



**THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**

CAUSE NO. FSD of 2023 ()

IN THE MATTER OF SECTION 11A OF THE GRAND COURT ACT (2015 REVISION)

BETWEEN:

- 1) SAKAB SAUDI HOLDING COMPANY
- 2) ALPHA STAR AVIATION SERVICES COMPANY
- 3) ENMA AL ARED REAL ESTATE INVESTMENT AND DEVELOPMENT COMPANY
- 4) KAFA'AT BUSINESS SOLUTIONS COMPANY
- 5) SECURITY CONTROL COMPANY
- 6) ARMOUR SECURITY INDUSTRIAL MANUFACTURING COMPANY
- 7) SAUDI TECHNOLOGY & SECURITY COMPREHENSIVE CONTROL COMPANY
- 8) TECHNOLOGY CONTROL COMPANY
- 9) NEW DAWN CONTRACTING COMPANY

Plaintiffs

AND:

NEW EAST INTERNATIONAL LIMITED

Defendant

ORIGINATING SUMMONS

LET THE DEFENDANT of FFP (Corporate Services) Limited, 2nd Floor Harbour Centre, 159 Mary Street, George Town, Grand Cayman, KY1-9006, Cayman Islands, attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2023; at o'clock on the hearing of an application by the Plaintiffs whose address for service is Carey Olsen, Level 1, Willow House, Cricket Square, Grand Cayman, Cayman Islands KY1-1001 for orders in the form of the draft Injunction Prohibiting Disposal of Assets Worldwide enclosed as Annex A to this Originating Summons.

AND LET THE DEFENDANT within 2 days after service of this Originating Summons on them counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

Dated the 24th day of January 2023

A handwritten signature in black ink that reads "Carey Olsen". The signature is written in a cursive style and is positioned above a horizontal line.

Carey Olsen
Attorneys for the Plaintiffs

NOTES

- (1) This Originating Summons may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with that date of issue unless renewed by order of the Court.
- (2) If a Defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

ANNEX A

INJUNCTION PROHIBITING DISPOSAL OF ASSETS WORLDWIDE

PENAL NOTICE

IF YOU NEW EAST INTERNATIONAL LIMITED DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND LIABLE TO BE FINED OR TO HAVE YOUR ASSETS SEIZED AND ANY OF YOUR DIRECTORS MAY ALSO BE LIABLE TO IMPRISONMENT OR TO BE FINED OR TO HAVE THEIR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT:

NOTICE TO THE DEFENDANT

- 1.** This Order prohibits you, **NEW EAST INTERNATIONAL LIMITED** (the "**Defendant**") from dealing with your assets up to the amount stated. The Order is subject to the exceptions at the end of the Order. You should read it all carefully. You are advised to consult an attorney as soon as possible. You have a right to ask the Court to vary or discharge this Order.
- 2.** If you disobey this Order you will be guilty of contempt of Court and may be fined or your assets may be seized.

THE ORDER

An application was made on ____ by Counsel for **SAKAB SAUDI HOLDING COMPANY, ALPHA STAR AVIATION SERVICES COMPANY, ENMA AL ARED REAL ESTATE INVESTMENT AND DEVELOPMENT COMPANY, KAFA'AT BUSINESS SOLUTIONS COMPANY, SECURITY CONTROL COMPANY, ARMOUR SECURITY INDUSTRIAL MANUFACTURING COMPANY, SAUDI TECHNOLOGY & SECURITY COMPREHENSIVE CONTROL COMPANY, TECHNOLOGY CONTROL COMPANY, NEW DAWN CONTRACTING COMPANY**

(together, "**Plaintiffs**"), to Justice _____.

Upon the Defendant by its Counsel consenting to the terms of this Order (without any admission as to factual and legal matters contained in the evidence filed in support of the application for this Order or to the Plaintiffs entitlement to this Order in the absence of the Defendants consent), and upon hearing Counsel for the Plaintiffs, Justice _____ heard the application and read the affidavits listed in Schedule 2 at the end of this Order.

