



WESTON INTERNATIONAL CAPITAL LIMITED

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March 30, 2015

PRESS RELEASE

First Global Funds Limited PCC and Weston International Asset Recovery Company Limited Announce the Filing of a US\$110,540,000 Fraud Lawsuit Against J Trust Co., Ltd (8505T / Tokyo Stock Exchange), PT Bank Mutiara TBK and the Lembaga Penjamin Simpanan (Republic of Indonesia) in the Supreme Court of Mauritius.

First Global Funds Limited PCC (“FGFL”), a Mauritian based Closed End Investment Company and Weston International Asset Recovery Company Limited (“WIARCO”), announced today that they had filed a lawsuit in the Supreme Court of Mauritius against J Trust Co., Ltd, a Tokyo Stock Exchange listed finance company (“J Trust”), PT Bank Mutiara TBK (also known as PT Bank J Trust Indonesia TBK and hereinafter referred to as “Bank Mutiara”) and the Indonesian Lembaga Penjamin Simpanan (“LPS”) for “fraud and serious breaches of the Indonesian Penal Code for the theft of Re-registration and Share Transfer Fees due on the certified delivery to Bank Mutiara of US\$112,500,000 FGFL Preference Shares in the amount of US\$4,800,000.

A spokesman for FGFL and its parent company, Weston International Capital Limited (“WICL”) stated the following:

“FGFL and WIARCO have filed a US\$110.54 million lawsuit against J Trust Co., Ltd that includes non-payment of US\$97.55 million of unpaid Summary Judgments on defaulted securities, US\$8.18 million of unpaid Redemption Payment Notices on Westdeutsche Landesbank Fund Linked Note securities and US\$4.8 million of unpaid Re-registration and Share Transfer Fees. This level of securities fraud, gross negligence and collusion between J Trust, the LPS and the new Board of Directors of PT Bank Mutiara TBK is a proof of the continuation of the practices perpetuated by the Executives and Directors of this Bank since its expropriation by the LPS in 2008. The former Directors as well as the new Board believe that they are above the laws of Corporate Governance meant to be upheld by Bank Indonesia, the Indonesia Stock Exchange (IDX), Bapepam and the Indonesian Financial Services Authority (OJK)”

The spokesman added that other creditors of Bank Mutiara have witnessed the same or greater degree of fraud blatantly flaunted by the Bank’s Executives and Directors. “This Bank is led by a Board of Directors that ignores Supreme Court of Indonesia Orders to pay creditors, violates international securities laws and borrows money in the international marketplace with the specific intent of non-payment of their debts”.

He added, “We have never come across a bank in any jurisdiction in the world that has been permitted and ordered by government regulatory bodies to perpetuate this level of deceit against its depositors and lenders. This is the primary reason why global investors do not trust the principles of the rule of law in Indonesia and therefore are leaving Indonesia’s debt and currency markets in droves. The possibility of a repeat of the 1997/1998 Indonesian corporate debt defaults has become a virtual certainty at the exact point that Indonesia needs more foreign investment that it has in its history. We would have expected the new political administration to correct these practices, but even the new Japanese owners of Bank Mutiara, J Trust Co., Ltd, seem to have been awarded a license to violate the law that was adopted by the Bank’s former owners, the LPS”.

WICL legal actions against Bank Mutiara, J Trust and the LPS now include an action against Robert Tantular for US\$200 million, this action for US\$110.54 million and a proceeding in Mauritius against the Republic of Indonesia for the illegal restraint of US\$1.3 billion of FGFL assets. Awards against the Republic of Indonesia

in the Hong Kong Court of First Instance for the release of US\$760 million of assets owned by WIARCO in the late 2013 as well as Summary Judgments against Bank Mutiara for US\$97.5 million have already been successfully won.”

“FGFL remains committed to pursuing justice against J Trust, Bank Mutiara and the LPS for our shareholders and other innocent and unfortunate creditors of Bank Mutiara. The level of fraud committed by Bank Mutiara’s Executives and its active controlling shareholder now exceed the total capital of Bank Mutiara and qualify it as virtually bankrupt yet again without further capital injections by Nobuyoshi Fujisawa and the J Trust’s shareholders. We are seeking the help of various international regulatory authorities such as the Tokyo Stock Exchange, the Japanese Financial Services Agency, the US Securities and Exchange Commission and the US Office of the Comptroller of the Currency (“OCC”). J Trust’s public shareholders and institutional investors must be informed of the true financial condition of the largest acquisition J Trust has made in its short history and the dangers presented by J Trust being held accountable for the securities law violation committed by Bank Mutiara and its Executives and Directors”.

