

## OLYMPIA INDUSTRIES BERHAD

### MATERIAL LITIGATIONS AS AT 18<sup>th</sup> NOVEMBER 2015

Save as disclosed below, Olympia Industries Berhad (“OIB”) and its subsidiary companies are not engaged in any material litigation, claims or arbitration, either as plaintiff or defendant, and the Directors of OIB have no knowledge of any proceedings pending or threatened against OIB and/or its subsidiary companies or of any facts likely to give rise to any proceedings which may materially and adversely affect the position and/or business of OIB and its subsidiary companies: -

1. On 12 February 1998, Jupiter Securities Sdn. Bhd. (“JSSB”) commenced legal action against Datin Wo Tang Koi @ Wu Shya Kwee, Chang Kok Chuang, Chong Chi Siong and Dariel Loh Yuen Tuck (collectively “the Defendants”) at the Kuala Lumpur High Court (“KLHC”) under suit no: D1-22-249-1998 (“Current Suit”) for the recovery of RM27,193,867.72 together with interest and costs. JSSB’s claim relates to shares trading undertaken by the first, second and third Defendants through the fourth defendant who was an employee of JSSB. JSSB had on 21 March 2003 at the Kuala Lumpur High Court under suit no: D1-22-433-2003 (“Fresh Suit”) filed a legal action against Dato’ Wong for the recovery of RM27,193,867.72. Both the Fresh Suit and the Current Suit has been consolidated on 20 October 2003. Dato’ Wong’s application for security for costs was dismissed on 5 September 2005 and Dato’ Wong appeal was also dismissed with costs on 17 May 2006. Case management has been fixed on 13 July 2009. The matter proceeded with full trial on 7 to 9 April 2010, 14 to 16 April 2010, 13 and 30 July 2010, 20 and 30 August 2010, 7, 8, 14 and 15 September 2010, 8, 13 and 14 October 2010, 4 November 2010, 6, 23, 29 and 30 December 2010, 4 to 5 and 21 January 2011, 28 February 2011, 10, 14, 17, 28, 29, 30 and 31 March 2011, 7 and 13 April 2011, 10, 20, 24 and 27 May 2011 and 27 to 30 June 2011. On 27 June 2011, the Court dismissed the Defendants’ application to recall the Plaintiff’s witness no. 18 for purposes of establishing the transactions which form the basis of the claim were illegal and ruled that no illegality exist. The matter was fixed for further mention on 6 July 2012 for parties to appraise the Court on the progress of the Defendants Appeals to the Court of Appeal which is fixed for hearing on 3 July 2012. The Defendants’ Appeals at the Court of Appeal was heard on 3 July 2012 and has been dismissed with costs of RM10,000.00 against each of the Defendants. Subsequently the Defendants have filed a Notice of Motion at the Federal Court for Leave to Appeal at the Federal Court. Continue full trial proceeded on 15 August 2012. The Court has on 29 August 2012 adjourned the continued trial fixed on 29 and 30 August 2012 with costs of RM1,000.00 as costs against the Defendants as the Defendants’ Solicitors had requested an adjournment to engage expert opinion. Trial continued on 2 and 28 November 2012 and 1 March 2013, 4, 5, 15, 16, 25 and 26 April 2013. On 15 April 2013, Plaintiff has closed their case and proceeded with Defendants witnesses. On 24 April 2013, the Defendants had withdrawn their Notice of Motion filed at the Federal Court with costs of RM5,000.00. The matter was proceeded at the Kuala Lumpur High Court for submission on admissibility of the DAT tapes on 20 and 21 May 2013 and adjourned for Decision and continued trial on 13 and 14 June 2013. On 13 and 14 June 2013, matter proceeded with continued trial and had reserved decision for the admissibility of the DAT tapes to 25 June 2013. The High Court on 4 July 2013 has decided in Plaintiff’s favour in that the DAT tapes are admissible. The matter proceeded further for continued trial from 9 to 12 July 2013, 22 to 24 July 2013, 15 to 16 August 2013, 28 to 30 August 2013, 17 to 20 September 2013 and 25 to 27 September 2013 with Defendants’ witnesses. The matter was fixed for Decision/Clarification on 31 December 2013. The Court has on 31 December 2013 fixed the matter for Case

