

IN THE HIGH COURT OF MALAYA AT KUALA LUMPUR  
(COMMERCIAL DIVISION)

CIVIL SUIT NO: D7 - 22 - 805 OF 2007

BETWEEN

SECURITIES COMMISSION

... PLAINTIFF

AND

1. LEE KEE SIEN, ALBERT
2. CHOO MUN HOE, KELVIN
3. AMIR BIN HASSAN
4. DYNAMIC REVOLUTION SDN BHD  
(Company No. 630734-T)
5. SWISS MUTUAL FUND (1948) S.A.
6. SMF INTERNATIONAL LIMITED
7. SMF (1948) INTERNATIONAL LIMITED ... DEFENDANTS

BEFORE THE HONOURABLE JUSTICE DATO' T. SELVENTHIRANATHAN

THIS 21<sup>ST</sup> DAY OF JUNE, 2007

IN CHAMBERS

O R D E R

UPON THE APPLICATION of the Plaintiff abovenamed  
AND UPON READING the Statement of Claim dated 19 June  
2007, the Summons In Chambers dated 19 June 2007 and the  
Affidavit of Nortarmizi Bin Arshad affirmed on 18 June 2007 and  
all filed herein AND UPON HEARING Mr. Tommy Thomas

(Mr Alan Adrian Gomez, Mrs. Charandeep Kaur and Puan Fahda Nur Ahmad Kamar with him) of Counsel for the Plaintiff IT IS HEREBY ORDERED as follows :-

(1) that all the Defendants, whether by themselves, their servants, agents or otherwise howsoever, are and be restrained from :

a) removing from Malaysia any of their assets which are in Malaysia, whether in their own name or not and whether solely or jointly owned, up to the value of US\$83 million;

and

b) in any way disposing of or dealing with or diminishing the value of any of their assets, whether they are in or outside Malaysia, whether in their own name or not and whether solely or jointly owned, up to the value of US\$83 million,

including the following assets in particular :-

(i) all monies held in the accounts of the said Defendants in all Banks and other financial institutions in Malaysia;

and

- (ii) all monies held in the accounts of the said Defendants in all Banks and other financial institutions outside Malaysia.

(2) that each of the Defendants affirm, file and serve on the Plaintiff's Solicitors, Affidavits within 7 days of the service of this Order on them, giving information pertaining to all their assets, whether in or outside Malaysia, and whether in their own name or not and whether solely or jointly owned, including the nature, value, location and other relevant details of all such assets;

(3) that each of the Defendants affirm, file and serve on the Plaintiff's Solicitors, an Affidavit within 7 days of the service of this Order on them, giving information on the receipt by each of the Defendants of monies in all their accounts including but not limited to the Jersey account, the Hong Kong account and the 3<sup>rd</sup> Defendant, Amir Bin Hassan's account (as defined in the Affidavit in support filed with this application) and how and for what purposes such monies were applied by the Defendants;

- 4) that each of the 1<sup>st</sup> to 3<sup>rd</sup> Defendants affirm, file and serve on the Plaintiff's Solicitors, Affidavits within 7 days of service of this Order on them, giving information on all companies that each of the 1<sup>st</sup> to 3<sup>rd</sup> Defendants have caused to be incorporated, whether solely or jointly, and disclosing full particulars of all bank accounts operated by these companies, their location and how and for what purposes the monies in the Bank accounts were applied by the 1<sup>st</sup> to 3<sup>rd</sup> Defendants and all other relevant details pertaining to the assets of these companies;
  
- 5) that each of the Defendants be restrained from carrying on the Swiss Mutual Fund and/or SwissCash business directly or indirectly (whether by themselves or by instructing or encouraging any other person) or from holding Swiss Mutual Fund and/or SwissCash out directly or indirectly (whether by themselves or by instructing or encouraging any other person) as carrying on business in Malaysia or elsewhere;