The trial date for the FGFL and WIARCO lawsuit against J Trust Co., Ltd is scheduled for 6 May 2015. FGFL and WIARCO are awaiting J Trust and Bank Mutiara defense affidavits and appearance in the Supreme Court of Mauritius.

About Weston International Capital Limited

Weston International Capital Limited is a Closed End Investment Company specializing in special situations and strategic activist acquisitions. The firm has US\$2.2 billion of Assets Under Management and is headquartered in the Republic of Mauritius.

Contact: Investor Relations

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IN THE SUPREME COURT OF MAURITIUS

(Before the Commercial Division)

SC/COM/PWS/00243/2015

In the matter of:

ENSafica (Mauritius)
5th Floor Chancery House,
Lislet Geoffrey Street,
Port Louis

1. FIRST GLOBAL FUNDS LIMITED PCC of Business Centre, 1st Floor, Cyber Tower 1, Ebene, Republic of Mauritius.
2. WESTON INTERNATIONAL ASSET RECOVERY COMPANY LIMITED of Business Centre, 1st Floor, Cyber Tower 1, Ebene, Republic of Mauritius
3. WESTON CAPITAL ADVISORS, INC. of 845 United Nations Plaza, New York, New York 10017, United States of America.
4. WESTON INTERNATIONAL ASSET RECOVERY CORPORATION INC of Suite 75D, 845 United Nations Plaza, New York, New York 10017, United States of America.

Plaintiffs

v/s

1. PT BANK MUTIARA, TBK, of International Financial Centre, Lantai 2, Jl. Jenderal Sudirman, Kav. 22-23 Jakarta 12920, Indonesia.
2. J TRUST CO., LTD. of 1-7-12 Toranomom, Minato-ku, Tokyo 105-0001, Japan.

Defendants

In the presence of:

1. FIRST CAPITAL MANAGEMENT LTD, of Business Centre, 1st Floor, Cyber Tower 1, Ebene, Republic of Mauritius.
2. LEMBAGA PENJAMIN SIMPANAN, of Equity Tower 20th-21st, Sudirman Central Business District (SCBD) Lot 9, Jl. Jenderal Sudirman Kav. 52-53, Jakarta 12190, Indonesia

Third Parties

NOTICE IN DENUNCIATION

TAKE NOTICE THAT you the Defendants and Third Party No.2, in order you may not plead or pretend ignorance of same that a Plaint with Summons has been lodged by the abovenamed Plaintiffs by way of electronic filing under the Court (Electronic Filing of Documents) Rules 2012 and the said Plaint with Summons is registered as Cause Number SC/COM/PWS/00243/2015 and is returnable on **Wednesday the 6th May, 2015** before the Commercial Division of the Supreme Court and herewith are served upon you certified copies of the following:

1. Order dated 13th March 2015;
2. Plaint with Summons dated 16th March 2015; and
3. Order dated 17th March 2015.

TAKE FURTHER NOTICE THAT should you be desirous to support and/or oppose the said Plaint with Summons, you are hereby most formally required, called upon and summoned to do so by making the necessary appearance by electronic filing system either through a legal adviser or in person at the Public Service Bureau located at the Commercial Division of the Supreme Court, Jules Koenig Street, Port Louis.

TAKE NOTICE THAT pursuant to the Order dated 13th March 2015, you have been granted ONE MONTH after service of the present notice upon you to cause an appearance to be made in the manner as aforementioned.

WARNING you that should you fail to make the necessary appearance by electronic filing, the abovenamed Plaintiffs shall proceed with the above matter.

Under all legal reservations.

Dated at Port Louis, this 18th day of March, 2015.



N.R. WAN WING KAI
Rep. Thierry Koenig SA

ENSafrica (Mauritius)

Of 5th Floor, Chancery House, Lislet Geoffroy Street, Port Louis.

Plaintiffs' Attorney

15-4280

To:

1. PT BANK MUTIARA, TBK, of International Financial Centre, Lantai 2, Jl. Jenderal Sudirman, Kav. 22-23 Jakarta 12920, Indonesia.
2. J TRUST CO., LTD. of 1-7-12 Toranomom, Minato-ku, Tokyo 105-0001, Japan.
3. LEMBAGA PENJAMIN SIMPANAN, of Equity Tower 20th-21st, Sudirman Central Business District (SCBD) Lot 9, Jl. Jenderal Sudirman Kav. 52-53, Jakarta 12190, Indonesia.