Management which was rescheduled to 6 January 2014 and 27 January 2014 pending receipt of the notes of proceedings. The Court has on 27 January 2014 directed all parties to file their respective submissions by 14 February 2014 and fixed the matter for Decision on 28 February 2014. The Judge has vacated the decision date fixed on 28 February 2014 to a date to be fixed to allow parties to file their respective submissions. On 23 April 2014, the Court fixed 29 April 2014 for Decision. On 29 April 2014, the Court heard oral submissions from all parties and fixed 9 June 2014 for Decision. On 6 June 2014, Plaintiff was informed that the Court has adjourned the Decision date to 20 June 2014. The Court has pronounced the Decision for the above matter as follows:

KLHC D1-22-249-1998

i) D1 - Datin Wo Teng Koi: To pay JSSB RM3,833,907.14 with interest of 5% from date of Judgment till full and final settlement with costs of RM120,000.00 and D1's Counterclaim dismissed with costs of RM30,000.00.

ii) D2 - Chang Kok Chuang: To pay JSSB RM27,961,461.24 with interest of 5% from date of Judgment till full and final settlement with costs of RM170,000.00.

iii) D3 - Chong Chi Siong: To pay JSSB RM2,458,682.24 with interest of 5% from date of Judgment till full and final settlement with costs of RM70,000.00.

iv) D4 - Dariel Loh Yuen Tuck: To pay JSSB RM250,000.00 with interest of 5% from date of Judgment till full and final settlement with costs of RM50,000.00.

consolidated with:

KLHC D6-22-433-2003

i) D - Dato' Wong See Wah: Plaintiff's claim was dismissed with costs of RM150,000.00.

#### **Appeals at the Court of Appeal**

The 1st, 2nd and 3rd Defendant for KLHC D1-22-249-1998 had filed their respective Notice of Appeal against the whole of the decision of the High Court Judge given on 20 June 2014 ("Appeals"). Plaintiff has also filed a Notice of Appeal to the Court of Appeal ("COA") in respect of the suit KLHC D6-22-433-2003 against the judgment given on 20 June 2014, dismissing the Plaintiff's claim against the Defendant, Dato' Wong See Wah with costs of RM150,000.00.

- (a) **Court of Appeal Civil Appeal No. W-02-1336-08/2014  
Dato' Wong See Wah**
- (b) **Court of Appeal Civil Appeal No. W-02-1248-07/2014  
Chang Kok Chuang**
- (c) **Court of Appeal Civil Appeal No. W-02-1269-08/2014  
Chong Chi Siong**
- (d) **Court of Appeal Civil Appeal No. W-02-1270-08/2014  
Datin Wo Tang Koi @ Wu Shya Kwee**

The COA has fixed the Appeals for case management on 9 September 2014. On 9 September 2014, the COA has adjourned the case management date to 21 November 2014. Subsequently, the 3rd Defendant has filed a Notice of Motion to the COA for consolidation of the Appeals and the same was fixed for Hearing on 11 September 2014 where the COA has allowed the 3rd Defendant's Notice of Motion for consolidation. All four appeals had been consolidated and the COA has fixed 21 November 2014 for Case Management. On 21 November 2014, the Court has adjourned the matter for further Case Management on 30 January 2015. On 30 January 2015, the COA has adjourned the matter for further case management on 13 March 2015. On 13<sup>th</sup> March 2015, the case has been adjourned to 29<sup>th</sup> May 2015 for case management pending the Grounds of Judgment. On 29<sup>th</sup> May 2015, the appeals have been fixed for Hearing on 22<sup>nd</sup> and 23<sup>rd</sup> October 2015. The consolidated appeals have been reschedule for Hearing on 2<sup>nd</sup> to 3<sup>rd</sup> November 2015. On 2<sup>nd</sup> November

2015, JSSB withdrew appeal against Tan Sri Wong with cost of RM10,000.00. The appeals have been scheduled for continue Hearing on 8<sup>th</sup> and 9<sup>th</sup> March 2016.

