub S(417921)

Kindly proceed for payment.

Thank you 🙏

Regards,
Melody Chin
N-51 Automotive Pte Ltd
TWINCAR Automotive Pte Ltd
Direct line : 6932 4863
Office : 6842 0051
Fax : 6741 0510



On Wed, Apr 5, 2023 at 11:34 AM EzLyna (LKKAuto) <ezlyna@lkkauto.com> wrote:

'WITHOUT PREJUDICE'

SAVE AS TO COSTS

Dear Sirs,

Solely for purposes of amicable settlement, we are agreeable to resolve the matter at **S\$ \$5,043.45** (all in) in full and final settlement of all claims your client has or may have against Allianz Insurance Singapore and/or their insured arising out of this incident.