SC/COM/JICA/00233/2015

IN THE SUPREME COURT OF MAURITIUS
(Commercial Division)

In the matter of:

FIRST GLOBAL FUNDS LTD PCC & ORS

Applicants

V

PT BANK MUTIARA TBK & ANOR

Respondents

In the presence of:

FIRST CAPITAL MANAGEMENT LTD & ORS

Third parties

And in the matter of:

Ex Parte:

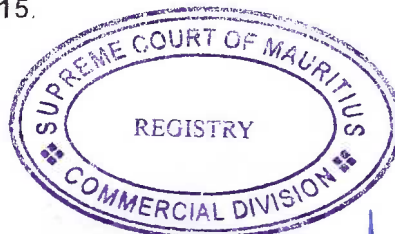
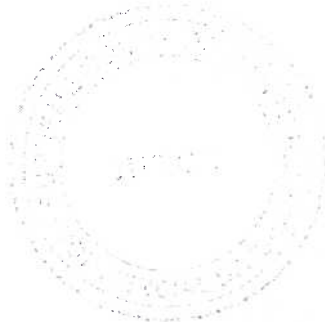
FIRST GLOBAL FUNDS LTD PCC & ORS

Applicants

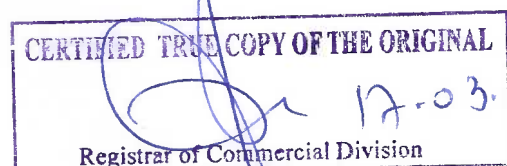
ORDER

Upon the application of Mr T Koenig, SA for the applicants and after considering the proceipe and affidavit, both dated 13 March, 2015 and the documents filed in support thereof, I grant the applicant leave to file the initial process of the action to be entered by Plaint With Summons on the defendants Nos. 1, 2 and the third party No.2, outside jurisdiction by the mode of service provided for under the law of that country. Such service to be effected at least one month before the date on which the matter is made returnable.

Chambers, this 13th day of March, 2015.



Paul Stanger
JUDGE



**IN THE SUPREME COURT OF MAURITIUS
(COMMERCIAL DIVISION)**

In the matter of: -

1. **FIRST GLOBAL FUNDS LIMITED PCC** of Business Centre, 1st Floor, Cyber Tower 1, Ebene, Republic of Mauritius.
2. **WESTON INTERNATIONAL ASSET RECOVERY COMPANY LIMITED** of Business Centre, 1st Floor, Cyber Tower 1, Ebene, Republic of Mauritius
3. **WESTON CAPITAL ADVISORS, INC.** of 845 United Nations Plaza, New York, New York 10017, United States of America.
4. **WESTON INTERNATIONAL ASSET RECOVERY CORPORATION INC** of Suite 75D, 845 United Nations Plaza, New York, New York 10017, United States of America.

Plaintiffs

v

1. **PT BANK MUTIARA, TBK** of International Financial Centre, Lantai 2, Jl. Jenderal Sudirman, Kav. 22-23 Jakarta 12920, Indonesia.
2. **J TRUST CO., LTD.** of 1-7-12 Toranomom, Minato-ku, Tokyo 105-0001, Japan.

Defendants

1. **FIRST CAPITAL MANAGEMENT LTD** of Business Centre, 1st Floor, Cyber Tower 1, Ebene, Republic of Mauritius.

2. **LEMBAGA PENJAMIN SIMPANAN** of Equity Tower 20th-21st,
Sudirman Central Business District (SCBD) Lot 9, Jl. Jenderal
Sudirman Kav. 52-53, Jakarta 12190, Indonesia

Third Parties

PLAINT WITH SUMMONS:

1. The Plaintiff No. 1, First Global Funds Limited PCC (hereinafter referred to as "FGFL") is a Protected Cell Company established under the Protected Cell Companies Act, 1999 and the Companies Act, under the supervision of the Financial Services Commission of Mauritius.
2. The Plaintiff No. 2 (hereinafter referred to as "WIARCO") is a company which is registered in Mauritius. WIARCO is the holder of a Global Business Category 1 license.
3. The Plaintiff No. 3 (hereinafter referred to as "WCAI") is a corporation organized under the laws of the State of Delaware with its principal place of business located at 845 United Nations Plaza, New York, New York 10017. WCAI is registered and authorized to do business in the State of New York.
4. The Plaintiff No. 4, formerly known as Weston Financial Advisors Inc, and now currently named as Weston International Asset Recovery Corporation Inc. (hereinafter referred to as "WIARCI") is a corporation organized under the laws of the State of Delaware and with its principal place of business located at Suite 75D, 845 United Nations Plaza, New York, New York 10017. WIARCI is registered and authorized to do business in the State of New York.
5. The Third Party No. 1, First Capital Management Limited, is the fund manager of FGFL and is also its sole shareholder. The Third Party No. 1 is also a company incorporated in Mauritius.

