

June 2021

FURTHER DEVELOPMENTS REGARDING:

CARSON WINS HIGH COURT CASE AGAINST PROBOND MARINE LTD. (MD Colin James MacAndrew and now at The Ultimate Boat Co.)

Intellectual Property & Enterprise Court strikes out Probond Marine's case: 30 June 2020.

One year on Probond still not paid damages & costs to Carson.

Valuable assets hidden & others claimed deliberately destroyed deny Probond's creditors & Carson their rightful monies.

Role played by Shane Mugan (of The Ultimate Boat Company, etc.)

Following further malicious false claims and fake news posted by MacAndrew & Shane Mugan, both of The Ultimate Boat Company (UBC), Glasgow & Isle of Man, Carson has been compelled to update this statement of facts in more detail on documented evidence.

- **Over two years in the High Court.**
- **Disputed matters before the Court: Breach of Contract * Carson Interceptor RIB Designs * IP Rights * Royalties * Commissions * Other Matters**
- **Damages & costs awarded to Barry Carson (Carson RIBs).**
- **Probond's case struck out in its entirety after failing to provide evidence and attend trial.**
- **Probond held in Breach of Contract and also High Court Orders before trial with further breaches committed after trial.**
- **No findings of wrongdoing by Carson contrary to MacAndrew's still publicly repeated allegations.**
- **Colin James MacAndrew, MD of Probond Marine Ltd. has now ceased trading.**
- **Shane Michael Mugan, previously involved with Probond and now Owner/Director of newly formed The Ultimate Boat Company (UBC), played an instrumental role and was root cause of the dispute that led to the High Court.**
- **Dispute began immediately Mugan got involved with Probond. MacAndrew appointed Mugan as mouthpiece. With no prospect of winning the case MacAndrew began winding-up Probond and joined with Mugan in starting The Ultimate Boat Company, initially in the same premises in Cullen, Scotland.**
- **Damages & costs awarded to Carson remain unpaid.**
- **With no prospect of winning and following trial & judgment against him MacAndrew proceeded to hide assets, destroy and send to landfill various high value production moulds, stock & new demonstrator boats thus avoid paying Carson's damages with costs and Probond's numerous other creditors.**

- Carson's claim exceeds £600k. Numerous other creditors are also left out of pocket by hundreds of thousands of Pounds.
- MacAndrew's actions are considered a deliberate and vindictive process to avoid his legal and moral obligations to Carson, his staff, suppliers, service providers and many other creditors.
- MacAndrew now refers to himself as "Advisor to the Board" of UBC in Clydesdale, Glasgow. Mugan and his wife are the Owners Directors of UBC. Mugan also describes himself as "Growth Advisory Board Member". Some of Mugan's other interests include Exo Technologies, TYNC Design, Hibernia Capital, Novo Altum and Emeritus, all based on the IOM the same as UBC's registered office.
- 6 months after losing his case MacAndrew and or others, on Christmas Eve and morning 2020, posted numerous personal insults, defamatory comments and allegations knowing them to be all completely fabricated and false against Carson's boat designs and personal good character and reputation.
- Then, failing to achieve his aims, on New Year's Eve MacAndrew emailed Carson threatening to post more lies if his demands were not met, inter alia, that Carson remove all legitimate reporting regarding this court case and its outcome. Unlike MacAndrew's allegations and posts all material posted by Carson is factual and fully supported with documented evidence.
- Mugan had previously posted some of the same as MacAndrew on UBC's Facebook (see below). This was cut and pasted by MacAndrew proving further collusion between them to compulsively lie about these matters and their concerted effort to harm Carson's good name.
- Additionally, Mugan has emailed Carson directly adding further insults and more fabricated claims regarding same.
- Police and other authorities are informed and have written to MacAndrew advising his actions are unlawful, to seek legal advice and warning him he may face future prosecution.
- Carson is taking legal advice and considering further action against MacAndrew and Mugan of UBC.
- All matters are ongoing and further updates will be posted.

Colin James MacAndrew contact details: colin@ultimate-boats.com and ahoy@ultimate-boats.com and marketing@ultimate-boats.com and sales@probondmarine.co.uk

Phone numbers 07793 874346 & 0141 941 0447 (at The Ultimate Boat Company).

Addresses used: The Old Mill Of Newton, Clatt, Huntly, Aberdeenshire, Scotland, AB54 4PE and Corrennie Cottage, Midmar, Inverurie, Aberdeenshire, Scotland, AB51 7NQ and Indulf House, Lintmill, Cullen, Moray, Scotland, AB56 4XQ

Shane Michael Mugan contact details: shane.mugan@hibernia.im and ahoy@ultimate-boats.com and marketing@ultimate-boats.com

Phone numbers 07624 390700, 01624 853690 & 0141 941 0447 (at The Ultimate Boat Company).

Addresses used: 88 King Edward Rd., Onchan, IOM, IM3 2AU and Ballafreer Cottage, Ballafreer Lane, Union Mills, IOM, IM4 4AS and Hibernia Marine Ventures Ltd. (also Hibernia Capital), 8 St. George's St., Douglas, IOM, IM1 1AH. Also The Ultimate Boat Co., Clydebank Industrial Est., G81 4HT. Glasgow.

For more detailed statement of facts go to www.carson-marine.co.uk/update-news

#powerboats #ribs #ultimateboats #suzukimarineuk #innovation #marineindustrynews #circulareconomy #recycle #marine #hulldesign #UBC #tactical #military #law #patrol #boatbuilding #probond #royalties #greentechboatshow #sustainablecomposite

SOME BACKGROUND

- 1. Barry Carson of Carson RIBs is a long established reputable designer and builder of commercial and military RIBs for nearly 40 years. Carson RIBs have been supplied to numerous professional operators including military and law enforcement in over 20 countries worldwide. Some models have also been sold in the leisure sectors.**
- 2. From time to time Carson has also partnered with various other reputable companies and strategic partners to build certain models of Carson RIBs. Contrary to recent malicious claims by MacAndrew all partnerships were very successful and when naturally ended were on good amicable terms. Several of the companies' and their owners/directors remain involved with Carson and some are close family friends.**
- 3. In 2015 MacAndrew approached Carson to purchase some smaller RIB designs and production moulds. MacAndrew was completely new to professional boatbuilding with no previous knowledge or expertise whatsoever. An agreement was drawn up for Probond Marine Ltd. to build under license the Carson 420 and 600 RIB models. Carson agreed to assist and advise for a limited period during Probond's initial start-up. By far the vast bulk of this assistance was given free of charge. At that time Probond was located in Buckie, Scotland, later moving to nearby Cullen. As per the contracts all boats were to be known and advertised as Carsons, ie. Carson 420, Carson 600, etc..**

CARSON INTERCEPTOR RIB DESIGN

- 4. In 2016 a new range was designed by Carson and called the Carson Interceptor Class. Sizes were 7.5, 8.5 and 9.5 metres. With Carson's good reputation and assistance Probond successfully secured £115,000 of Scottish**

Government backed funding to assist getting into full production and market the specific licensed Carson RIB models. A 10.5m was added in late 2017 early 2018 based on the standard 9.5 or 950. Like all previous Carson RIB designs, they are totally Barry Carson designed with no input from any other party whatsoever contrary to claims by Probond and UBC and or their officers. In 2017 The Royal Institute of Naval Architects (RINA) wrote about the Carson Interceptor's innovative design features in the July/August Edition of their publication Ship & Boat International and in their other publication, Significant Small Ships of 2017. Well known writer and veteran marine adventurer Dag Pike also wrote about the innovative design in Maritime Journal in November 2016.

