

Date of Hearing :
 Date of Filing :
 Date of Affirmation :

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

CIVIL SUIT NO: - 22 - - 08

BETWEEN

SECURITIES COMMISSION ... PLAINTIFF

AND

1. AENEAS CAPITAL MANAGEMENT, L.P.
2. THOMAS R. GROSSMAN
3. RICHARD COHEN
4. JOHN SUGLIA
5. PRIAM HOLDINGS LIMITED
6. AENEAS EVOLUTION PORTFOLIO, LTD.
7. AENEAS PORTFOLIO COMPANY, L.P.
8. ACADIAN WORLDWIDE INC.
9. TAN MONG SING, DATO'
10. LOW THIAM HOCK ... DEFENDANTS

AFFIDAVIT

*(Supporting Application for Leave to Issue Writ
 and to Serve Notice thereof Out of the Jurisdiction)*

I, Che Mastura Intan Binti Abdul Rashid (NRIC No.

590731-02-5432) of full age and with an occupational address at Securities Commission Malaysia, 3, Persiaran Bukit Kiara, Bukit Kiara, 50490 Kuala Lumpur, do hereby solemnly and sincerely affirm and say as follows :-

1. I am an Investigating Officer of the Plaintiff ("SC") in this intended Action and am duly authorised to affirm this Affidavit on behalf of the SC. The facts and matters deposed to herein are within my personal knowledge save and except those facts and matters deposed to on information and belief and/or from records of the SC to which I have access.

2. The SC makes this application for this intended Action to be filed against the intended 1st, 2nd and 4th to 8th Defendants abovenamed pursuant to Order 6 Rule 6 and Order 11 of the Rules of the High Court, 1980.

3. I crave leave of this Honourable Court to refer to the proposed Statement of Claim filed herein and hereby affirm the truth of the matters pleaded therein. The SC institutes this intended Action *inter alia*, pursuant to its powers conferred under Sections 90 and 100 of the Securities Industry Act, 1983 and under the Securities Industry (Central Depositories) Act, 1991,

the Securities Commission Act, 1993, and/or the Futures Industry Act, 1993.

4. I adopt herein the contents of the entire proposed Statement of Claim. I am advised by the SC's Solicitors and verily believe that Counsel for the SC shall refer to the proposed Statement of Claim during the hearing of this application for the facts giving rise to this intended Action and the relief claimed by the SC. I am also advised by the SC's Solicitors and verily believe that the SC have good causes of action against the abovenamed intended Defendants.

5. I am advised by the SC's Solicitors and verily believe that the grounds on which this application are founded are as follows :-

- i) the intended 1st, 2nd and 4th to 8th Defendants being persons out of the jurisdiction of this Honourable Court, are proper parties to this intended Action begun by the proposed Writ, being properly brought against the intended 3rd, 9th and 10th Defendants who shall be duly served within the jurisdiction of this Honourable Court;

- ii) in the intended Action begun by the proposed Writ, relief is also sought against Tan Mong Sing, Dato', and Low Thiam Hock, the intended 9th and 10th Defendants respectively, persons domiciled and ordinarily resident within the jurisdiction of this Honourable Court, and having their last known addresses at 27 Jalan Setia Bakti 5, Bukit Damansara, 50490 Kuala Lumpur and at No. 21 Jalan Setia Bakti 7, Bukit Damansara, 50490 Kuala Lumpur respectively; and

- iii) in the intended Action begun by the proposed Writ, Permanent injunctions are sought at trial :-
 - a) to restrain each of the Defendants, whether by themselves, their agents, servants or otherwise howsoever, from trading in the shares of Iris Corporation Berhad ("Iris"), a company whose shares have been listed for trading on the MESDAQ Market of Bursa Malaysia ("MESDAQ"); and

- b) to restrain each of the Defendants, whether by themselves, their agents, servants or otherwise howsoever, from trading in any counter on Bursa Malaysia or MESDAQ.

I am advised by the SC's Solicitors and verily believe that in the circumstances, service of a Notice of the proposed Writ out of the jurisdiction is permissible with the leave of this Honourable Court.

6. The intended 1st Defendant has an office address at 105 South Bedford Road, Suite 240, Mt. Kisco, NY10549, USA, outside the jurisdiction of this Honourable Court.

7. The intended 2nd Defendant has a last known address at 105 South Bedford Road, Suite 310, Mt. Kisco, NY10549, USA, outside the jurisdiction of this Honourable Court.

8. The intended 4th Defendant has a last known address at 105 South Bedford Road, Suite 310, Mt. Kisco, NY10549, USA, outside the jurisdiction of this Honourable Court.

9. The intended 5th Defendant is a company incorporated in and under the laws of the British Virgin Islands as an "International Business Company" and has its registered address at Craigmuir Chambers, P.O. Box 71, Road Town, Tortola, British Virgin Islands, outside the jurisdiction of this Honourable Court.