6. The Third Party No. 2 is an independent institution in Indonesia that functions as the Federal Deposit Insurance Corporation to insure bank depositor's funds and actively participates in maintaining stability in the Indonesian banking system in accordance with its authorized mandate.
7. FGFL has four Sub-Cell Funds namely: (i) *Global Opportunities Fund*; (ii) *First Global Resources Fund*; (iii) *Asia Finance Recovery Fund*, and (iv) *Global Finance Recovery Fund*, all of them managed by First Capital Management Limited, the Third Party No. 1.
8. The Defendant No.1 (hereinafter referred to as "*Bank Mutiara*") is a bank incorporated and carrying out business activities in the Republic of Indonesia and is a 10.09% Shareholder in the total share capital of the Sub-Cell Funds of FGFL.
9. The Defendant No.2 (hereinafter referred to as "*J Trust*") is the beneficial owner of Bank Mutiara and fully controls Bank Mutiara, holding 99.036% of the shareholding of the Bank Mutiara. J Trust is a financial services company carrying out a sophisticated group banking business throughout Japan and Southeast Asia and listed on the Tokyo Stock Exchange under reference 8508.T.
10. Bank Mutiara holds shares in all four Sub-Cell Funds of FGFL.
11. The present action is a claim for the recovery, of a total of USD 110,539,998 broken down as follows: (a) by FGFL of the sum of USD 4,806,661 inclusive of penalties and accrued interest due to FGFL by Bank Mutiara in respect of (i) Re-registration and Share Transfer Fees of USD 4,171,231 (inclusive of USD 40,686 as accrued and penalty interest), (ii) Capital Call Notices on Reimbursable Expenses of USD 635,430 (inclusive of USD 6,053 as accrued and penalty interest) issued by FGFL and (iii) from J trust jointly and in solidum for "faute" and liability; as well as (b) by both WCAI and WIARCI of the total sum of USD 97,556,515 (inclusive of accrued interest) as of 13 March 2015 on unsettled Judgment Debts due to WCAI and WIARCI by Bank Mutiara and J trust jointly and in solidum for "faute" and liability; and as well as (c) by WIARCO of the sum of USD 8,176,821 (inclusive of accrued interest) as of 13 March 2015 on a contractual defaulted

Redemption Agreement / Debt Payment Agreement due to WIARCO by Bank Mutiara and J trust jointly and in solidum for “faute” and liability.

(a) Claim by FGFL

(i) Default on Payment on the Re-registration and Share Transfer Fee by the Defendants

12. On 1 April 2014, FGFL adopted a new Constitution (hereinafter referred to as the “*the Constitution*”) by a resolution of First Capital Management Limited, the Third Party No. 1, the sole shareholder of FGFL holding 100% of the voting rights, and revoked FGFL's existing Memorandum and Articles of Association of FGFL dated 6th June 2001.
13. Bank Mutiara holds, in aggregate, 826,109 Shares in the various Sub-Cell Funds of FGFL representing 10.09% of the total Stated Share Capital of the various Sub-Cell Funds of FGFL as follows:
 - a. 34,798 *Global Opportunities Fund Participating Redeemable Preference Shares* with distinctive number 1,980,629 to 2,015,426 representing partial redemption of USD16 million of Nomura International Bank Plc - Series 719 – USD 26 million Variable Redemption Note with ISIN Number XS0326049516 delivered physically to the Defendants (attention to Mr. Ahmad Fajar, CEO and signatory of the Share Transfer Forms and Mr. Nobiru Adachi, President Commissioner of Bank Mutiara and Representative Director and Senior Managing Director of J Trust) with stamped certified acknowledgement receipts. The Re-registration and Share Transfer Fees for this share transaction amounts to USD 173,990;
 - b. 181,169 *Global Opportunities Fund Participating Redeemable Preference Shares* with distinctive number 495,001 to 676,169 representing redemption amount for Nomura International Bank Plc - Series 7- USD 26 million Variable Redemption Note with ISIN Number XS0178642970 delivered physically to the Defendants (attention to Mr. Ahmad Fajar, CEO and signatory of the Share Transfer Forms and Mr. Nobiru Adachi, President Commissioner of Bank Mutiara and Representative Director and Senior Managing Director of J Trust) with stamped

certified acknowledgement receipts. The Re-registration and Share Transfer Fees for this share transaction amounts to USD 905,845;

- c. 181,975 *Global Opportunities Fund Participating Redeemable Preference Shares* with distinctive number 1,275,001 to 1,456,975 representing the full and complete redemption amount for USD 26 million of West LB Fund Linked Note Certificate of Deposit matured on 30 September 2008 with ISIN Number XS0177710356 delivered physically to the Defendants (attention to Mr. Ahmad Fajar, CEO and Mr. Nobiru Adachi, President Commissioner of Bank Mutiara and Representative Director and Senior Managing Director of J Trust) with stamped certified acknowledgement receipts. The Re-registration and Share Transfer Fees for this share transaction amounts to USD 909,875;