- 5. Following Carson's and MacAndrew's sea trials, the Interceptor's exceptional capabilities were confirmed. MacAndrew wrote and posted online: "It more than lives up to our expectations" and "She behaves exceptionally well in adverse conditions. . . like other big Carsons she handles extremely well and even better than her predecessors. We have done some comprehensive sea trials in 2mtr + waves and she behaves beyond our expectations. We have driven her at 40kts in these conditions into waves, beam on and in following seas with excellent results (top end with current props is 60kts+ and 70 with courser pitches). All the professionals we have had on board say it's the most amazing boat and comment on not only how smooth and dry riding she is but also how well behaved and precise she handles". MacAndrew was clearly very pleased with Carson's design. However, after losing the court case he changed his position and wrote a damning new post criticising Carson's design and contradicting himself that he copied from an earlier post by Mugan on UBC's Facebook (see below). Another example of how MacAndrew is a puppet to Mugan and an example of their joint lying and malicious fabrications.**

- 6. The prototype demonstrator was also extensively tested by various professionals. One North Sea commercial charter operator, McLachlan Marine, declared: "so impressed with its rough weather capability we ordered a custom version" and "I can honestly say it handles corners fantastically at 50 kts" and "We are based in Aberdeen and the sea keeping abilities and weather this new hull can handle allows safe operations in our challenging environment". They placed an early order to add to their fleet. Their company website states: "This hard sided safety boat can handle difficult weather and large waves with the innovative wave piercing hull for fast response and load capacity operating up to 20NM offshore. Due to the hard side design the cabin and deck space is wider and more spacious than a conventional cabin RIB boat. Rapid response speed of 40kts powered by 2 x 200hp Outboards". Obviously a happy customer. Carson has never received any royalties and other fees owed by Probond for this boat as contracted.**

Others wrote:

- "The ride was stunning on the 950".**

- “Unique design leads to a superior and industry leading ride quality”.
 - “The boats are a pleasure to drive”.
 - “Today’s test drive 900hp on a 10m Carson Interceptor. . . . fantastic boat”.
 - “It’s like a hot knife through butter when it comes to waves” (Shane Mugan of UBC commenting of Facebook).
 - “Had the chance to test the Carson boats and glad I did. There is simply nothing like this on the market. The boat has far more space than others of the same size due to the D tubes, square nose, etc. The best bit though is how it handles. The ride is smooth but more to the point it does it without any drama. If you know your RIBs, ie. Redbay, Delta, Coastline, Ribcraft, etc. This is a big step up in class”.
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- “Their product line is amazing and the boats are a pleasure to drive”.
 - “Having been on many high speed ribs in the past, I am particularly impressed by way their RIB's unique design leads to a superior and industry leading ride quality”.
 - “These guys are really onto something. I am a keen RIB enthusiast and I have never seen such capable crafts in my life”.

The above can be confirmed having been openly posted on Facebook and elsewhere by the writers. Original dated screenshots are also saved for the record.

SHANE MUGAN - THE ULTIMATE BOAT COMPANY (UBC) - RECORD RIB

- 7. In August 2017, Mugan, an Isle of Man (IOM) based accountant first contacted Carson directly via LinkedIn. He requested information specifically about the Carson Interceptor design explaining he wished to purchase a fast RIB in which to attempt several world speed records. He added he had been following the online posts about this design and thought it would be suitable for his needs. In November 2017 he was given a demonstration/sea trial in Scotland by Barry Carson personally aboard the Carson Interceptor 950 demonstrator with 3 x 300hp Mercury outboards (top speed over 60kts). Sea state was moderate to rough with a big swell and some large waves. He confirmed he was very impressed with the Interceptor’s exceptional handling and performance and later ashore declared it was more than up to his requirements. In Probond’s office later that day he said he was so impressed with the Interceptor and what he had heard and read about it he asked would it be possible to invest in the company!**

- 8. In late 2017 MacAndrew informed Carson that Mugan had become a partner and investor in Probond. Mugan, like MacAndrew, had no professional marine, boat design or building background. Contrary to more recent claims by MacAndrew there was absolutely no mention of UBC at that time (more about this later). The UBC name only came into use some considerable time**

after Carson ceased being involved with Probond. Like MacAndrew, neither did Mugan have any experience whatsoever of handling large high powered RIBs or other fast professional powerboats. This is why MacAndrew requested Carson conduct sea trials and demonstrations. Mugan's lack of expertise was plainly obvious to Carson after the aforementioned demonstration. Despite his lack of experience and knowledge Mugan proceeded in having a Carson Interceptor built for himself to attempt several world records. Inter alia these were to include a Round Ireland & Britain, 1,000 miles in 24hrs and a Trans-Atlantic unassisted crossing. Carson was invited to join his venture to provide technical input, crew training (including for Mugan himself) and be a key team member. The boat was to be an extended Carson Interceptor bringing the length up to 10.5m and capable of taking 3 x 350hp Suzuki outboards. The design with all calculations and modifications were totally provided by Carson (contrary to later claims by Mugan and MacAndrew but rejected by the Court). In the event, these challenging endurance records proved to be too much for Mugan and were never even attempted by him.

9. To assist the project Carson introduced Mugan to several potential sponsors and suppliers. Carson RIBs had often been sponsored before in various successful RIB races and endurance events and has a long credible history. Among those introduced was Suzuki UK who agreed to get involved. Others also agreed to get involved with Carson's assistance. At meetings with potential sponsors, Mugan, quoting an old razor advert, said he had liked the Interceptor design so much he had not just bought one but had bought into the company. MacAndrew was always present at these meetings introducing Mugan as his new investor and business partner, something that since losing the court case they now both deny. However, there are several witnesses and documents to confirm this.

DISPUTE: PROBOND'S BREACH OF CONTRACTS

10. In early January 2018, almost immediately Mugan became involved with Probond, a dispute broke out after Carson discovered Mugan's new business plans for Probond. Inter alia, colluding with MacAndrew and or others, evidence shows they intended to (and actually did) stop paying Carson's design and other commission fees and rebrand the range claiming they were not Carson designs but Probond/MacAndrew designs and therefore Carson was not entitled to have any further royalties or recognition. Further, when the 10.5m record boat was launched some time later they publicly falsely claimed it to be a joint design project between Probond and UBC. This was clearly another blatant lie that was also rejected by the Court. Claiming they were not Carson designs was one of their initial arguments for not paying Carson. However, Mugan (now trading as UBC Ltd. with MacAndrew) although appointed by MacAndrew as mouthpiece for Probond has, since losing the court case, claimed he was never involved with Probond saying he was merely

a customer! MacAndrew has repeated this. At the same time they also claim he never bought a RIB, in particular the Carson Interceptor 1050 from Probond!! (that was named by Mugan himself "Divine Wind" and delivered to him on the IOM). This was just the beginning of a long string of blatant lies, false claims, fabricated allegations and deceit from both Mugan and MacAndrew. The Court eventually struck out Probond's case in its entirety, but not until after several pre-trial hearings and it came to final trial over 2 years later.

11. Seeing a complete disregard to the facts and existing contracts between Carson and Probond, Carson raised concerns. Ignorant of the relevant law and ignoring good business practices Mugan began sending numerous vitriolic and offensive emails to Carson. They contained countless false allegations, claims and reasons for them to no longer pay Carson's design royalties on all designs and other fees then owed or in the future, in breach of the contracts. Among other false claims Mugan also claimed that there was no such thing as a Carson Interceptor 1050 design, the very boat he commissioned and intended using for his record attempts. He also demanded that the Carson designs built by Probond to never again be referred to as Carson RIBs. He intended to rebrand all Carson RIBs built by Probond without the Carson name as required in existing contracts (which they eventually proceeded to do). In one email he demanded for it to be referred to as the Suzuki Interceptor! Carson is unaware of any agreement regarding that name with Suzuki. In any event, Suzuki had no input in the Carson design. In addition, Mugan advised Carson that he might consider allowing the Carson name to be associated with the boat if Carson was willing to pay him sponsorship money for same! He also claimed they were MacAndrew/Probond's designs, not Carson's. After discovering all the above Carson immediately withdrew from the RIB records project and ceased being directly involved with Probond. Up to that point Carson's technical and practical input on Mugan's record project had been provided free of charge as it was expected to have been a good opportunity for promotion. When they found they could not have their way Mugan then resorted to ever more offensive and vitriolic emails in a failed attempt to bully their way forward. Inter alia Mugan then went on to question Carson's experience and qualifications saying they were false and not up to appropriate professional and industry standards (emails are saved). This was said knowing that Carson RIBs have been in production since he and MacAndrew were small children in the early 1980s and supplied to numerous professional customers worldwide ranging including oil companies, rescue organisations, police and special forces to name just a few.