**Above item (i)**

**(a) Application for Stay of Execution by Puan Sri Wo**

On 19 September 2014, the 1st Defendant (Puan Sri Wo) had filed an application for Stay of Execution ("Stay Application") and fixed for case management on 20 October 2014. On 20 October 2014, matter has been adjourned to 12 November 2014 and again to 18 December 2014. On 18 December 2014, the KLHC had fixed further case management on 21 January 2015. On 21 January 2015, the Deputy Registrar fixed the matter for further case management on 5 February 2015. On 5 February 2015, the Deputy Registrar fixed 16 February 2015 for further case management for the said matter. On 16 February 2015, the Deputy Registrar has fixed 1 April 2015 as the Hearing date for the Stay Application. On 1 April 2015, the application before Justice Hajah Azizah Haji Nawawi was dismissed with cost of RM1,000 and that any sums recovered from the 1st Defendant (Puan Sri Wo) pursuant to the execution of the Judgement dated 20 June 2014 is to be preserved in a joint stakeholders account between the solicitors of the Plaintiff and the 1st Defendant (Puan Sri Wo), pending the final disposal of the 1st Defendant (Puan Sri Wo)'s appeal to the Court of Appeal against the Judgement dated 20 June 2014

**(b) Bankruptcy Proceedings against Puan Sri Wo**

On 16<sup>th</sup> April 2015, JSSB commenced Bankruptcy Proceeding against the 1st Defendant (Puan Sri Wo). On 24<sup>th</sup> April 2015, the sealed copy of BN was extracted. On 8<sup>th</sup> May 2015, our solicitor managed to serve the BN by way of personal service on the 1st Defendant (Puan Sri Wo). We are currently awaiting our solicitors advise on the timing to proceed with the next course of action, the filing of the Creditor's Petition. On 22<sup>nd</sup> June 2015, our solicitor has filed an ex-parte application to amend the Bankruptcy Notice and the Hearing of the application was fixed on 28<sup>th</sup> July 2015. On 28<sup>th</sup> July 2015, the Court had allowed our application to amend the BN. The matter was later on fixed for Case Management on 1<sup>st</sup> October 2015, for 1<sup>st</sup> Defendant ( Puan Sri Wo)'s application for stay of bankruptcy proceeding. On 1<sup>st</sup> October 2015, the Court has directed parties to file and exchange submissions simultaneously by 22<sup>nd</sup> October 2015 and exchanged replies simultaneously by 29<sup>th</sup> October 2015 and also fixed the application for Decision on 9<sup>th</sup> November 2015. Separately, our solicitor informed us that several attempts to serve the extracted amended BN to 1<sup>st</sup> Defendant ( Puan Sri Wo) was unsuccessful and our solicitor has filed an application for substituted service on 1<sup>st</sup> October 2015. On 9<sup>th</sup> November 2015, the Registrar allowed the 1<sup>st</sup> Defendant's application with no order as to cost. JSSB has been instructed to immediately file an appeal against Registrar's decision.

**Above item (iii)**

**Bankruptcy Proceedings against Chong Chi Siong**

BN issued and served on 1 December 2014. Chong Chi Siong's solicitors Messrs Woon & Co has vide their letter dated 29 December 2014 proposed to pay JSSB RM1.78million as full and final settlement for the Judgment dated 20<sup>th</sup> June 2014. Among others, the terms of the settlement are, Messrs Woon & Co undertake to file the Common Record of Appeal and thereafter withdraw the appeal with no order as to costs and upon the clearance of cheque, we undertake to withdraw the bankruptcy proceedings with no order as to costs. JSSB has received the payment of RM.178million on 29<sup>th</sup> December