- d. 48,616 *Global Opportunities Fund Participating Redeemable Preference Shares* with distinctive number 1,456,976 to 1,505,591 representing partial redemption amount of USD 7 million of National Australia Bank Limited, London Branch Fund Linked Note Certificate of Deposit matured on 4 November 2008 with ISIN Number XS50179785190 delivered physically (attention to Mr. Ahmad Fajar, CEO and signatory of the Share Transfer Forms and Mr. Nobiru Adachi, President Commissioner of Bank Mutiara and Representative Director and Senior Managing Director of J Trust) with stamped certified acknowledgement receipts. The Re-registration and Share Transfer Fees for this share transaction amounts to USD 243,080;

- e. 72,796 *First Global Resources Fund Participating Redeemable Preference Shares* to the Defendants with distinctive number 1,001,621 to 1,074,416 representing partial redemption amount for USD 16 million of Nomura International Bank Plc -Series 719- USD 26 million Variable Redemption Note with ISIN Number XS0326049516 delivered physically (attention to Mr. Ahmad Fajar, CEO and signatory of the Share Transfer Forms and Mr. Nobiru Adachi, President Commissioner of Bank Mutiara and Representative Director and Senior Managing Director of J Trust) with stamped certified acknowledgement receipts. The Re-registration and Share Transfer Fees for this share transaction amounts to USD 363,980;

- f. 31,480 *Asia Finance Recovery Fund Participating Redeemable Preference Shares* with distinctive number 2,974,140 to 3,005,619 representing partial redemption amount for USD16 million of Nomura International Bank Plc -Series 719 – USD 26 million Variable Redemption Note with ISIN Number XS0326049516 delivered physically (attention to Mr. Ahmad Fajar, CEO and signatory of the Share Transfer Forms and Mr. Nobiru Adachi, President Commissioner of Bank Mutiara and Representative Director and Senior Managing Director of J Trust) with stamped certified acknowledgement receipts. The Re-registration and Share Transfer Fees for this share transaction amounts to USD 157,400; and

- g. 275,275 *Global Finance Recovery Fund Participating Redeemable Preference Shares* with distinctive number 250,001 to 525,275 representing physical redemption for Nomura International Bank Plc - Series 1426- USD 37.5 million Zero Coupon Variable Redemption Notes due 2013 with ISIN Number XS0389256958 delivered physically (attention to Mr. Ahmad Fajar, CEO and signatory of the Share Transfer Forms and Mr. Nobiru Adachi, President Commissioner of Bank Mutiara and Representative Director and Senior Managing Director of J Trust) with stamped certified acknowledgement receipts. The Re-registration and Share Transfer Fees for this share transaction is USD 1,376,375.00.

The total Re-registration and Share Transfer Fee due and payable to FGFL amounts to USD 4,171,231 (inclusive of USD 40,685.95 as accrued and penalty interest as of date of this plaint). Bank Mutiara defaulted and failed to pay to FGFL the sum of USD 4,171,231.

- 14. Under the terms of FGFL's Constitution, FGFL raised Re-registration and Share Transfer Fee invoices for the above share transactions, as mentioned in paragraph 13, that were consummated, validly and physically delivered to Bank Mutiara at its registered office on the 17th December 2014. The total Re-registration and Share Transfer Fee invoice under reference STF/122014/03 amounted to USD 3,887,465 (hereinafter referred to as the "*the Re-registration and Share Transfer Fee*"), which did not include USD 243,080 of Re-

registration and Share Transfer Fee on 48,616 Global Opportunities Fund Participating Redeemable Preference Shares delivered to Bank Mutiara's custodian account at Citibank N.A., Hong Kong on January 29, 2015.

(ii) Default on Payment on the Capital Calls on Reimbursable Expenses by the Defendants

15. On the 29th December 2014, the Board of Directors of FGFL issued a Capital Call Notice for Reimbursable Expenses to Bank Mutiara based on its pro-rata shareholdings in the various Sub-Cell Funds of FGFL, in the amount of USD 592,338 under invoice reference number RE/122014/01 (attention to Mr. Ahmad Fajar, CEO and Mr. Nobiru Adachi, President Commissioner of Bank Mutiara and Representative Director and Senior Managing Director of J Trust). FGFL issued another Capital Call Notice for Reimbursable Expenses to Bank Mutiara on the 29th January 2015 for USD 37,038 under invoice reference number RE/012015/02 (both invoices collectively hereinafter referred to as the "*the Capital Calls on Reimbursable Expenses*"). The total amount of Capital Calls on Reimbursable Expenses delivered by FGFL to Bank Mutiara is USD 629,376 plus accrued and penalty interest of USD 6,053.25. Bank Mutiara defaulted and failed to pay the said sum of USD 635,430.