12. MUGAN'S actions and claims at that time are in conflict with what he and MacAndrew now claim, ie. that he was never an investor or in any way involved or had any business interest in Probond and further, that he did not order/buy any RIB from Probond. They claim it was simply another demonstrator funded by Probond! Probond already had a Carson Interceptor

demonstrator only a few months old and in any event had insufficient funds to build another. The matter then went to law around March 2018.

FRAUDULENT MISREPRESENTATION

- 13.** After the dispute began in January 2018 and after Carson and Probond ceased working together and the contracts were treated as ended, numerous domains using the Carson name were registered by Mugan (also of Exo Technologies, TYNC Design, Hibernia Capital, Novo Altum and Emeritus on the IOM and now also a Director of UBC Ltd.). These included carsondesignservices.com, carson-interceptor1050.com and carsonmarineservices.com and many similar others (see below). This was done without informing Carson or consultation or permission from Carson. Carson considers this could only have been intended for later fraudulent trading. When this matter was raised with Mugan he wrote: “Registered domains – so what? Is it illegal for me to own a Carson domain or does it just wind you up??” This was at the same time his Carson Interceptor 1050 record RIB “Divine Wind” was actually being built. Further, save for the specific Carson Interceptor designs licensed to Probond and mentioned in this article, all other models listed in said domains and advertised elsewhere were either never designed, supplied and or sold to Probond/UBC for their use and or do not exist. These included by them were Carson Interceptors 650, 680, 780, 880, 1050, 1150, 1180, 1250, 1300, 1350 and 1380. All are fabricated and false. Any attempt to make use of same purporting to represent the designer Barry Carson, Carson RIBs and or Carson designs by any other parties other than the real designer, Carson RIBs and appropriately appointed partners or representatives will be considered fraudulent misrepresentation. It can only be concluded that the intention of Mugan to register these domains was for him and or his associates (inc. MacAndrew) to fraudulently gain benefit and profit without paying Carson. At the time of writing said domains remain registered to Mugan. Other false claims made include ownership of certain Carson designs and patents that do not even exist.

THE ULTIMATE BOAT COMPANY OR UNBELIEVABLE BOAT COMPANY?

- 14.** During 2018 Probond also advertised and sold Carson RIBs under the name of The Ultimate Boat Company (UBC) of the same address (scroll down to see below). There has never been any legal agreement between Carson RIBs and the business named The Ultimate Boat Co. Ltd., a company later registered on the IOM by Mugan and that MacAndrew was immediately also involved with. In August 2018 Carson received another rambling vitriolic email from UBC. It was seven pages long and signed by a Charlotte Hansen purporting to be of UBC. Inter alia this email also said "You have had no involvement in this design project and the Carson Interceptor 1050 design does not exist". It did not explain why so many domain websites using the Carson name were registered by Mugan, in particular [www. carsoninterceptor1050.com](http://www.carsoninterceptor1050.com), and similar others as mentioned in par. 13 above. It is an odd domain name

considering he wrote “the Carson Interceptor 1050 design does not exist”!! Neither did said email explain why Mugan had used the Carson name and designs to obtain sponsorship for his RIB records project. It was concluded that Charlotte Hansen is a completely fictitious entity and does not exist. Said email is believed to have been written by Mugan himself. No response was sent. Mugan seems to like impersonating women. Another woman’s name that seems to regularly oddly appear on UBC’s and various Facebook RIB forums is Fiona McAllister. “She” often recommends and praises UBC and claims she ordered a new 6.5m boat from them. However, no photos of it or her with it have been seen. Mugan has said much that is proven to be false.

15. Since early 2018 new model names were given to Carson designed RIBs and advertised by Probond and or UBC (omitting the Carson brand name) claiming and or implying them to be their own in house designs. This was a breach of contract and done without Carson’s consultation or agreement. The new names included “Barracuda”, “Raptor”, “Stingray” and others (see below).

SETTING THE RECORD STRAIGHT

16. PROBOND/UBC unsuccessfully publicly and falsely claimed and or implied the 10.5m Carson Interceptor 1050 as their original design, proclaiming it to be a joint design project between Probond and UBC. This is another blatant lie. It was absolutely not. Neither Mugan, MacAndrew and or their companies had at the material time any previous boat design expertise whatsoever. The so called record boat named "Divine Wind" was built to the Carson design and delivered to the IOM for Mugan’s use. This was the Carson Interceptor 1050 fitted with triple Suzuki 350hp outboards (see images below) that was promoted on social media and elsewhere to attempt seven Union Internationale Motonautique (UIM) world records. Despite a somewhat incongruous and top heavy Bimini top that would have done nothing to assist performance and handling and not designed or approved by Carson, the sea keeping and performance still proved exceptional topping out at a reported 130kph (80mph) with 0-100kph (0-60) in 5.5secs and a potential range of approx. 2,700kms (1,700 miles) with its additional long range tanks. Considering this heavy-duty boat was designed primarily as a military or commercial workboat these are very satisfactory figures. Like other Carson RIBs have proved in competent hands, this design is capable of achieving considerable feats. The boat was built as per the design criteria and specifications provided by Carson to Probond in 2017 for Mugan as the customer (but not the Bimini top) and before Mugan became involved with Probond in a business capacity. Carson provided numerous documents in evidence at court that showed it to be an original Carson design. When faced with this evidence MacAndrew eventually conceded at a pre-trial hearing that said Interceptor 1050 "record boat" was in fact produced to the Carson design and from the same production moulds, completely contradicting previous claims that it was his/their own original

design. By finally conceding this fact he again confirmed himself and Mugan to be compulsive liars. The added transom pod lengthening the hull to 10.5m was as per Barry Carson's original specifications and named the Carson Interceptor 1050. Carson still holds all the relevant documents and original quotation (30 Nov. 2017) to build this boat for Mugan. The Court was shown and considered same.

- 17.** In 2018 Mugan claimed a minor world record with this Carson Interceptor 1050 that is listed with the UIM, record number 3875. Being slower and shorter than most sea trials Carson has conducted over the last 40 years (less than 2hrs duration and approx. 90 miles: Dublin to Douglas, IOM) it is not something Carson would consider an “ultra-endurance marine world record” as Mugan claims on his LinkedIn page. Carson would be embarrassed to claim such a trivial “record”. Mugan's claim to it being a UBC RIB/hull design was later removed from UIM's world record list after they received evidence from Carson confirming it to be a Carson Interceptor RIB design, not a Probond/UBC, MacAndrew or any other claimed design. Posts put on Facebook and other places claiming it to be a Probond, UBC or MacAndrew design project are completely false and misleading. Following this and during the course of litigation Mugan’s seven UIM records project was apparently abandoned. It was then claimed by MacAndrew and Mugan that the boat was not actually Mugan’s but a Probond asset used for demonstration purposes, contradicting previous implications and or statements that it was Mugan's own personal boat.

HIDDEN AND OR DESTROYED COMPANY ASSETS

- 18.** It is also claimed that said Carson Interceptor 1050 has been recently destroyed and sent to landfill (as mentioned at the beginning of this article). Its value when delivered to Mugan was in the region of £150k. This is a strange thing to do knowing your company has substantial debts outstanding and facing orders for damages in court. Despite repeated requests no proper evidence of its destruction was produced. In any event this boat was later discovered and confirmed by authorities on the IOM to still actually exist. Clearly it was not destroyed as claimed but hidden in the Douglas Harbour boat compound on the IOM near to Mugan’s home. Another lie uncovered. And MacAndrew lied to the Court. It has since been removed to another location. The appropriate authorities have been informed. A new website for UBC featured this particular boat on their homepage still promoting and or implying it as their design (see below). It was also featured on their Facebook and on Youtube. After MacAndrew's admission at Court that it was a Carson design from the Interceptor mould the Court rejected their claims of it being their original creation. There is no known good reason to promote this distinctive Carson design on UBC's website, Facebook or elsewhere. Any persons being offered boats to this design or similar or any production moulds of same are advised to contact Carson directly. In another unprofessional

email sent by Mugan to Carson just weeks before the High Court trial, inter alia, he again claimed the Carson Interceptor design as their own and denied he or anyone had “pirated or stolen” any Carson design adding “prove it or shut up”. The facts and judgment are clear. Carson has indeed proved without any doubt the design to certainly be a Carson design contrary to his and MacAndrew's claims.

