

## **OLYMPIA INDUSTRIES BERHAD**

### **MATERIAL LITIGATIONS AS AT 27<sup>TH</sup> MAY 2019**

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 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. The Court has further adjourned the matter to 18<sup>th</sup> April 2016 for Case Management. On 18<sup>th</sup> April 2016, Court has directed the parties that Applicant is to file their Affidavit on or before 20<sup>th</sup> May 2016, Respondent is to file their reply to Applicant's Affidavit on or before 3<sup>rd</sup> June 2016, and parties were also directed to file their Written Submission on or before 7<sup>th</sup> June 2016. The Court then fixed the matter for Hearing on 21<sup>st</sup> June 2016. On 17<sup>th</sup> August 2016 which was fixed for Case Management before Puan Nor Kamilah Binti Aziz, Court has instructed parties to file their respective Written Submissions on or

before 10<sup>th</sup> November 2016 and fixed the Hearing date on 24<sup>th</sup> November 2016. On 24<sup>th</sup> November 2016, the case was vacated therefore Court had re-fixed the Hearing date on 21<sup>st</sup> February 2017. On 6<sup>th</sup> February 2017, Federal Court informed our solicitor that the Hearing date which was fixed earlier on 21<sup>st</sup> February 2017 was vacated and fixed for Case Management on 8<sup>th</sup> February 2017. On 8<sup>th</sup> February 2017, the matter was fixed for Case Management before Deputy Registrar Puan Jumirah Binti Marjuki, Court has instructed parties to file their respective Submission in Reply on or before 8<sup>th</sup> May 2017, and Court had also fixed the appeal for Hearing on 22<sup>nd</sup> May 2017. During the said hearing, the Federal Court set aside the order of the Court of Appeal and reinstated the order of the High Court, including the order of costs. Therefore all monies paid as costs has to be returned together with an additional payment of RM100,000 at the Federal Court level. The matter was fixed for further case management on 23 February 2018 before the Judge, both parties are to file separate application for appointment of the accountant. However, on 8 February Court has sent notice to inform our solicitor that the 23 February 2018 case management has been vacated and fixed a new date on 26 February 2018. On 22 February 2018 Court has sent notice to inform our solicitor that the 26 February 2018 case management has been vacated, a new date was fixed on 13 March 2018 and a further date has been fixed on 3 May 2018. On 3 May 2018 the case was fixed for Case Management before YA Dato Has Zanah binti Mehat, Court has now fixed the matter for Hearing on Enclosure 82 on 26 June 2018. On 26 June 2018, Court has allowed the Petitioner's application for extension to re-appoint BDO Governance Advisory Sdn Bhd as the Court appointer auditor. On 1 October 2018, Court called for Case Management to update Court on the Accountant's report progress, Court has also fixed for next Case Management date on 2 November 2018 to update Court on further progress. On 2 November 2018, Court has fixed for further Case Management for the progress of Accountant's report on 3 January 2019. On 3 January 2019, Court has fixed for further Case Management on 17 January 2019 for further directions on Accountant's Report. On 17 January 2019, Court was informed by Petitioner that they would file notice to appoint new Auditor as the earlier Auditor failed to complete the account within the given time frame. Court has directed for Petitioner to file the notice on or before 31 January 2019. Court also fixed the above matter for Case Management on 31 January 2019. On 31 January 2019 Petitioner informed Court that they have appoint new Auditor Ferrier Hodgson MH Sdn Bhd, and Court has fixed the matter for Decision on 22 April 2019. On 22 April 2019, the Court had adjourned the matter to 29 April 2019 for parties to make oral submission and this date has been adjourned to 10 June 2019.

2. On 21 May 2019, a Joint Management Body under the name of Badan Pengurusan Bersama Avenue K and K Residence ("Plaintiff") had served a copy of the Writ of Summons and Statement of Claims dated 9 May 2019 ("Summons") on KL Landmark Sdn Bhd ("KLL"), a wholly-owned subsidiary of the Company. The Plaintiff had also named 7 others as defendants.

The Plaintiff has disputed, amongst others, certain contra adjustments in the affected audited accounts for maintenance charges and sinking fund totalling RM3,048,913.61. The Plaintiff claimed that KLL had wrongly adjusted from the maintenance fund amount owed by KLL and certain defendants from utility charges including electricity consumption, ventilation, usage of chilled water and waste disposal system paid in advance by the landowner of Avenue K and K-Residence.

The solicitors are in process of filing a Memorandum of Appearance.