16. Following default of payment on the Re-registration and Share Transfer Fee and Capital Calls on Reimbursable Expenses by the Defendants, FGFL caused to be issued on the Defendants, Default Notices and Final Default Notices, all of which were validly and physically delivered to the Defendants (attention to Mr. Ahmad Fajar, CEO and Mr. Nobiru Adachi, President Commissioner of Bank Mutiara and Representative Director and Senior Managing Director of J Trust) by way of legal and certified delivery to Bank Mutiara at its registered office and acknowledged receipt by Bank Mutiara.

(iii) "Faute" and Liability of J Trust

17. On the 6th November 2008, Bank Mutiara was placed under Indonesia's Central Bank, Bank Indonesia, special surveillance and has, since 21st November 2008, been controlled by the Indonesia Deposit Insurance Corporation, (*Lembaga Penjamin*

Simpanan, hereinafter referred to as the “LPS”), the Third Party No. 2. The LPS is established as an independent institution in Indonesia that functions to insure depositor's funds and actively participates in maintaining stability in the Indonesian banking system in accordance with its authorized mandate and reports directly to the President of the Republic of Indonesia. The LPS was the former controlling shareholder of Bank Mutiara and held 99.996% shares in Bank Mutiara. The definition of controlling shareholder is given under Indonesian Regulation issued by the central bank of Indonesia, Bank Indonesia, in Regulation No. 11/1/PBI/2009 (hereinafter referred to as the “*Controlling Shareholder*”).

18. In March 2014, the LPS started the public auction bid process to sell LPS' 99.996% shares in Bank Mutiara. J Trust was selected by the LPS as the successful bidder and signed and consummated a share sale and purchase agreement with the LPS for the purchase of 99.00% of the shares of Bank Mutiara. The remaining 0.996% of the shares of Bank Mutiara is still owned by the LPS and will be sold to J Trust pending regulatory approval of the Indonesia Investment Coordinating Board (BPKM). Amongst other things, the following pertinent points define the relationship between the Bank Mutiara and J Trust:

- a. In the Financial Statements of Bank Mutiara, there are prominent references to the Shareholder's continuous mandatory financial support to Bank Mutiara.
- b. Under the LPS Regulation number 1/LPS/2014, there are several onerous requirements which have to be fulfilled when J Trust acquired the shares of Bank Mutiara, including a “*commitment and strong financial capability to fulfill all payment obligations with regards to the Sale of Shares of the Rescued Bank in a timely manner*”;
- c. When acquiring the 99.00% shares in Bank Mutiara, it was a requirement that J Trust had to commit through a statement letter, under the Indonesian Regulation PBI No. 14/8/PBI/2014 on Share Ownership of Commercial Banks in Indonesia, that J Trust would, inter alia, fulfill certain financial, reporting, and fit and proper test requirements. Under the same Indonesian Regulation PBI No. 14/8/PBI/2014, while acquiring the 99.00% shares in Bank Mutiara, J Trust is

obliged to tender for all the convertible bonds issued by Bank Mutiara. The said convertible bonds (having an aggregate Par Value of USD 55 million) were subject of a lawsuit before this Honourable Court and a Judgment was granted in favour of WIARCO against Bank Mutiara;

- d. J Trust elected to consolidate all the financial affairs of Bank Mutiara in its own reporting obligations to related and relevant authorities and regulators, making J Trust the 99.00% controlling shareholder of Bank Mutiara;
- e. J Trust is in full control of Bank Mutiara and takes all the management decisions for Bank Mutiara.
- f. Under the provisions of the Law No. 24/2014 of the Republic of Indonesia, J Trust is obliged to submit a statement that, inter alia, it will comply with all the regulations of the LPS and more importantly, that it will take personal responsibility for any act, whether lawful or not, that result in a loss or endangering the continuity of the operations of Bank Mutiara.

19. Being in full control of Bank Mutiara, J Trust decided and instructed Bank Mutiara not to pay the said sum of USD 4,806,661 due by Bank Mutiara to FGFL. As such J Trust has committed a "faute" and is responsible and liable towards FGFL for its wrongful acts and doings. The failure by the Bank Mutiara to pay the invoices due to FGFL is a direct result of the "faute" of J Trust and as such J Trust is also jointly and in solidum liable towards FGFL for the full amount of USD 4,806,661.

20. FGFL is advised and verily believes that the Defendants are, jointly and in solidum, bound in law to make good to FGFL and pay the total sum of USD 4,806,661 together with interest thereon up to the date of final payment on the failure to pay Re-registration and Share Transfer Fees and Capital Call Notices for Reimbursable Expenses.