This Order is for the purpose of facilitating the proceedings against, *inter alios*, the Defendant before the Ontario Superior Court of Justice, Commercial List (the "**Canadian Court**"), with Court File No CV-21-00655418-00CL (the "**Ontario Proceedings**"). On 9 August 2021, the Canadian Court granted a freezing order against Mohammed Aljabri in respect of all his assets worldwide, including his interests in, and the assets held by the Defendant, which order was subsequently varied pursuant to an order of the Canadian Court on 7 January 2022 to, *inter alia*, extend the freezing order to the Defendant, and was further varied pursuant to an order of the Canadian Court on 14 April 2022 to, *inter alia*, permit the corporate

migration of the Defendant from Guernsey to the Cayman Islands (the “**Canadian Mareva**”).

As a result of the application and upon the Defendant by its Counsel consenting to the terms of this Order IT IS ORDERED that:

1. DISPOSAL OF ASSETS

(1) The Defendant must not (i) remove from the Cayman Islands any of its assets which are in the Cayman Islands up to the value of US\$3,470,000,000 or (ii) in any way dispose of or deal with or diminish the value of any of its assets whether they are in or outside the Cayman Islands up to the same value. This prohibition includes the following assets in particular:

(a) any interest in, assets held by, distribution made by, or income earned by any assets held by any of:

- (i) New East DC LLC;
- (ii) New East (US) Inc.;
- (iii) New East Back Bay LLC; and
- (iv) New East 804 805 LLC;

(b) The following bank and investment accounts:

- (i) MY Safra (United States) - C1227552
- (ii) MY Safra (United States) – 1227552
- (iii) The Family Office (Bahrain) - 37144

(2) If the total unincumbered value of the Defendant's assets in the Cayman Islands exceeds US\$3,470,000,000 that Defendant may

remove any of those assets from the Cayman Islands or may dispose of or deal with them so long as the total unincumbered value of its assets still in the Cayman Islands remains above US\$3,470,000,000.

- (3) If the total unincumbered value of the Defendant's assets in the Cayman Islands does not exceed US\$3,470,000,000, that Defendant must not remove any of those assets from the Cayman Islands and must not dispose of or deal with any of them, but if it has other assets outside the Cayman Islands that Defendant may dispose of or deal with those assets so long as the total unincumbered value of all its assets whether in or outside the Cayman Islands remains above US\$3,470,000,000.
- (4) Paragraph 1(1) applies to all the Defendant's assets whether or not they are in its own name, whether they are solely or jointly owned and whether the Defendant is interested in them legally, beneficially or otherwise. For the purpose of this Order the Defendant's assets include any asset which it has the power, directly or indirectly, to dispose of or deal with as if it were its own. The Defendant is to be regarded as having such power if a third party holds or controls the asset in accordance with its direct or indirect instructions.

2. EXCEPTIONS TO THIS ORDER

- (1) This Order prohibits the Defendant from spending funds on legal expenses, legal advice and representation other than in accordance with the terms of any express permission to do so that may be granted by the Canadian Court under the terms of the Canadian Mareva, as amended from time to time.
- (2) This Order does not prohibit any action or the payment of any funds that is not prohibited by the terms of the Canadian Mareva, as amended from time to time.

3. EFFECT OF THIS ORDER

- (1) A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (2) A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees, or agents, or in any other way.

4. THIRDPARTIES

- (1) Effect of this Order - It is a contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of the Order. Any person doing so may be sent to prison, fined, or have his assets seized.
- (2) Effect of this Order outside the Cayman Islands - The terms of this Order do not affect or concern anyone outside the jurisdiction of this Court until it is declared enforceable or is enforced by a court in the relevant country and then they are to affect him only to the extent they have been declared enforceable or have been enforced UNLESS such person is:
 - (a) a person to whom this Order is addressed or an officer or an agent appointed by power of attorney of such a person; or
 - (b) a person who is subject to the jurisdiction of this Court and (i) has been given written notice of this Order at his residence or place of business within the jurisdiction of this Court and (ii) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this Order.
- (3) Set off by Banks - This injunction does not prevent any bank from

exercising any right of set off it may have in respect of any facility which it gave to the Defendant before it was notified of the Order.