10. The intended 6th Defendant is an "Exempted Company" under the laws of the Cayman Islands and is incorporated in the Cayman Islands, having a registered address at c/o Walkers SPV Limited, Walker House, Mary Street, PO Box 908GT, George Town, Grand Cayman, Cayman Islands, outside the jurisdiction of this Honourable Court.

11. The intended 7th Defendant is a partnership duly organized and existing under the laws of the Cayman Islands with a registered office at c/o Walkers, Walker House, Mary Street, P.O. Box 265, George Town, Grand Cayman, outside the jurisdiction of this Honourable Court.

12. The intended 8th Defendant is a company incorporated under the laws of the British Virgin Islands, and having its registered address at Portcullis Trustnet Chambers, PO Box

3444, Road Town, Tortola, British Virgin Islands, outside the jurisdiction of this Honourable Court.

13. At least 30 days will probably be necessary to effect service on the said intended 1st, 2nd and 4th to 8th Defendants and to enable them to enter appearance in the Registry of the High Court.

14. In the circumstances, I respectively crave leave of this Honourable Court to issue the Writ notice of which is to be served out of the jurisdiction on the intended 1st, 2nd and 4th to 8th Defendants herein and to serve a Notice of the said Writ on the intended 1st, 2nd and 4th to 8th Defendants at the addresses as specified in paragraphs 6 to 12 above or elsewhere as they may be found in their respective countries. Now produced and shown to me and marked as Exhibit "CMI-1" is a copy of the proposed Notice of Writ of Summons to be Served Out of Jurisdiction.

EKSIBIT "CMI-1"

DALAM MAHKAMAH TINGGI MALAYSIA DI KUALA LUMPUR

BAHAGIAN DAGANG

GUAMAN NO. 22 - 2008

ANTARA

SECURITIES COMMISSION ... PLAINTIF

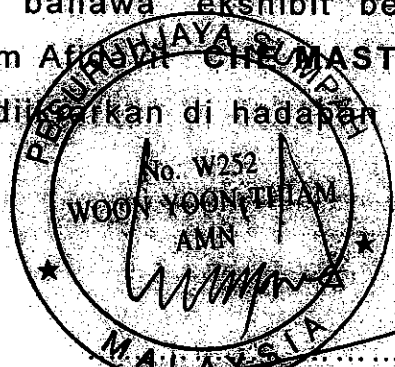
DAN

1. AENEAS CAPITAL MANAGEMENT, L.P.
2. THOMAS R. GROSSMAN
3. RICHARD COHEN
4. JOHN S. GILIA
5. ... LIMITED
6. ... PORTFOLIO, LTD
7. ... PORTFOLIO COMPANY, L.P.
8. ... WORLDWIDE INC.
9. TAN MONG SING, DATO
10. LOW THIAM HOCK

DEFENDAN
DEFENDAN

PERAKUAN MENGENAL PASTI EKSHIBIT

Saya, dengan ini mengakui bahawa ekshibit berikut bertanda "CMI-1" yang dirujuk dalam Affidavit CHE MASTURA INTAN BINTI ABDUL RASHID telah dipamerkan di hadapan saya pada 27 MAR 2008 2008.



.....
Pesuruhjaya Sumpah
42A, PERSIARAN ARA KIRI
TAMAN LUCKY BANGSAR
50000 KUALA LUMPUR

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

CIVIL SUIT NO: - 22 - - 08

BETWEEN

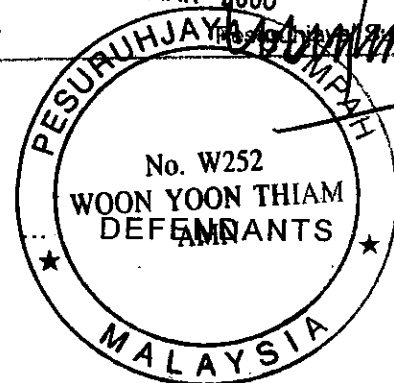
SECURITIES COMMISSION

... PLAINTIFF

AND

1. AENEAS CAPITAL MANAGEMENT, L.P.
2. THOMAS R. GROSSMAN
3. RICHARD COHEN
4. JOHN SUGLIA
5. PRIAM HOLDINGS LIMITED
6. AENEAS EVOLUTION PORTFOLIO, LTD.
7. AENEAS PORTFOLIO COMPANY, L.P.
8. ACADIAN WORLDWIDE INC.
9. TAN MONG SING, DATO'
10. LOW THIAM HOCK

Ini adalah Ekehhibit bertanda... *CMI-1*
yang dirujuk dalam Affidavit
oleh *Che Mastura Intan bt Abdul Rashid*
diikrar di hadapan saya
pada *27 MAR 2008*
[Signature]