2014. On 30<sup>th</sup> January 2015, Messrs Woon & Co has filed into court and served on the respective parties the main Record of Appeal (47 volumes) for the consolidated appeals

**Above item (ii)**

**(a) Bankruptcy Proceedings against Chang Kok Chuang**

On 3 April 2015, a copy of the sealed Bankruptcy Notice dated 12 February 2015 has been served by way of personal service on Chang Kok Chuang (JD). On 8<sup>th</sup> April 2015, the matter was fixed for Case Management at High Court in Melaka, whereby Chang Kok Chuang (JD)'s newly appointed solicitors, Messrs. Bell & Lee was also present in court and informed the court that they will be filing an affidavit in reply by 10<sup>th</sup> April 2015 (which is the last day from the date of service) to oppose and set aside the BN. The matter was then fixed for further case management on 20<sup>th</sup> May 2015 and pending the filing and exchange of affidavits between the parties to be exhausted. On 20<sup>th</sup> May 2015, our solicitors informed us that matter came up for Hearing in respect of Chang Kok Chuang (JD)'s application to oppose and set aside the BN but could not proceed as the matter was supposed to be heard before the SAR whom, however was away in Putrajaya. The presiding SAR then gave directions for parties to file and exchange written submission and fixed the matter for Case Management on 3<sup>rd</sup> July 2015 before the SAR in-charge for a hearing date to be fixed. The presiding SAR's directions are :- i) Chang Kok Chuang (JD)'s written submissions are to be filed by 5<sup>th</sup> June 2015, ii) our reply to Chang Kok Chuang (JD)'s written submission is to be filed by 19<sup>th</sup> June 2015, and iii) Chang Kok Chuang (JD)'s reply to our submission to be filed by 3<sup>rd</sup> July 2015. On 3<sup>rd</sup> July 2015, Court has fixed the matter for Decision on 12<sup>th</sup> August 2015. On 12<sup>th</sup> August 2015 Deputy Registrar has dismissed Chang Kok Chuang (JD)'s applications with costs for RM1,000.00 for each application and also fixed the matter for Case Management on 14<sup>th</sup> September 2015 pending compliance with the bankruptcy proceedings and also filing of Creditor's Petition. Our solicitor has filed the Creditor's Petition on 26<sup>th</sup> August 2015 and the matter has now fixed for further Case Management on 16<sup>th</sup> October 2015. Further to that, our solicitor has attempted several times to serve the Creditor's Petition to JD but was unsuccessful. Therefore, our solicitor will proceed to file application for substituted service. On 16<sup>th</sup> October 2015, Court has gave directions for parties to file and serve written submission on or before 20<sup>th</sup> November 2015, and the matter was fixed for Hearing on 8<sup>th</sup> December 2015.

**(b) Application for Stay of Execution by Chang Kok Chuang**

On 16 April 2015 our solicitor has attended court for case management and informed us of the same that the registrar has scheduled for further case management on the 24 April 2015 pertaining to the application of Stay of Execution by the 2<sup>nd</sup> Defendant (Chang Kok Chuang) and pending the filing of Affidavit in Reply on or before 23 April 2015. On 24 April 2015, solicitor attended court and informed us that Court has fixed for further Case Management on 23 June 2015 pending compliance with the directions given by the of Court and to fix a Hearing date for the 2<sup>nd</sup> Defendant (Chang Kok Chuang)'s application for Stay of Execution of the Judgment dated 20 June 2014. The Court directions were as follows:- Court directed the 2<sup>nd</sup> Defendant (Chang Kok Chuang) to file and serve their Affidavit in Reply by 08 May 2015, and to serve his written submission by 22 May 2015; we were directed to serve our written submission by 05 June 2015. The 2<sup>nd</sup> Defendant (Chang Kok Chuang) is to serve his reply to our submission by 12 June 2015. Parties are to hand over all written submission to court on next Case Management date on 23 June 2015, and thereupon the Court will fix the matter for Hearing before the Judge . The case has adjourned to 29<sup>th</sup> June 2015 pending 2<sup>nd</sup>