(b) Claim by WCAI and WIARCI on Unsettled Judgments

21. On 15th February 2013, the above Honourable Court delivered two Judgments against Bank Mutiara in the amounts of USD 18,292,131 to FGFL (hereinafter referred to as "*the FGFL Debt*") and USD 65,350,000 to WIARCO (hereinafter referred to as "*the WIARCO Debt*") respectively with interest until final payment by Bank Mutiara (the FGFL Debt and the WIARCO Debt collectively hereinafter referred to as "*the Judgment Debts*"). Bank Mutiara has failed to settle the Judgment Debts and the aggregate amount inclusive of accrued interest owed by Bank Mutiara under the Judgment Debts as at date of this Complaint amount to USD 97,556,515.
22. FGFL assigned the FGFL Debt to and subrogated WCAI into its rights in the FGFL Debts under Section 351 of the U.S. Internal Revenue Code of 1986 (as amended thereof), following which WCAI lodged an attachment proceeding before the Southern District Federal Court of New York. The attachment proceedings are being resisted by Bank Mutiara and so far no payment whatsoever has been made on the FGFL Debt.
23. Likewise, WIARCO assigned the WIARCO Debt to and subrogated WIARCI into its rights in the WIARCO Debt under Section 351 of the U.S. Internal Revenue Code of 1986 (as amended thereof), following which WIARCI lodged an attachment proceeding before the Southern District Federal Court of New York. The attachment proceedings are being resisted by Bank Mutiara and so far no payment whatsoever has been made on the WIARCO Debt.
24. For the same reasons as set out in paragraph 17 above, particularly sub-paragraph (c) and Indonesian Regulation PBI No. 14/8/PBI/2014, setting out the obligation for J Trust to tender for all the convertible bonds issued by Bank Mutiara, J Trust is bound to cause Bank Mutiara pay WIARCI and cause Bank Mutiara to settle the Judgment Debts to WCAI and WIARCI respectively.
25. Being in full control of Bank Mutiara, J Trust decided and instructed Bank Mutiara not to pay the said Judgment Debts now due to WCAI and WIARCI. As such J Trust has committed a "faute" and is responsible and liable towards WCAI and WIARCI for its

wrongful acts and doings. The failure by the Bank Mutiara to pay the Judgment Debts due to WCAI and WIARCI is a direct result of the "faute" of J Trust and as such J Trust is also jointly and in solidum liable towards WCAI and WIARCI for the full amount of USD 97,556,515 inclusive of accrued interest as of 13 March 2015.

26. WCAI and WIARCI are advised and verily believe that the Defendants are, jointly and in solidum, bound in law to make good to WCAI and WIARCI the sum of USD 97,556,515 together with interest thereon up to the date of final payment on the Judgment Debts.

(c) Claim by WIARCO on Contractual Default

27. On 30 September 2008, upon the maturity of a WestLB Fund Linked Note Certificate of Deposit with ISIN#XS0177710356 (hereinafter referred to as "*the WestLB FLNCD*") backed by a Nomura Bank International PLC Series 5 US\$26,000,000 Variable Redemption Note with ISIN#XS0177751541, a contractual obligation of the redemption of the WestLB FLNCD consisted of the delivery to Bank Mutiara of 181,975 Participating Redeemable Preference Shares of USD 1.00 each with distinctive share numbers from 1,275,001 to 1,456,975 (hereinafter referred to as "*the Redemption Preference Shares*") in *Global Opportunities Fund*, one of the Sub-Cell Funds of FGFL. Instead of receiving the Redemption Preference Shares, Bank Mutiara erroneously received USD 26,000,000 in cash at the redemption of the WestLB FLNCD. The error has been evidenced in Bank Mutiara's Statutory Audited Financial Statements and various other legal documents since 2008 that Bank Mutiara owed the sum of USD 26,000,000 in relation to WestLB FLNCD.
28. On 17 December 2014, the Contractual Redemption Clause was completely fulfilled by the delivery of the Redemption Preference Shares to Bank Mutiara. The Redemption Preference Shares were delivered to Bank Mutiara by way of valid, certified and physical delivery and also acknowledged, received and signed for by Bank Mutiara.
29. WIARCO purchased a portion (25%) of the proceeds of the Redemption Agreement / Demand Payment Notice owed by Bank Mutiara (25% of the USD 26,000,000 due), in exchange for which WIARCO sold the Redemption Preference Shares in the amount of

181,975 shares to West LB and entered into a Contingency Fee Agreement with West LB. As a result of the purchase, Bank Mutiara is indebted to WIARCO in the sum of USD 6,500,000.