THE ULTIMATE BOAT COMPANY BECOMES LTD.

19. In October 2018, nine months after the dispute began, UBC became a separate legal entity when it was registered in the IOM (Company Number 132474C). Mugan, who has been involved with MacAndrew and Probond since December 2017, is a director of UBC Ltd. MacAndrew has described himself as "Advisor to the Board" of same on LinkedIn and elsewhere.

20. Carson RIBs are a separate entity and have never been a part of Probond or UBC save for a commercial contract that specific Carson RIB designs were licensed for Probond Marine Ltd. to build.

INTELLECTUAL PROPERTY RIGHTS (IP)

21. PROBOND is no longer licensed or permitted to build or market any Carson RIBs whatsoever or use the Carson name. UBC as a separate legal entity since October 2018 (as in Par. 19 above) never had any commercial agreement with Carson and thus is not authorised to represent, build and or market any Carson designs or products. UBC's Director, Shane Mugan, still has numerous Carson brand name related domains registered to him. Any inappropriate use of same will be fraudulent and will result in legal action.

22. PROBOND and UBC claim that all Carson RIB production moulds have been disposed of and the Carson Interceptor Class RIB moulds for models 750, 850, 950 and 1050 have been destroyed. However no proper evidence of this has been seen. Considering this, the registered domains referred to above and that the Carson Interceptor 1050 "Divine Wind" still exists and is now featured on UBC's website (see below, with their own spelling mistakes!) and their compulsive lies it is believed a set of moulds still exist hidden away somewhere. There is no known good reason to feature this unique Carson design on UBC's website or anywhere else. For the avoidance of doubt, all design and Intellectual Property (IP) rights regarding all Carson designs and any boats built by any of the parties named herein and or any others is not authorised save for those appointed and agreed by the designer Carson/Carson RIBs

directly. An updated Carson Interceptor is now being developed and with new strategic partners other new designs are being built with a choice of recyclable “Green” infusion moulded construction or recyclable aluminium hulls.

PROBOND CEASED TRADING & WINDING UP

- 23. MACANDREW** has confirmed that Probond Marine Ltd. (Company Number SC511528) will now be wound up despite having had substantial orders and taking on additional staff up to the trial date. An application has been filed at Companies House and published in the Gazette. There are numerous creditors owed hundreds of thousands of Pounds in addition to Carson’s damages award. However, that application was suspended following an objection being lodged. This will enable any parties that have issues (e.g. including warranty and debt claims) regarding Probond Marine and or any creditors to instigate their own actions. Meiston Reid & Co. in Aberdeen are dealing with the matter on behalf of MacAndrew. Carson has been contacted by a number of other creditors who are also owed substantial money and others who have additional issues with these parties. More details will be posted in due course.

STOLEN MONEY: ROYALTIES AND COMMISSIONS

- 24. PROBOND/UBC/MACANDREW/MUGAN** have never apologised for their actions. Probond has made no attempt to pay any of the money/damages and costs awarded to Carson in the High Court (over £600,000 is claimed). Carson RIBs will become a creditor regarding said damages and costs for unpaid royalties and other monies owed. Said royalties/fees were collected from customers that as per normal practice were calculated in the selling prices. However they failed to pass those fees onto Carson and kept same for their own benefit and profit. Put simply, the money was stolen. The High Court considered this when making an order for damages to be paid to Carson. Many boats known to have been built and delivered were denied to have been ordered despite photographic and other evidence provided by Carson. One example is the Carson Interceptor with a wheelhouse built for McLachlan Marine in Aberdeen shown in the photographs below and mentioned in Par. 6 above. It clearly has the UBC logo and name attached to it (despite UBC recently claiming they never built or marketed any Carson designs). UBC has in fact advertised/implied this as their product and that they built it. Despite knowing they were being photographed by Carson personally with both of them onboard in Southampton during Seawork 2018 where they exhibited it, Mugan and MacAndrew continued to lie denying this boat had been ordered and or existed for 18 months. Carson has never been paid the royalties and other fees due from this boat. Probond's assets are unconfirmed at this time. However, despite claiming paucity of assets certain high value assets have actually been discovered, e.g. the Carson Interceptor 1050 and its equipment delivered to Mugan and found in the IOM already mentioned. Also, various Suzuki and Mercury outboard engines were found advertised by MacAndrew

on Ebay using a defunct company name and registered company number. They were also advertised elsewhere by Mugan and others. The adverts posted by Mugan indicate the engines he advertised were his own, raising the question why would a “customer” be selling another company’s stock? Another company asset was also sold by MacAndrew on Ebay with the full payment going into his personal bank account. No VAT calculation is shown on the Ebay invoice (Carson has a copy from Court). Further, no reasonable or decent person would have destroyed so many valuable boats and other assets in the knowledge of pending winding up process with considerable debts outstanding and or with substantial claims against them for damages. They ought to have been available to help pay for the debts accrued. All said assets were of very substantial value and would have assisted paying Carson and other creditors. The conduct of the Director/s, in particular Colin MacAndrew, is of serious concern and a blight on the marine industry. Claims by Probond and their associates that the court case with Carson was “abandoned” by them are untrue and misleading. The matter went to trial on 30 June 2020. Their case was struck out in its entirety. At least one other court action against them is known and was listed regarding debts owed: McKibben Ltd -v- Probond Marine Ltd. INV-CA5-20 at Inverness Court in July 2020 regarding £29,550 unpaid rent. UBC were operating from the same premises at the material time. Carson is informed that other persons/companies also had taken legal advice regarding Mugan’s/MacAndrew’s/Probond’s conduct.

- 25.** Save for the very substantial damages and costs owed Carson RIBs is unaffected by Probond going into administration and will continue to design and market Carson RIBs and other marine products independently and with new partners as per recent updates and press releases.

FUTURE

- 26.** Carson RIBs has a long established excellent reputation having been produced for nearly four decades (since early 1980s) successfully supplying a niche sector of professionals around the world including oil companies, coastguard, navy, police, rescue, commercial divers, special forces and many more. Many early Carson RIBs are still in professional service over thirty years since being built, testimony to their design, performance and build quality. A range of new RIB designs has recently been introduced to be built by Carson’s new strategic partners, CTruk Marine Services Ltd. and Alnmaritec Ltd.. A Mk2 Carson Interceptor model range is also being developed and will soon be published.
- 27.** Any person or organisation that has been offered or bought any Carson RIBs designs and or production moulds (particularly the Interceptor models) and or boats purported or suspected to be Carson RIB designs from the above parties or any other parties at any time since 2015 are invited to contact Carson RIBs.