- 6) that each of the Defendants be restrained from acting as an unlicensed fund manager and/or an unlicensed investment adviser, whether through Swiss Mutual Fund and/or SwissCash or otherwise, or from holding themselves and/or Swiss Mutual Fund and/or SwissCash out as acting as such manager or adviser;
- 7) that the 3<sup>rd</sup> Defendant be restrained from acting as or holding himself out directly or indirectly (whether by himself or by instructing or encouraging any other person) to be a fund manager or an investment adviser, whether personally or through the [www.dreamkaya.biz](http://www.dreamkaya.biz) blog or any other internet facility;
- 8) that each of the Defendants be restrained from targeting, soliciting and/or collecting funds from members of the public for investments in Swiss Mutual Fund and/or SwissCash or any other internet investment scheme or attempting to do so;
- 9) that each of the Defendants be prohibited and restrained from hosting or otherwise operating and maintaining the Swiss Mutual Fund and/or the SwissCash websites or from replicating and/or

creating and/or operating any other such websites which solicit investments or attempts to do so for SwissCash or any other internet investment schemes;

- 10) that the 3<sup>rd</sup> Defendant be prohibited and restrained from hosting or otherwise further operating the www.dreamkaya.biz blog or from replicating and/or creating and/or operating any other such blogs, websites and/or portals that provides investment advise and/or solicit investments (or attempts to do so) for Swiss Mutual Fund and/or SwissCash or other such internet investment schemes,

AND IT IS FURTHER ORDERED that costs be in the cause  
AND IT IS FINALLY ORDERED that this matter be fixed for further hearing before this Court on 11<sup>th</sup> July, 2007.

Dated the 21<sup>st</sup> day of June, 2007.

  
Norazlin Bt. Othman  
Penolong Kanan Pendaftar  
Mahkamah Tinggi, Kuala Lumpur.  
.....  
Senior Assistant Registrar  
High Court of Malaya  
Kuala Lumpur.

**INDORSEMENT UNDER ORDER 45 RULE 7**  
**RULES OF THE HIGH COURT, 1980**

If you, the within-named Lee Kee Sien, Albert, Choo Mun Hoe, Kelvin, Amir Bin Hassan, Dynamic Revolution Sdn Bhd, Swiss Mutual Fund (1948) S.A., SMF International Limited, SMF (1948) International Limited, your directors, officers, servants or agents or otherwise neglect to obey this Order by the time therein limited, you will be liable to process of execution for the purpose of compelling you to obey the same and if you, the within-named Lee Kee Sien, Albert, Choo Mun Hoe, Kelvin, Amir Bin Hassan, Dynamic Revolution Sdn Bhd, Swiss Mutual Fund (1948) S.A., SMF International Limited, SMF (1948) International Limited, your directors, servants or agents or otherwise disobey this Order, you will be liable to process of execution for the purpose of compelling you to obey the same.

If Dynamic Revolution Sdn Bhd, Swiss Mutual Fund (1948) S.A., SMF International Limited, SMF (1948) International Limited, neglect to obey this Order by the time therein limited and if Dynamic Revolution Sdn Bhd, Swiss Mutual Fund (1948) S.A., SMF International Limited, SMF (1948) International Limited disobey this Order, you, Lee Kee Sien, Albert and Choo Mun Hoe, Kelvin, the directors and/or

officers of the said Dynamic Revolution Sdn Bhd, Swiss Mutual Fund (1948) S.A., SMF International Limited, SMF (1948) International Limited, will be liable to process of execution for the purpose of compelling Dynamic Revolution Sdn Bhd, Swiss Mutual Fund (1948) S.A., SMF International Limited, SMF (1948) International Limited to obey the same.

.....  
Senior Assistant Registrar  
High Court of Malaya  
Kuala Lumpur.

This Order is filed by Messrs. Tommy Thomas, 101, Jalan Ara, Bangsar, 59100 Kuala Lumpur, Solicitors for the Plaintiffs abovenamed. (TT/AAG/2007 2819) (Tel: 03-2287 3540) (Fax: 03-2284 8892) [c:\Alan\2819-SC-SwissCash\SC v SwissCash - Fair Order dtd 21-06-07]