- (4) Withdrawals by the Defendants - No bank need enquire as to the application or proposed application of any money withdrawn by the Defendants if the withdrawal appears to be permitted by this Order.

5. UNDERTAKINGS

The Plaintiffs give to the Court the undertakings set out in Schedule 1 to this Order.

6. DURATION OF THIS ORDER

This Order will remain in force until after judgment in the Ontario Proceedings unless before then it is varied or discharged by further Order of the Court, save that this Order shall be immediately discharged in the event that the Canadian Court discharges the Canadian Mareva as against New East International Limited.

7. VARIATION OR DISCHARGE OF THIS ORDER

The Defendant (or anyone notified of this Order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must first inform the Plaintiff's attorneys in writing on not less than 7 days' notice.

8. NAME AND ADDRESS OF PLAINTIFFS' ATTORNEYS

The Plaintiffs' attorneys are:

Carey Olsen (Attn: Jan Golaszewski / Denis Olarou /
Tim Baidam) Willow House

Cricket Square PO Box 10008

Grand Cayman KY1-1001

Cayman Islands

9. INTERPRETATION OF THIS ORDER

- (1) In this Order "he", "him" or "his" include "she" or "her" and "it" or "its".
- (2) Where there are two or more Defendants then (unless the context indicates differently) (a) references to "the Defendants" mean both or all of them; (b) an Order requiring "the Defendants" to do or not to do anything requires each Defendant to do or not to do it; (c) a requirement relating to service of this Order, or of any legal proceedings, on "the Defendants" means on each of them.

SCHEDULE 1Undertakings given to the Court by the Plaintiffs

- (1) If the Court later finds that this Order has caused loss to the Defendant, and decides that the Defendant should be compensated for that loss, the Plaintiffs will comply with any Order the Court may make.
- (2) Anyone notified of this Order will be given a copy of it by the Plaintiffs' attorneys.
- (3) The Plaintiffs will pay the reasonable costs of anyone other than the Defendant which have been incurred as a result of this Order including the costs of ascertaining whether that person holds any of the Defendant's assets and that if the Court later finds that this Order has caused such a person loss, and decides that the person should be compensated for that loss, the Plaintiffs will comply with any Order the Court may make.
- (4) The Plaintiffs will not without the leave of the Court begin proceedings against the Defendant in any other jurisdiction or use information obtained as a result of an Order of the Court in this jurisdiction for the purpose of civil or criminal proceedings in any other jurisdiction, save that the Plaintiffs may be at liberty to commence civil proceedings against the Defendant in Canada, continue the Ontario Proceedings against the Defendant, and use information obtained as a result of this Order for the purposes of such proceedings.
- (5) The Plaintiff will not without the leave of the Court seek to enforce this Order in any country outside the Cayman Islands other than Canada.

SCHEDULE 2

Affidavit(s)

The Judge read the following affidavits before making this Order:

- (1) First Affidavit of Abdulaziz Alnowaiser sworn on 19th day of January 2023

DATED this day of , 2023
FILED this day of , 2023

JUDGE OF THE GRAND COURT

This Order was filed by Carey Olsen, attorneys-at law for the Plaintiffs, whose address for service is Level 1, Willow House, Cricket Square, Grand Cayman, Cayman Islands KY1-1001.

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, PO Box 495G, 61 Edward Street, George Town, Grand Cayman, KY1-1106, Cayman Islands.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the Originating Summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
4. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Originating Summons)".
5. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.

7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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Plaintiffs

AND:

NEW EAST INTERNATIONAL LIMITED

Defendant

**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED

-
1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

[Click here to enter text.](#)

-
2. State whether the Defendant intends to contest or otherwise participate in the proceedings (appropriate box)

yes

no

Service of the Originating Summons is acknowledged accordingly

(Signed) _____

[Attorney] for

[Defendant in person]

Address for service:

Please complete overleaf

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Indorsement by Plaintiffs' Attorneys (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Carey Olsen
Level 1, Willow House
Cricket Square
Grand Cayman
Cayman Islands
KY1-1001
(Ref: DO/JD/1074689.0004

Indorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below.

[Empty box for Defendant's Attorney indorsement]