POST TRIAL EVENTS OF SERIOUS CONCERN

FAKE NEWS

- 28.** Six months after the judgment with damages and costs awarded to Carson, late on Christmas Eve and early Christmas morning 2020, MacAndrew with a young family at home, preferred to spend his time reactivating Probond's expired website and Facebook. The content he posted is totally fabricated and knowingly false, further demonstrating his vindictiveness and willingness to blatantly lie in a vain attempt to obscure his shocking conduct. It is clear that much of it if not all was drafted with Muga's assistance (evidence later). Their posts contain numerous reckless new and knowingly false claims and allegations against Carson's good character, Carson RIBs/Marine and its products. He also named various innocent other parties that had absolutely no involvement in this matter.
- 29.** Not having the courage to attend the High Court trial MacAndrew has now morphed into a keyboard warrior and found 'courage' to continue his failed arguments online. His claims and comments are defamatory, harassing, knowingly false and intended to mislead. They are vigorously denied by Carson and proven to be fabricated lies. Immediately following said posts Carson wrote directly to MacAndrew pointing out to him that what he posted is known to be false and advised him to remove same. In response MacAndrew sent two emails to Carson. The first proposed that Carson first remove all legitimate reporting about the case and judgment in exchange for him deleting the lies he had posted. Carson ignored his proposal. In any event, in his Particulars of Claim 2018 he had specifically requested the Court for "Publication and dissemination of the judgment". Now he has lost the case he has changed his mind. The second email was more rambling and received by Carson on New Year's Eve evening. Inter alia he proposed "we draw a line" under these matters. He finished that email with a threat stating that if Carson did not agree to his terms (to remove reporting the judgment, etc.) he would do more online posts. Carson ignored that email also. It seems he fails to accept that a line was already drawn under the matter when the Court made judgment against him and ordered him to pay damages and costs to Carson. If he really wanted to "draw a line" he could have done so long ago. He should have done the decent and honourable thing and comply with the order and pay the debts he owes to Carson. If he cannot find the full amounts then a reasonable offer would have been considered.

POLICE INVOLVED

- 30.** MACANDREW'S above posts and emails were reported to the police. After investigating the matter under The Malicious Communications Act the police wrote to MacAndrew advising him that he was committing various offences, that he should seek legal advice and that he may face prosecution.

- 31. Altogether this is a very unfortunate development. Considering its seriousness Carson is compelled to respond and disclose more background with documented facts.**

THE SPECIFICS

NO TRIAL??

- 32. MACANDREW claims these matters never went to trial:**

FALSE. TRIAL WAS ON 30 JUNE 2020 in the High Court, London (Intellectual Property Enterprise Court or IPEC). His case was struck out.

CARSON RETIRED & RE-LAUNCHING CAREER??

- 33. MACANDREW claims Carson had been retired when he (MacAndrew) became involved with Carson RIBs.**

FALSE: Carson has never been retired and has always been involved in various design projects and or other business interests. Carson had no need “to re-launch his own career” as claimed. Carson had many partnerships in the past including with several well known large companies and active others that were of no concern to MacAndrew. All were/are very successful partnerships with absolutely no acrimony or litigation whatsoever as he knowingly falsely now claims. Even after several decades some of the company Directors/Owners remain close friends with Carson. The contracts between Carson and Probond had worked well with good co-operation both sides for several years until Mugan got involved with Probond in January 2018. Within a week of him becoming involved with Probond a dispute broke out instigated by him. Inter alia he challenged Carson on the contracts (that he had no authority to even see). When Carson rejected his unreasonable demands he then wrote inter alia, questioning Carson’s boat design and other qualifications saying they were not genuine or up to industry standards (emails saved). Such allegations are arrogant and premature coming from someone just days into the trade and yet to prove himself in this business.

ADDITIONAL BACKGROUND

- 34. CARSON was never an employee of PROBOND or UBC and had no exclusive contractual clauses whatsoever to restrict working with or be in partnership with any other boat builders/partners regarding any other projects. Contrary to MacAndrew’s new claims Carson had no contemporaneous dealings or partnerships with any other parties whatsoever to design/market any RIB designs the same as or similar to what Probond were licensed to build at the**

material time. Carson was already involved in other projects but none of concern to MacAndrew/Probond. Some MacAndrew was informed of. There was certainly no conflict of interest and some were offered to Probond. Carson's new RIB designs and new partners he specifically referred to in his latest outbursts and tirade did not come into place until some considerable time after the Carson Probond partnership came to an end in January 2018. After that date new Carson design projects initially involved aluminium boats and substantially larger models that Probond were not involved in and or capable of building. When the contracts with Probond came to an end Carson was not obliged to any fiduciary duties he may have had previously. Carson did not attempt to solicit away Probond's customers as alleged. Carson had an interest to see Probond continue building and selling the specific Carson RIBs they were licensed to use expecting to receive all contractual royalties and other commissions. In any event Carson had discovered Mugan and MacAndrew colluding to avoid paying Carson's due fees and commit various other serious breaches of contract. Their intention is confirmed by the fact Carson has not received the design royalties and other fees owed (hence the damages awarded). MacAndrew has openly admitted Probond was set up to build Carson designs. This admission contradicts Mugan's original written claims to the opposite. Despite MacAndrew completely losing his case, along with other issues, he continues to repeat Mugan's old twisted arguments and or misguided interpretation of the contracts with Carson (that Mugan had no authority to see or be involved in). He has quoted specific clauses out of context. He ignored other vital clauses. He failed to mention the contracts worked well before Mugan came along. MacAndrew's unfounded allegations about Carson's conduct are contradicted by his own email to Carson just a few months before Mugan's involvement. He wrote inter alia; "appreciate your comments and also would like to add that I too am fully aware and extremely grateful for all your efforts in all aspects of the venture and feel lucky to be able to offer your hull designs as I believe they are truly unique as the market has recognised. I am sure you are aware that it can be a stressful job juggling all that this venture brings so bear with me we will see a return on our efforts in the long run". Not long after that his tune changed completely when Mugan arrived. He was too easily misled by Mugan who had his own agenda regarding changing things at Probond and with Carson. The Court rejected MacAndrew's arguments when his case was struck out. In any event he never produced any shred of evidence whatsoever to support any of his allegations and claims or that he had suffered any loss. He suffered no loss. Without proving loss damages cannot be claimed. His case was struck out in its entirety. Carson suffered considerable loss and consequently was awarded damages and costs against Probond Marine Ltd..

HIGH COURT PROCEEDINGS

- 35. MACANDREW/ PROBOND publicly claims he "abandoned" the case before trial:**

FALSE. After 2.5yrs of litigation he simply did not turn up for trial. Despite adequate opportunity he breached specific Court orders by failing to provide any witness statements and or evidence to support his case. A party cannot simply abandon a case without leave of court. Leave was not sought or granted. He also overlooked the need to mount a defence against Carson's very substantial counterclaim. In reality he had no evidence to support his case or defence and thus could not win at trial.

36. JUDGMENT: Probond's case was struck out in its entirety. With no witness statements and supporting evidence filed by Probond/MacAndrew, all his allegations and claims failed. Contrary to MacAndrew's ongoing published claims without evidence, no repudiatory breaches of contract and or other wrongs were found against Carson. Damages and costs were awarded to Carson. Inter alia, MacAndrew's failure to pay due royalties and commissions to Carson did not satisfy the complete terms of the Contracts. Consequently, contrary to MacAndrew's ongoing claims, Probond never did buy or own the intellectual property (IP) rights to the disputed Carson designs. All IP rights to same remain with Carson. In any event, as Probond is being wound-up, already ceased trading and will no longer be a legal entity, Probond CANNOT claim ownership of anything, particularly any Carson RIB designs. MacAndrew now claims none of this constitutes a win for Carson!

37. COURT ORDER (extract): Inter alia, the Honourable Judge ordered "UPON this action and counterclaim coming for trial on 30 June 2020. . . . AND UPON the Claimant failing to attend the trial. . . . IT IS ORDERED THAT 1. The Claim, and the Defence to Counterclaim, are both struck out. . . . and 2. Judgment is given for the Defendant on his Counterclaim".

38. DAMAGES AND COSTS were ordered against Probond based on Carson's counterclaim and documented evidence. Carson is claiming over £600k. The final figure is yet to be confirmed when MacAndrew provides long overdue disclosures regarding numbers of boats built as per the order made at trial on 30 June 2020. To date he has not complied and is in breach of that order. MacAndrew refuses to accept he lost the case!

IN DENIAL

39. MACANDREW fails to grasp reality. He still refuses to accept the judgment and proven facts against him/his company. He continues to publicly argue old claims and knowingly false allegations he made against Carson that failed at Court. At Christmas 2020 he published additional new allegations and claims not heard before. What he claims is not credible. He fails to understand that courts do not hand down judgments and make orders for damages without first holding trials. His continuing denials to accept these basic facts further

highlights his shockingly unprofessional conduct and unreasonable attitude that Carson had to deal with throughout this matter and unfortunately still is.

