

## **OLYMPIA INDUSTRIES BERHAD**

### **MATERIAL LITIGATIONS AS AT 16 NOVEMBER 2022**

Save as disclosed below, Olympia Industries Berhad (“OIB” or “Company”) 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”) filed an action against Mascon Rinota Sdn Bhd (“MRSB”), Mascon Sdn Bhd (“MSB”), Olympia Industries Berhad (“OIB”) and others (collectively, “Respondents”) at the Kuala Lumpur High Court (“KLHC”) by virtue of an alleged oppression under Section 181 of the then Companies Act 1965 (“Original Petition”). The Petitioner sought damages of approximately RM8.0 million. On 21 October 2007, the Petitioner filed an application to amend the Original Petition by adding Mascon Construction Sdn Bhd (“MCSB”), a subsidiary of DutaLand, as another respondent and such application was subsequently allowed by KLHC. MSB, a subsidiary of OIB, was wound up on 25 March 2008. On 29 August 2012, KLHC ruled in favour of the Petitioner with an order for MCSB and others to buy out the Petitioner’s shareholding in MRSB which is a subsidiary of MSB. On 27 September 2012, MCSB and the others appealed against this decision, which appeal was allowed by the Court of Appeal with costs of RM100,000.00. The Petitioner filed an application for leave to appeal to the Federal Court (“the Court”) which was granted on 21 June 2016.

The appeal proper was heard on 22 May 2017 and dismissed with cost of RM100,000. The Federal Court reinstated the order of the High Court which ordered that all the respondents purchase the shares owned by the Petitioner in MRSB and that a certified public accountant be appointed to inspect the accounts of MRSB and file a report to the High Court of the results of the inspection to determine the value of the shares, together with payment of RM100,000 being costs to the Petitioner for the hearing in the Federal Court and the Court of Appeal. The High Court had fixed the case for further case management before the judge on 3 May 2018 for the appointment of the certified public accountant. The Court had allowed the Petitioner’s application for extension to re-appoint BDO Governance Advisory Sdn Bhd (“BDO”) as the Court appointer auditor. Pursuant to the court order dated 26 June 2018, BDO had 6 months from 26 June 2018 to prepare the accountant’s report.

On 17 January 2019, the Court was informed by the Petitioner that they would file a notice to appoint a new Auditor as the earlier Auditor failed to complete the accounts within the given time frame. The Court had directed for the Petitioner to file the notice on or before 31 January 2019. On 31 January 2019, the Petitioner informed the Court

that they have appoint a new Auditor, Ferrier Hodgson MH Sdn Bhd (“FHMH”), and the Court had fixed the matter for decision on 22 April 2019. On 23 July 2019, the Court dismissed the order sought by the Petitioner to appoint FHMH to prepare an accountant’s report to advise the Court on the fair price of the shares. On 6 August 2019, the Petitioner filed an appeal against the High Court’s decision to dismiss the order sought by the Petitioner. The ground of High Court’s judgement was published on 15 November 2019. The Court of Appeal fixed the appeal for case management on 10 March 2020.

On 10 March 2020, the Court of Appeal fixed the appeal for hearing on 7 July 2020. On 7 July 2020, the Court of Appeal allowed the Petitioner’s appeal to appoint FHMH in replacement of BDO, with costs of RM15,000.00 payable to the Petitioner (“COA Order dated 7 July 2020”). Case Management was fixed on 17 August 2020 before the High Court for further directions on the appointment of FHMH. On 5 August 2020, the Respondents filed for leave to appeal against the COA Order dated 7 July 2020 to the Federal Court (“FC Leave Application”). The FC Leave Application was fixed for case management on 7 September 2020.

On 17 August 2020, the Petitioner informed the Court that FHMH has been appointed pursuant to the COA Order dated 7 July 2020 to prepare an accountant’s report to advise the High Court on the fair buy-out price of the Petitioner’s shares in Mascon Rinota Sdn Bhd. The Petitioner is required to produce the said report within 4 months from the COA Order dated 7 July 2020 i.e. by 7 November 2020. The Learned Judge directed both parties to submit their accountant’s reports by 30 September 2020 and has fixed case management on 1 October 2020.