30. The Management of Bank Mutiara, its executives and its Board of Directors, especially, Messrs. Maryono, Ahmad Fajar and Nobiru Adachi of J Trust were and are fully aware of the fact that Bank Mutiara is legally liable to pay the amount due under the Redemption Agreement and Demand Payment Notice, but have committed a 'faute' and intentionally neglected and failed to act in good faith.
31. The failure by Bank Mutiara to pay the portion of required redemption amount to WIARCO amounting to USD 6,500,000 plus past due accrued interest (amounting altogether to USD 8,176,821) is a direct result of the 'faute' of J Trust and consequently, J Trust is also jointly and in solidum liable towards WIARCO in the amount of USD 8,176,821.

The Defendants is now bound to pay WIARCO under its contractual obligations under the Redemption Agreement and Demand Payment Notice to refund the total amount due to WIARCO of USD 8,176,821.

Prayers

32. FGFL prays from this Honourable Court for a judgment condemning and ordering the Defendants to pay to FGFL, jointly and in solidum, the total sum of USD 4,806,661 together with interest thereon up to the date of final payment.
33. WCAI and WIARCI prays from this Honourable Court for a judgment condemning and ordering the Defendants to pay to WCAI and WIARCI, jointly and in solidum, the total sum of USD 97,556,515 together with interest thereon up to the date of final payment.
34. WIARCO prays from this Honourable Court for a judgment condemning and ordering the Defendants to pay to WIARCO, jointly and in solidum, the total sum of USD 8,176,821 together with interest thereon up to the date of final payment.

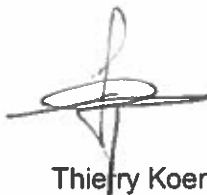
WITH COSTS.

YOU, the said Defendants and Third Parties are hereby notified that this Plaint was lodged before the Commercial Division of the Supreme Court by electronic filing under the Court (Electronic Filing of Documents) Rules 2012. Should you be desirous to answer to the above named Plaintiffs or to make an appearance in the matter or oppose or defend the said Plaint you may do so by making the necessary appearance by electronic filing either through a legal adviser or in person at the Public Service Bureau located at the Commercial Division of the Supreme Court, Jules Koenig Street, Port Louis Court of Mauritius situate at Jules Koenig Street, Port Louis.

AND TAKE FURTHER NOTICE that the Plaintiffs in this case intends to adduce in evidence at the hearing of the above matter the several documents hereunder specified, and that the same may be inspected by you, your Attorney or Agent at the office of the undersigned Attorney-at-Law on any working days during office hours and that you are hereby required to admit that such of the said documents as are specified to be originals were respectively written, signed or executed as they purport respectively to have been, that such as are specified as copies are true copies, and that such documents as are stated to have been served, sent or delivered were so sent, served or delivered respectively; saving all just exception as to the admissibility of the said documents as evidenced by this case.

Under all legal reservations.

Dated at Port Louis, this 16th day of March, 2015.



Thierry Koenig SA
ENSafrica (Mauritius)

of 5th Floor Chancery House, Lislet Geoffroy Street, Port Louis.

Plaintiffs' Attorney

Instructing Maxime Sauzier SC

15-4280

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Nos.	Description of Documents	Date
1.	Constitution of FGFL	01 April 2014
2.	Register of Members	
3.	Invoices	10 December 2014
4.	Default Notices	29 December 2014
5.	Final Default Notices	06 January 2015
6.	Acknowledgment Receipts	
7.	Judgment Debts	15 February 2013
8.	Bank Mutiara Audited Financial Statements	
9.	West LB FLNCD	30 September 2008

SC/COM/JICA/00243/2015

IN THE SUPREME COURT OF MAURITIUS
(Commercial Division)

In the matter of:

FIRST GLOBAL FUNDS LTD PCC & ORS

Applicants

v

PT BANK MUTIARA TBK & ANOR

Respondents

In the presence of:

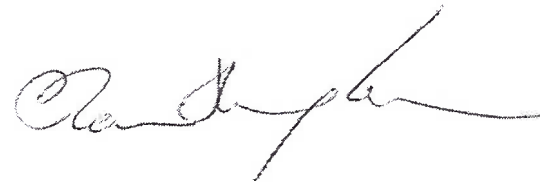
FIRST CAPITAL MANAGEMENT LTD & ORS

Third parties

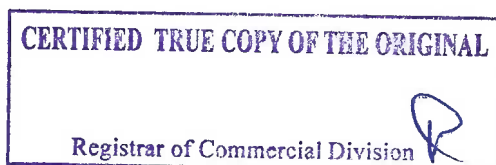
ORDER

After taking cognizance of the letter dated 17th March, 2015, from Mr T Koenig, SA for the applicants, I hereby extend the returnable date to **Wednesday the 6th day of May, 2015** for the respondents and third parties to communicate their stands on the e filing system on or before that date.

Chambers, this 17th day of March, 2015.



JUDGE



R

18/3/15