DEFAMATION, HARASSMENT & THREATS

- 40. MACANDREW posted at Christmas 2020 numerous fresh personal attacks against Carson's good character and reputation including outrageous unfounded claims regarding former business partners and or others who had no part in this dispute. Carson's various former partnerships he named were all highly successful and did not involve any acrimony or litigation whatsoever as he claims. He has no evidence for this. In fact it is documented that MacAndrew himself has been brought to court by others for not paying his debts and honouring his legal commitments (Par. 24 above), eg. a case regarding non-payment of rent for Probond's and UBC's works and offices in Lintmill, Scotland.**

- 41. Following losing their case at court they have resorted to lowering themselves to unprofessional name calling and conduct that is, inter alia, considered defamatory and harassing. Neither MacAndrew and or his business associate Muga (both now of UBC)) have ever produced one shred of evidence to support their allegations and claims. Their claims are knowingly fabricated. Emails received from MacAndrew (end of Dec. 2020) are considered a threat to blackmail. Carson believes Muga had a significant part in said emails and recent malicious posts. Drafted in Muga's style they use the same terminology, etc. he used when writing vitriolic emails to Carson at the beginning of this dispute. Documented evidence of an example of Muga's vitriolic comments is shown below (posted on UBC's Facebook) that was copied by MacAndrew.**

THE ULTIMATE BOAT COMPANY (UBC)

- 42. MACANDREW continues to claim UBC never made or marketed any Carson designs: He wrote "For the avoidance of any possible doubt, the Ultimate Boat Company never built or sold Carson RIBs or any RIBs designed by Barry Carson of Carson Marine".**

FALSE. This is another blatant lie. Numerous adverts, posts on Facebook, LinkedIn and or on other mediums show UBC claiming and or implying they were building and marketing Carson designs prove this to be another lie. Carson RIBs were advertised and exhibited at Seawork workboat shows and other boat shows under the UBC name. Numerous images were posted online and advertised showing the UBC logo and name clearly attached to Carson RIB designs (see screenshots below). Considering this UBC would also be liable to pay Carson's royalties and other fees. Quoted and selling prices were calculated

to include Carson's royalties and commissions. Consequently any seller would have collected same. However, UBC/Probond kept this money and failed to pass it on to Carson. More evidence will be posted soon. Further, it is known that UBC were also operating from the same premises as Probond for some considerable time claiming they were building Carson RIBs there and later had the tooling, moulds and a demo boat for their new boat range built there (not Carsons but designed by John Moxham). Considering boasts of a full order book, volume of work and additional staff taken on there ought to have been sufficient revenue to meet their commitments and debts and not leave a trail of creditors out of pocket. Considering UBC were also using these same premises the rent would be expected to be shared and thus easily covered. All moulds, tooling and stock etc. were removed and taken to their new address at Clydesdale Ind. Est. in Glasgow in May 2020. Their debts remain unpaid. The new Clydesdale premises were taken on a short term lease (one year). That expired in May 2021. According to the selling agent they pay no rent but in lieu undertook to upgrade the premises. Those premises are advertised to be sold by the landlord (Feb. 2021). Considering this UBC may be expected to relocate yet again (see below).

ALLEGED UBC RECORD PROPOSAL

- 43. MACANDREW'S new claim that "In 2017, Probond Marine in partnership with Barry Carson of Carson Marine were approached by the Ultimate Boat Company to collaborate on their exciting UIM World Record project. This project was exclusively intended to be a brand launch event for the Ultimate Boat Company as a new entrant into the marine industry".**

FALSE: UBC never approached Carson regarding any record attempts, any business proposal and or any other proposal as now claimed by MacAndrew. UBC only came into being several months AFTER Carson ceased any relationship with MacAndrew/Probond. Carson never heard of UBC until well after departing from Probond when adverts and posts on social media and marine websites appeared showing UBC promoting Carson RIB designs they claimed they built and were marketing in breach of contracts (see screenshots below). UBC had no license agreement with Carson. UBC was at the material time a trading name clearly associated with Probond at the same address and same individuals (Mugan and MacAndrew). Later in October 2018 UBC was registered in the Isle of Man by Mugan as a new limited company. It is now claimed he was nothing more than a former "customer" of Probond. MacAndrew is also at UBC as "Advisor to the Board". Mugan originally approached Carson through LinkedIn as a private individual/customer, not as UBC or any other entity, saying he intended to do some world records. He was interested in the Carson Interceptor design. In due course that was decided on and built by Probond as below. In any event it makes no sense that Probond and especially Carson would be interested in, let alone involved, in promoting any entity "as a new entrant into the marine industry", particularly a potential competitor in the same market place. Carson was invited to join Mugan's then private team to attempt various records but certainly not by UBC as claimed or

any “brand launch”. However when the contract dispute broke out the records project also soured. Carson withdrew from any further involvement with the planned records. It is understood that following Carson's departure certain sponsors also distanced themselves. None of the proposed records ever got off the ground and Mugan’s whole records project failed totally.

DISPUTED DESIGN: CARSON INTERCEPTOR “RECORD BOAT”

44. CARSON INTERCEPTOR 1050, the so called “record boat” named Divine Wind as delivered to Mugan: This specific boat was quoted to Shane Mugan as a private customer in November 2017, not to UBC. In said quotation it was described as a Carson Interceptor 1050 with a transom pod extension “to Barry Carson’s specifications”. Carson holds a copy of this quotation and placed it before the Court. Mugan is now Director of UBC Ltd, and as already mentioned, a company named and registered AFTER litigation between Carson and Probond had begun and long AFTER Carson ceased any partnership with Probond. It was settled at the High Court that this disputed boat is in fact a Carson design, contrary to what Mugan and MacAndrew had publicly claimed on their websites, social media and or elsewhere. They falsely claimed it was their original design. Mugan wrote to Carson "You had no hand in this design". In fact documented evidence shows Carson provided the design and technical expertise in 2017. At a pre-trial hearing MacAndrew finally admitted it was built from the Carson Interceptor production moulds. Despite all this MacAndrew recently publicly again still claims that Carson never supplied the design. He has quoted part of an email from Carson out of context. The fact of the matter is that the design specifications were not “supplied” to him in the sense that he never fully paid Carson for it, thus he never bought it. However, the specifications were shown and explained to him in November 2017. He needed same to prepare the aforementioned quote to Mugan.

WHOSE DESIGN?

45. MACANDREW and MUGAN still claim the Interceptor 1050 design as their own original creation.

FALSE: Upon the evidence the Court rejected MacAndrew’s argument when striking out his case. It was produced from the Carson Interceptor moulds to Carson’s original specifications. It is now part of Carson’s damages claim. Neither Mugan or MacAndrew have any design knowledge or expertise whatsoever. Carson introduced various potential sponsors to Mugan's proposed record project. When the dispute began with Mugan Carson withdrew from the record attempt project and appropriately informed all parties involved. Carson had no interest to and certainly did not attempt to sabotage that project as now claimed. To the contrary, Carson recognised the good publicity that could result from it had it succeeded. Like everything else MacAndrew and Mugan claim

regarding this entire matter their account is proven false. They could not produce any evidence to support their claims. Further documents supporting Carson's position will be posted soon.