Defendant's filing of submission. On 29<sup>th</sup> June 2015 Court has adjourned the matter to 13<sup>th</sup> July 2015 pending our reply to 2<sup>nd</sup> Defendant's submission and also filing of our submission. On 13<sup>th</sup> July 2015 Court further adjourned the matter to 23<sup>rd</sup> July 2015 for 2<sup>nd</sup> Defendant to serve us their reply to our submission. On 23<sup>rd</sup> July 2015, 2<sup>nd</sup> Defendant informed Court that they do not wish to reply to our submission, therefore Court fixed the matter for Hearing on 14<sup>th</sup> August 2015 before High Court Judge, Dato' Azizah binti Nawawi.

On 14<sup>th</sup> August 2015, upon hearing the submission of the counsel for the respective parties, the Judge dismissed Chang Kok Chuang's applications with costs of RM1,000.00 to be paid by Chang Kok Chuang. Judge also ordered that any sums recovered from Chang Kok Chuang pursuant to the execution of the Judgment dated 20<sup>th</sup> June 2014 is to be preserved in a stakeholder account to be agreed between the solicitors of both parties, pending the disposal of Chang Kok Chuang's appeal to Court of Appeal.

2. On 13 December 2006, Rinota Construction Sdn Bhd ("Petitioner") commenced legal action at the KLHC under petition no: D7-26-89-2006 and served the petition together with the affidavit in support dated 12 December 2006 on Mascon Rinota Sdn Bhd ("MRSB"), Mascon Sdn Bhd ("Mascon"), Yeoh Sek Phin, Olympia Industries Berhad ("OIB"), Dato Yap Yong Seong and Yap Wee Keat claiming, amongst others, for an order that MRCB and Mascon purchase the shares owned by the Petitioner in MRSB at such price and terms determined by the Court, an order that Mascon and OIB pay, or cause its subsidiaries or associated companies to pay MRSB all debts owed to it by Mascon and OIB or its subsidiaries or associated companies in connection to the lease agreement and loans extended to the fellow subsidiaries and an order that a certified accountant be appointed to inspect the accounts of MRSB. The Petition is grounded on the facts that the Respondents derived substantial monetary benefit from the Petitioner to the detriment of the Petitioner. The Respondents had filed their affidavit in reply on 22 May 2007 opposing the petition and it is the Respondents defence that there was no oppressive conduct against the Petitioner. The Petitioner filed a Summons in Chambers Ex-Parte dated 24 July 2007 for an injunction order to restrain the Respondents and or its agents from taking any steps to complete the disposal of the share sale agreement representing, OIB's disposal of its 71% equity interest in Mascon or take any action to dispose off OIB's 14,200,000 ordinary shares in Mascon until after the Court has given its judgment on the Petition. On 26 July 2007, the Judge has granted the Petitioner a 21 days ex-parte injunction and on 11 December 2007, the Court had granted the Petitioner an interim injunction. Mascon has decided not to appeal against the decision in granting the injunction but to proceed with the hearing of the petition. On 21 October 2007 the Petitioner filed an application to amend the petition to add Mascon Construction Sdn Bhd ("MCSB") as the 7<sup>th</sup> Respondent to the above petition and on 21 February 2008 the Court granted the order to amend the petition. Mascon, the 2<sup>nd</sup> Respondent has been wound up on 25 March 2008. The 5<sup>th</sup> and 6<sup>th</sup> Respondents filed an application to strike out the petition which application was dismissed by the judge with cost on 26 November 2008. The Petitioner's application for disclosure was allowed with cost on 26 November 2008. The hearing date of the petition initially fixed on 24 April 2009 was subsequently fixed for Mediation on 16 November 2011. The Mediation was unsuccessful in resolving the matter for the Petitioner and certain Respondents who attended the said Mediation. The matter has proceeded with full trial on 5 to 9 December 2011, 10 and 31 January 2012, and 5 to 7 March 2012 and the Petitioner had also withdrawn their claim against Yeoh Sek Phin the 3<sup>rd</sup> Respondent. The matter was fixed for Decision on 28 June 2012 but was adjourned by the Court to 31 July 2012 and further adjourned to 29 August 2012. The Court has on 29 August 2012 has ordered OIB and the Respondents to buy out the Petitioner's shareholding in MRSB, OIB to pay to MRSB all debts owed to it out of a lease agreement and loans and a certified public accountant be appointed to inspect the accounts