On 1 October 2020, the matter was called up for case management before the High Court. Parties informed the High Court that they have nominated their respective Auditor. Meanwhile, parties jointly applied for an extension of time to file and exchange their accountant’s reports given that parties in the midst of retrieving the requisite documents to enable their Auditor to finalise their Accountant’s reports. The High Court took note of the same and fixed the matter for further case management on 30 November 2020 for parties to update the High Court on the status of the parties’ accountant reports. However, due to the extension of the Conditional Movement Control Order till 9 December 2020, the High Court rescheduled the matter for case management to 9 February 2021.

On 11 November 2020, the FC Leave Application was called up for case management. In light of the extension of the Conditional Movement Control Order till 9 December 2020, parties have agreed to proceed with FC Leave Application by way of an online hearing on 25 November 2020. On 25 November 2020, the Federal Court allowed the Respondents’ Notice of Motion for leave to appeal. On 25 November 2020, the Federal Court allowed the FC Leave Application for leave to appeal (“FC Leave Order”).

On 8 December 2020, the Petitioner filed a motion to discharge the FC Leave Order. At the hearing of the motion on 8 February 2021, the Federal Court allowed the Petitioner’s Motion to Discharge the FC Leave Order with costs of RM 40,000.00.

At the Case Management before the High Court on 9 February 2021, the Court directed both parties to file and exchange their respective accountant's reports on or before 10 May 2021 and respective rebuttal reports on or before 10 June 2021.

The Respondents' Notice of Application was filed on 10 May 2021, to replace Bridge Corporate Management with KPMG Corporate Advisory Sdn Bhd ("KPMG") in order for the Valuation Report to be prepared and finalised expeditiously, and allowed by the Court on 19 July 2021. KPMG was appointed as the Respondents' accountants and given 4 months from 19 July 2021 to prepare its Valuation Report. The Court fixed 3 December 2021 (re-fixed 13 December 2021) for case management for parties to update the Court on the status of the Valuation Report.

On 13 December 2021, the Respondents' Valuation Report was filed and parties exchanged their respective Valuation Reports on the same day. The Court fixed 21 January 2022 for case management for parties to update the Court on the time required for the preparation of the parties' respective Rebuttal Reports.

On 21 January 2022, the Court directed the parties' respective Rebuttal Reports are to be filed by 1 April 2022. The hearing is fixed on 21 April 2022.

On 21 April 2022, the Court allowed the Respondent's Application for Extension of Time to file the Rebuttable Report by 29 April 2022 and fixed for case management on 19 May 2022. The Court had on 19 May 2022, further fixed case management to 17 June 2022. On 17 June 2022, the Court fixed the matter to be heard on 5 September 2022.

During the Hearing on 5 September 2022, the Court allowed Respondents' Application for Leave to Cross-Examine Experts and fixed for case management on 7 October 2022.

During the case management on 7 October 2022, the Court fixed the matter for further case management on 7 November 2022. On 7 November 2022, the court fixed for cross-examination of the experts on 8 June 2023 and 9 June 2023.

2. On 14 November 2018, thirty seven owners of units in K Residence ("Plaintiffs") commenced proceedings against KL Landmark Sdn Bhd ("KLL"), a wholly owned subsidiary of the Company, and three others ("collectively Defendants"), where the Plaintiffs are claiming, among others, unquantified damages for alleged loss and damage from diminution in value of their units due to various purported transgressions by the Defendants. On 23 December 2019, the High Court struck out the suit, and awarded costs to the Defendants. The Plaintiffs have filed an appeal against the High Court decision to the Court of Appeal. During the case management on 28 July 2021, the Plaintiff's informed the Court that they have yet to obtain the Grounds of Judgment from the High Court despite numerous attempts. The Court has fixed for the next case management on 13 October 2021 to update the Court on the status of the Grounds of Judgment. On 13 October 2021, the Court has further fixed case management on 7 December 2021 and Hearing on 14 December 2021. The Court of Appeal has allowed the Plaintiffs' appeal application with costs at the appeal hearing on 14 December 2021.