OWNERSHIP OF CARSON INTERCEPTOR "DIVINE WIND" & OTHER ASSETS

46. MUGAN as a private customer (before joining Probond and long before he formed UBC) was quoted a specification and price for a Carson Interceptor 1050 on 30 November 2017. He christened it "Divine Wind". Carson was a party to that quotation and had prepared the technical data and given the specification details to Probond to assist preparing the quote. Carson was shown same by MacAndrew for approval before it was given to Mugan (all documents saved). Accompanied emails showed MacAndrew's calculations for Carson's royalty and commission. They have not been paid. The boat was built after the Carson Probond partnership ended and was delivered May/June 2018 to Mugan on the Isle of Man where he resides. He has previously widely claimed and or implied he was the owner of same (screenshots and emails saved). This is what Carson understood from the outset of the project. However, both he and MacAndrew now claim it was never sold to him. MacAndrew claims Probond built it for promotional use. However, Probond was short of spare funding and already had a similar new Carson Interceptor demonstrator. Further, it is now known that at the material time Probond had mounting debts including unpaid staff wages, unpaid rent and many other large debts to suppliers and for services, despite a healthy order book confirming gross incompetence and or other wrongful activities. He and Mugan claim "Divine Wind" remained a demonstrator and a company asset belonging to Probond. However, the screenshots and posts below contradict this (along with other documented evidence).

If MacAndrew and Mugan are still claiming it is a Probond company asset then they can easily prove this by disclosing the insurance documents to show the registered owner, who paid the storage for it on the IOM and the ship's registration papers. When asked for these documents they were not forthcoming suggesting they are hiding the truth.

MUGAN THE INVESTOR WHO DID NOT INVEST & THE CUSTOMER WHO DID NOT BUY ANYTHING YET SELLS PROBOND'S STOCK & ASSETS!!

MACANDREW now claims MUGAN was simply a "customer" and had no financial or business involvement in Probond. MacAndrew has not explained what Mugan was a customer for if not the disputed Carson Interceptor 1050 boat. Neither is it explained why Mugan, a "customer", was appointed mouthpiece to deal with Carson in Probond's confidential business and terms of the Carson Probond partnership contracts. Carson was told by both of them that he was the new investor/partner. In January 2018 Mugan inter alia wrote to Carson: "So, I am not aware of any obligation to promote the "Carson" brand –

particularly, for a 10.5M or Interceptor 1050 craft, and in any regard, I did not agree to having that brand, name or otherwise referenced in the title or in the promotion, advertising, website, model naming and product branding. That said, if any person or beneficial owner to the “Carson” brand wishes to become sponsor then I am happy to consider their proposal". It is clear from this single sentence alone that Mugan was much more than just a “customer” as now claimed. It also proves more lying. It is noted that on Facebook Mugan’s wife refers to said boat as “Our Divine Wind” with numerous photos included. Adverts posted by Mugan, the so called “customer”, advertise 3 x Mercury 300hp engines removed from Probond’s original Carson Interceptor 950 demonstrator saying “Only selling because I have taken delivery of triple Suzuki 350As”. It is odd that any “customer” would be advertising to sell Mercury engines belonging to a company he now says he had no involvement in and claim he is just a “customer” and at the same time also claim taking delivery of three new Suzuki 350s to fit to the same company’s 2nd “demonstrator” the Carson Interceptor 1050 “Divine Wind” (see screenshots below). MacAndrew now says the engines belonged to Suzuki.

FALSE: Considering their changing and conflicting accounts the only reasonable conclusion from all this is that their own deceit has led to the right hand not knowing what the left is doing. Either Mugan was involved with Probond as originally claimed, and now after it all went wrong, trying to distance himself, or, he is The Great Pretender. In any event they are both lying.

PROBOND WINDING-UP & PAUCITY OF ASSETS

- 47.** At Court MACANDREW claimed the “Divine Wind” had some time earlier been deliberately broken up and destroyed.

FALSE: This was proved false when said boat was later found stored on the Isle of Man close to Mugan’s residence. Thus MacAndrew knowingly lied to mislead the Court. This is considered hiding a valuable asset while he claimed it had been destroyed and “paucity of assets” for not paying Carson’s damages and other creditors while winding up Probond after the judgment. In August 2020, well after judgment, it was only then that "Divine Wind" was apparently finally destroyed according to MacAndrew’s latest version of this story. However no evidence has been seen and thus cannot be considered true. Other valuable assets estimated at several hundred thousand Pounds were also claimed to have been destroyed leading up to the trial. Likewise, no proper evidence was seen. However, if true then in adopting this vindictive and reprehensible scorched earth policy MacAndrew knowingly and wilfully denied Carson and many other creditors their money. Either way, MacAndrew continues to be determined and not pay his debts while at the same time berating Carson who he is legally indebted to.

CLAIMED ADMINISTRATION & PAUCITY OF ASSETS

48. MACANDREW and MUGAN claim “paucity of assets” regarding Probond.

49. FALSE. The boat "Divine Wind" referred to above was found AFTER he claimed paucity of assets, thus it was a valuable company asset and Probond was not without valuable assets at the material time. It was of considerable value at around £150k. There were other valuable assets as mentioned above that were also claimed destroyed when knowing they owed debts to many creditors. Just before trial Probond made a ridiculous offer to Carson to settle. It did not include the aforementioned boat or any other of the allegedly destroyed valuable assets then available to him to offer at least in part settlement. He was aware Carson would consider this. His offer was immediately rejected and considered a vain desperate attempt to appease Carson and stop the matter going to trial that they knew they could not win.

50. MACANDREW now claims that Probond is in administration.

FALSE. MacAndrew has NOT appointed a liquidator that would be required for administration. He has simply employed an outside accountants firm (Meiston Reid & Co.) to, as they inform Carson, “prepare an estimated statement of affairs for the company and communicate with all creditors. I was not appointed as liquidator and had no authority to uplift company records and review them in detail”. Meiston is not Probond’s original long-term accountants firm. They have been side-stepped. Not going through a formal administration or into a proper liquidation process with access to his original accountants and financial records assists MacAndrew to avoid and hinder his creditors and others getting an appropriate investigation regarding what happened to their missing money and where the assets went. This matter is ongoing and will be appropriately dealt with in due course.

DENIGRATING CARSON RIBS

51. MUGAN/UBC along with MACANDREW/PROBOND have since losing the court case with judgment against them, publicly and directly denigrated Carson RIB designs, particularly the Carson Interceptor designs they had desperately tried for over two years but failed to claim IP ownership of at Court. It is noted that MacAndrew/Probond have publicly used the exact same wording with the same spelling mistakes cut and pasted from Mugan/UBC's original post about a month earlier on UBC's Facebook (see below screenshots saved for evidence) to denigrate the Interceptor design contrary to both their own and many professionals’ previous acclaims (see Par. 6 above). This alone proves collusion and fabrication between them in these matters. Referring to the Carson Interceptor 1050 design MacAndrew posted:

“In the end, the 10.5M prototype did not perform as intended with the semi-wave piercing bow steering uncontrollably in a following sea; it included at least three, if not four steps to many in the hull; it was deeply unstable at high speeds requiring continuous trim adjustments.... these issues were later confirmed by naval architects using propulsive performance analysis, resistance and seakeeping performance, hydrodynamic characteristic modelling and testing. The Interceptor hull as concept simply didn't work and the project was abandoned”.

FALSE: This is copied, cut and pasted from Mugan’s original post on UBC’s Facebook (see screenshot below). It contradicts the assessment and opinions of experienced professionals who had tested and used this design and placed orders. Both MacAndrew and Mugan are inexperienced amateurs with little to no knowledge or experience in these matters. What they now write also contradicts their own evaluations posted previously as in Par. 6 above. Before losing at trial they were highly praising the Carson Interceptor design including in their advertising describing it as “amazing”. Put simply it is a matter of sour grapes and the blind leading the blind. In any event, this powerful fast RIB (1,050hp and over 70kts) would have been far too much for novices like them to handle with any competence. With decades of experience Carson can personally confirm this design is as good as initially claimed by independent professionals including those that placed orders and is professionally recognised for its innovative design features. Further, it is not in Carson’s interest to promote a design that is not up to the acknowledged high standards associated with the Carson name.