of MRSB and to file a report to the Court of the results of the inspection. On 27 September 2012, OIB and the Respondents have filed their Appeal at the Court of Appeal against the decision of the High Court. The Court has fixed 1 October 2012, 31 October 2012 and 7 November 2012 for the parties to revert to the Court on the issue of costs and the appointment of a common public accountant. On 7 November 2012, the Court has decided on the issue of costs and granted the Petitioner costs of RM214,372.37. The matter has been fixed for hearing of the Petitioner's Application for an agreement on the appointment of a certified public accountant on 20 September 2013. On 29 August 2013, the Court of Appeal has fixed the Respondents' Appeal for hearing on 14 February 2014. However, the Court on its own motion has vacated 14 February 2014 and rescheduled the hearing to 12 May 2014. The Court on 20 September 2013 had appointed BDO Governance Advisory Sdn Bhd ("BDO") as the Certified Public Accountant to inspect the accounts of Mascon Rinota Sdn Bhd from June 1995 until 29 August 2012. Pursuant to the Court Order dated 29 August 2012, BDO will have 6 months from 20 September 2013 to prepare the Accountants report for the Court to decide on the value of the buy-out of Rinota Construction Sdn Bhd's shareholding in Mascon Rinota Sdn Bhd. MRSB is a 60% owned subsidiary of Mascon which has been wound up. On 12 May 2014, the case was set for Hearing and the Appellate Court has allowed the Respondents appeal with RM100,000.00 costs. The Court of Appeal Judges had set aside the decision in the High Court and ordered the Petitioner to return costs paid by the Respondents. The Judges also made an order that the accountant fees to be shared equally between parties. Subsequently, the Petitioner has filed a Notice of Motion for Leave to appeal to the Federal Court against the decision of the Court of Appeal pending the Court fixing a date for Hearing of the Leave Application. The Federal Court has fixed 22 September 2014 for Case Management. On 22 September 2014, the Federal Court has fixed 26 November 2014 for further Case Management. On 26 November 2014, the Federal Court has fixed a Hearing Date for the Motion on 23 March 2015. On 27 February 2015, our solicitors was informed vide a letter from the Federal Court notifying the parties that the Motion that was fixed for hearing on 23 March 2015 has been vacated and directed the parties to attend court for case management on 23 March 2015 to fix a new hearing date. On 23 March 2015 which was fixed for case management, the court then fixed the matter for Hearing of the Applicant's Motion on 01 July 2015. On 24<sup>th</sup> June 2015, our solicitor informed us that the Hearing of the matter was vacated but Court directed parties to attend for Case Management on 01<sup>st</sup> July 2015 to fix a new hearing date. On 1<sup>st</sup> July 2015, Court fixed the Hearing of the Applicant's Motion on 09<sup>th</sup> September 2015. On 04<sup>th</sup> August 2015 our solicitor received notification from Federal Court that the date for Hearing has now been fixed to 05<sup>th</sup> October 2015. On 05<sup>th</sup> October 2015, our solicitor attended Federal Court for the Hearing but was informed that the matter has been adjourned to a date to be fixed. On 29<sup>th</sup> October 2015, our solicitor was informed by Federal Court that the application was fixed for Case Management before Registrar on 17<sup>th</sup> November 2015. On 17<sup>th</sup> November 2015, Federal Court fixed the application for further Case Management on 20<sup>th</sup> January 2016 pending grounds from the Court of Appeal.