

ENGLISH TRANSLATION

IN THE HIGH COURT OF MALAYA AT KUALA LUMPUR

(CIVIL DIVISION)

SUIT NO. 8-23-41 2004

BETWEEN

1. SARAWAK SHELL BHD (71978-W)
2. SHELL MALAYSIA TRADING SENDIRIAN BERHAD (6078-M)
3. SHELL REFINING COMPANY (FEDERATION OF MALAYA) BHD (3926-U)
4. SHELL TIMUR SDN BHD (113304-H)
5. SHELL EXPLORATION AND PRODUCTION MALAYSIA B.V. (993963-V)
6. SHELL OIL AND GAS (MALAYSIA) LLC (993830-X)
7. SHELL SABAH SELATAN SDN BHD (228504-T)
8. SABAH SHELL PETROLEUM COMPANY LTD (993229-W) PLAINTIFFS

AND

HUONG YIU TUONG

DEFENDANT

SUMMONS IN CHAMBERS

(EX-PARTE)

(Temporary Interlocutory Injunction Application)

LET ALL PARTIES CONCERNED attend before the Judge/Registrar on the day of 2004 at am/pm on the hearing of an application by the Plaintiffs for the following Orders that:

1. The Defendant, by himself, his servants or agents or otherwise howsoever, be restrained from publishing or causing to be published on the internet

website "Shell Whistleblower No 2" any statements, articles, correspondence and any other publications whatsoever, concerning the Plaintiffs and/or "Shell Management" and/or the Plaintiffs' Management Officers and/or the Plaintiffs' servants or agents, alleging that they or each of them are liars, cheats, dishonest, corrupted and practised deception and conspiracy, criminal conduct and were generally evil, and/or statements to similar effect, pending the trial of this action or further Order.

2. The Defendant, by himself, his servants or agents or otherwise howsoever, be restrained from publishing or causing to be published any article, material, correspondence, circulars in any form whatsoever, containing allegations that the Plaintiffs and/or "Shell Malaysia" and/or the Plaintiffs' servants or agents are liars, cheats, dishonest, corrupted and practised deception and conspiracy and criminal conduct and were generally evil, and/or statements to similar effect, pending the trial of this action or further order.
3. The Defendant, do forthwith, take all necessary steps to give notice or cause due notice to be given to the person or persons maintaining the website "Shell Whistleblower No 2" that all existing postings made by the Defendant on 10<sup>th</sup>, 13<sup>th</sup> and 16<sup>th</sup> June 2004, be deleted and/or removed from the website.
4. The costs of and incidental to this application be borne by the Defendant.
5. This Honourable Court do make any further or other Order as it deems fit, just and/or necessary.

The grounds of this application are summarised as follows:

- a) The Defendant is an ex-employee of the 1<sup>st</sup> Plaintiffs. His employment was terminated due to misconduct as found by a Domestic Inquiry.

- b) The Defendant has disseminated various emails and a circular alleging that the Plaintiffs and/or their senior management officers and/or their servants or agents were guilty of various criminal and/or unethical conduct.
- c) In June this year, the Defendant elevated his attacks against the Plaintiffs into an internet website known as "**Shell Whistleblower No. 2**". He has made 3 postings i.e. on 10.6.04, 13.6.04 and 16.6.04. Those postings contain highly defamatory statements against the Plaintiffs and have been published maliciously.
- d) The assertions in the internet postings allege criminal and/or unethical conduct against the Plaintiffs as well as allegations that the Plaintiffs engaged in corrupt practices involving Government and Government officers, conspiracy and generally practising evil corporate culture.
- e) All these assertions are completely false, and not substantiated by any evidence whatsoever, and have been made maliciously.
- f) The wide ranging and pervasive attacks, accessible to a global audience, have caused and continue to cause the Plaintiffs substantial distress and damage and injury to their international reputation and standing.
- g) In the posting of 16.6.04, the Defendant threatened to continue with such publications.
- h) Unless restrained, the Plaintiffs will suffer irreparable harm and damage.

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- i) Further grounds are set out in the affidavit of Thavakumar Kandiahpillai filed in support of the application.

Entered No.            of 2004  
Clerk

Dated this            day of            2004

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Deputy Registrar  
Kuala Lumpur High Court

This summons is taken out by Messrs T H Liew & Partners of Level 28 Central Plaza, 34 Jalan Sultan Ismail, 50250 Kuala Lumpur, Malaysia, Solicitors for the Plaintiffs.

[Tel No. 03 21474624 / 4515 / 4518 / 4503, Faks No. 03 21474512]

[Ref: LTH/SHELL/00011-04]

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