The Court held that the Plaintiffs' pleadings are not obviously unsustainable and therefore should not be struck out by the High Court. There are issues to be tried and the Court of Appeal directed the parties back to High Court. The Defendants have filed a Notice of Motion for leave to appeal to the Federal Court on 14 January 2022 and fixed to be heard on 18 April 2022. The Hearing on 18 April 2022 has been vacated and the Court has fixed Case Management on 22 April 2022 to fix for a Hearing date. On 22 April 2022, the Court fixed the next case management on 22 June 2022 pending Grounds of Judgment.

On 22 June 2022, the Court fixed a Hearing on 12 October 2022. The Hearing fixed on 12 October has been vacated and fixed the Motion to be heard on 5 October 2022. During the Hearing on 5 October 2022, the Court granted the leave to appeal against the decision of the Court of Appeal dated 14 December 2022 in respect of the Further Revised Questions of Law and costs to be paid in the cause of the appeal proper. The Federal Court has fixed the appeal proper to be heard on 8 February 2023.

The Defendants on 3 June 2022 filed an application for stay for the High Court proceedings pending Hearing of the Leave application to Federal Court. On 11 August 2022, the High Court dismissed the stay applications with costs of RM 2,000.00 to be paid to the Plaintiffs and directed the parties to file expert reports and rebuttable reports, if any by 23 September 2022. Further case management fixed on 3 October 2022 and the trial begin on 13, 17 to 21 October 2022. During the case management on 13 October 2022, the High Court formally vacated the trial dates given that the Federal Court granted the Defendants' Leave Application on 5 October 2022 and fixed case management on 23 November 2023 to update the Court on the Federal Court appeal.

3. On 9 May 2019, Badan Pengurusan Bersama Avenue K dan K Residence ("JMB") commenced proceedings against KL Landmark Sdn Bhd ("KLL"), a wholly-owned subsidiary of the Company, and seven others (collectively "Defendants") in the Kuala Lumpur High Court Civil Suit No. WA-22NCvC-310-05/2019 (Suit 310) where JMB is claiming, among others, a declaration that all contra payments made by KLL through various "contra adjustments" for the maintenance charges of RM3,048,913-61 payable by KLL to JMB are null and void and must be refunded by KLL to JMB. Suit 310 is now consolidated with the suit referred to in paragraph 4 below. On 23 July 2021, KLL has filed an application to amend the Amended Statement of Defence re-dated 5 August 2021 in Suit 310 (Amendment Application). The Amendment Application is fixed for case management on 26 August 2021 for further directions. The Court has adjourned the case management to 22 September 2021 and fixed a Hearing on 18 October 2021. On 18 October 2021, the High Court allowed the Amendment Application with costs in the cause. As of to date, all amended pleadings have been filed and there is no pending interlocutory application which requires the determination of the High Court.
4. On 6 November 2020, KL Landmark Sdn Bhd ("KLL"), a wholly-owned subsidiary of the Company and seven others (collectively "Plaintiffs") commenced proceedings against Badan Pengurusan Bersama Avenue K dan K Residence ("JMB") and seven individuals who are the past and present JMB committee members as well as City Properties Sdn Bhd (collectively "Defendants") in the Kuala Lumpur High Court Civil Suit

No. WA-22NCvC-724-11/2020 (“Suit 724”) where KLL is claiming, among others, a declaration that JMB’s reversals of the contra adjustments as between the Plaintiffs as parcel owners, KLL who undertook the development of K Residence and City Properties Sdn Bhd are illegal and void. On 18 February 2021, JMB and seven individual Defendants have filed an application to consolidate Suit 724 with Suit 310 (“Consolidation Application”). On 8 April 2021, the High Court allowed the Consolidation Application with costs in the cause. On 27 April 2021, the High Court has fixed the consolidated suits for trial on 8 to 12 August 2022 and fixed 16 June 2022 for final case management. During the case management on 16 June 2022, no changes have been made to the trial dates. On 9 August 2022, the trial of the matter has been vacated and new trial dates are fixed on 3, 14 and 15 November 2022.

On 3 November 2022, the trial on the consolidated suits has commenced and it was fixed for continued trial on 15 November 2022. On 15 November 2022, the High Court adjourned the trial pending the filing of written submissions on a preliminary issue and has fixed further trial dates on 14 December 2022, 3, 5 and 6 January 2023 and 20, 21 and 24 February 2023.