The wording and terminology used in MacAndrew/Probond's recent outburst is the same as Mugan used when writing to Carson, thus further implicating Mugan. When it was finally obvious to them that Probond could not win the case, Mugan sent another vitriolic email to Carson and referred to Carson RIBs as, inter alia, "outdated and fundamentally flawed designs". All emails are saved for evidence. Their now claimed own ‘expert’ opinions also contradict the opinions of real experts who had trialled this design and even placed early orders for commercial operations as already mentioned. Further, Mugan and MacAndrew jointly denigrate Carson RIBs despite knowing they are well proven and have been on the professional market for nearly 40 years with an excellent reputation with many esteemed operators worldwide. Mugan and MacAndrew are new kids on the block not yet established and have yet to prove themselves in the RIB and marine business. In fact they have already failed to even get established. Probond is already a failed company and ceased trading around the time of the High Court trial (June 2020). They fought for 2.5 years in Court to secure IP ownership of said Carson designs spending, according to MacAndrew, £115,000 on legal fees. He says a further £150,000 was needed to go to trial. These figures suggest that their lawyers knew it was going to be an extremely difficult case to not lose, never mind win anything. None-the-less, considering this they clearly believed the design was good and worth fighting for and justified spending huge money and time on to gain as their own. Newcomers to the marine business, MacAndrew’s and Mugan’s entire RIB business experience spans just a short few unsuccessful/failed years and according to their own claims at Court, only built a single digit numbers of boats at Probond.

Since Carson ceased being directly involved build quality became a known issue with several known dangerous defects. There was no appropriately qualified person to guide them. They also lacked the expertise to fully understand and develop the Interceptor design project as intended. Considering their lack of qualifications and experience their claims and opinions are totally without merit and cannot be taken seriously. Having their shockingly unprofessional conduct and names associated with the trusted and respected Carson brand has proved to be a huge embarrassment for Carson.

EVIDENCE RECORDED

52. All MUGAN'S and MACANDREW'S published false allegations and claims are copied and saved for evidence for use in future proceedings. Despite over 3 years since this dispute began and a trial in the High Court they have never provided any shred of evidence to support their allegations and claims. This is because it simply does not exist. Their case was struck out in its entirety.

ONLY THREE CARSON INTERCEPTORS EVER MADE??

53. MACANDREW now publicly claims only three Carson Interceptors were ever made.

54. FALSE: Carson has photographic evidence of at least six (average value £150k each). All six were seen in evidence before the Court. Contrary to MacAndrew's claims that Carson did not assist in marketing (which in any event was optional for Carson) the fact is Carson was directly involved in not just the design, but also consulted on, had demonstrated and assisted in five of the six Interceptor sales known to Carson. All known Interceptor orders were secured within months of launching the first demonstrator. Most were built after Carson departed. Considering the high value of these large RIBs this may be considered a good start for a fledgling company with no previous experience or history in this market. At the same time several other Carson RIB designs were also in production at Probond. Referring to the Carson Interceptors MacAndrew also claims "one of which has recently been scrapped and disposed of by its owner". It is believed this refers to the Carson Interceptor 1050 "Divine Wind" supplied to his business associate Mugan that he lied about in Court. Referring to "its owner" also confirms another entity as the real owner, not his company (Probond) as now claimed. It is believed other Interceptors above the six known have been built but not disclosed. Similarly it was found MacAndrew had not disclosed other Carson RIB models as required in the contracts. One year after the High Court judgment and order MacAndrew is still in breach of the Order by refusing to disclose details of all boats built. The Court has been updated.

WARNINGS GIVEN

55. CARSON has written in detail to MacAndrew advising him that his ongoing claims are all knowingly false, defamatory and harassing. He is strongly advised to cease publishing all offensive and unlawful material. He is advised that unless said false material is removed legal action will be brought against him. He is informed said letter and other documents to rebut his claims and allegations will be published soon. Ignoring the warnings he continues his offensive course of conduct. The police have also written to MacAndrew and given him additional warnings and advice.

LAW

56. CARSON is taking legal advice and considering further legal proceedings against Probond/MacAndrew and Mugan/UBC regarding their unlawful fabricated claims, allegations and posts.

MORE INFORMATION

57. As these matters are ongoing more details and assorted documents will be posted soon, including various emails from MacAndrew and Mugan, that will further rebut their latest fabricated and knowingly false claims. All Carson's published material has been and will continue to be factual and on documented evidence.

FINAL COMMENTS

CARSON has never before in over 40 years in the marine business (before MacAndrew was born and when Mugan was in junior school), come across any so shockingly unprofessional, unreasonable and arrogant individuals as MacAndrew and Mugan. It is even more shocking considering both are new and still green to this business with no credible background, little to no knowledge and no proven history in professional commercial boat design, building and marketing. In short they still yet have to prove themselves and make their mark. MacAndrew is a failed litigant. As Managing Director he failed to make a success of Probond that is now a failed boatbuilding company after just a few short years in business. He failed to make a success of Probond despite securing £115k of Scottish Government backed funding and having a good range of proven Carson RIB models from 4.2 – 10.5m available to him and a healthy order book when Carson left the partnership. Just two months before Carson departed, he/Probond

had taken on substantially larger premises and was recruiting more staff to cope with increasing orders spread across the range.

It is noted that since losing the court case and started winding up Probond, MacAndrew has made a concerted effort to stay under the radar about his involvement at UBC. Although still involved with UBC he removed any reference to same on his LinkedIn and Facebook accounts in an attempt to publicly at least distance himself from UBC.

MUGAN, an accountant, contrary to his claims, failed to appropriately advise MacAndrew regarding Probond's position with Carson. As a claimed RIB race team leader Mugan also failed to achieve what he set out to do in 2017/2018. He is a failed wannabe RIB record holder of seven world record titles he declared to undertake but never even got to the start line. In early 2018 a post on UBC's Facebook proclaimed UBC's "Race team were finalising preparations to begin their attempt on seven Union Internationale Motonautique (UIM) endurance and ultra-endurance world records".

FALSE: His RIB race team is effectively non-existent, has yet to race anything anywhere against any other boats. He failed to attempt let alone attain any of the "ultra-endurance world records". He is also author of many bold, false and or failed claims, eg. as claimed on Facebook and LinkedIn: "Team Principal and Skipper of the UBC Racing Team (Part of the Ultimate Boat Company (UBC) Research, Innovation and Development Organisation). In collaboration with Suzuki Marine, our race team and race program accelerates our company's pioneering product and component development".

FALSE: His "race team and race programme" have never partaken in any RIB racing or serious endurance events. It is mere waffle.

Referring to his company, UBC, in 2018 he wrote: "this philosophy that has driven our company to its current position as one of the world's most innovative high technology brands. . . . this relentless pace of innovation informs the wider organisation. From the development of the technically most advanced rigid inflatable boat in the world, the Interceptor. . . . We operate in the most demanding markets in the world where a sub optimal boat product can make the difference between winning and losing: between glory and failure". The Interceptor he referred to is the Carson Interceptor design.

FALSE: UBC has yet to produce anything of substance and is little or not at all known in the world of professional RIBs and boatbuilding as claimed and or implied. Referring to UBC's new boat range (John Moxham designed) he also claimed "The hull design and superstructure are patent protected".

FALSE: He has shown no evidence of any patents when he first claimed this.

On his UBC website he claims "129 boats completed" (see below), 24 x trusted five star reviews and 100% client satisfaction.

FALSE: Again an attempt to look like more than they actually are. Other than one new boat model, a Barracuda 7.5m demonstrator (John Moxham design), few if any other of UBC's new RIB range have been seen on the water, let alone "129 boats completed". If 129 boats were built at the material time then they must have been Carson designs as they did not have any other designs/production moulds available save for Carson RIBs. Considering this, even more royalties are hidden and unpaid. If he disputes this he is invited to show evidence of the 129 boats he says they built.

Regarding the 24 x trusted reviews. They do not exist.

The 100% client satisfaction is another lie. Carson is aware of several very unsatisfied clients. After Carson's departure build quality was simply not up to Carson's high standards and became a serious issue and customer care was seriously flawed.

MACANDREW and MUGAN have repeatedly made FALSE claims regarding their dealings with Carson and failed to be honest about Muga's involvement in these matters. There is no substance behind their words. They all amount to no more than misleading waffle and blatant lies.

Further updates will be posted.

Signed: Barry Carson LLB, Designer of Carson RIBs