NOTICE OF WRIT OF SUMMONS 42A, PERSIARAN ARA KIRI
TO BE SERVED OUT OF JURISDICTION TAMAN LUCKY BANGSAR
59100 KUALA LUMPUR

To:-

1. AENEAS CAPITAL MANAGEMENT, L.P.
105 South Bedford Road
Suite 240
Mt. Kisco NY10549
USA.

And / Or

2. THOMAS R. GROSSMAN
105 South Bedford Road
Suite 310
Mt. Kisco NY10549
USA

And / Or

3. JOHN SUGLIA
105 South Bedford Road
Suite 310
Mt. Kisco NY10549
USA

And / Or

4. PRIAM HOLDINGS LIMITED
Craigmuir Chambers
P.O. Box 71
Road Town
Tortola
BRITISH VIRGIN ISLANDS

And / Or

5. AENEAS EVOLUTION PORTFOLIO, LTD.
c/o Walkers SPV Limited
Walker House
Mary Street
PO Box 908GT
George Town
Grand Cayman
CAYMAN ISLANDS

And / Or

6. AENEAS PORTFOLIO COMPANY, L.P.
c/o Walkers
Walker House
Mary Street
P.O. Box 265
George Town
Grand Cayman
CAYMAN ISLANDS

And / Or

7. ACADIAN WORLDWIDE INC.
Portcullis Trustnet Chambers
PO Box 3444
Road Town
Tortola
BRITISH VIRGIN ISLANDS

TAKE NOTICE that the Securities Commission, of 3
Persiaran Bukit Kiara, Bukit Kiara, 50490 Kuala Lumpur, has
begun an action against you :-

- 1) Aeneas Capital Management, L.P.;
- 2) Thomas R. Grossman;
- 3) John Suglia;
- 4) Priam Holdings Limited;
- 5) Aeneas Evolution Portfolio, Ltd.;
- 6) Aeneas Portfolio Company, L.P.; and
- 7) Acadian Worldwide Inc.,

the abovenamed 1st, 2nd and 4th to 8th Defendants, in the High
Court of Malaya at Kuala Lumpur by Writ of Summons dated the
day of March, 2008, which Writ is indorsed as follows :-

STATEMENT OF CLAIM

A. PARTIES

1. The Plaintiff ("the Securities Commission" or "SC") is established pursuant to Section 3 of the Securities Commission Act, 1993, and is empowered to act pursuant to powers conferred upon it *inter alia* by or under the Securities Industry Act, 1983, the Securities Industry (Central Depositories) Act, 1991, the Securities Commission Act, 1993, and the Futures Industry Act, 1993 ("the Securities Laws").

2. The functions of the SC specified in Section 15 (1) of the Securities Commission Act 1993 ("the SC Act"), insofar as they are relevant to this suit, include:-

- "(i) to regulate all matters relating to securities and future contracts;
- (ii) to ensure that the provisions of the securities laws are complied with;
- (iii) to take all reasonable measures to maintain the confidence of investors in the securities and future markets by ensuring adequate protection for such investors; and

(iv) to suppress illegal, dishonourable and improper practices in dealings in securities and trading in future contracts, and the provision of investment advice or other services relating to securities or future contracts.”

3. The 1st Defendant (“Aeneas”) is a limited partnership constituted in and in accordance with the laws of the State of Delaware, United States of America, with an office address at 105 South Bedford Road, Suite 240, Mt. Kisco, NY10549, USA. Aeneas holds itself out as a global equity firm with offices located in New York, London, Mumbai and Hong Kong.

4. The 2nd Defendant (“Grossman”) is a citizen of the United States of America having a last known address at 105 South Bedford Road, Suite 310, Mt. Kisco, NY10549, USA. Grossman established Aeneas in or about March 2000, and was at all material times, the Managing Partner, Investment Manager and Portfolio Manager of Aeneas.

5. To the knowledge of SC, all market/investment information obtained from Aeneas’ offices in London, Mumbai and Hong Kong, including information from Europe and East Asia, would be channeled to Grossman. Upon analyzing the

information, Grossman would issue instructions to Aeneas' offices and investment traders to execute the trades. At all material times, all the investment decision making of Aeneas was done by Grossman. SC contends that Aeneas is controlled and directed by Grossman, who is its alter ego.

6. The 3rd Defendant ("Cohen") is a citizen of the United States of America having a last known address at 38, Lorong Limau Manis 2, Bangsar, 59000 Kuala Lumpur. At all material times, Cohen was employed by Aeneas as its Research Analyst cum Malaysian Investments Trader with wide investment authority. Cohen was Aeneas' representative in Malaysia and reported to Grossman. Cohen researched, monitored and executed trades in Malaysia on behalf of Aeneas.

7. The 4th Defendant ("Suglia") is a citizen of the United States of America. To the knowledge of the SC, he is ordinarily resident in New York, USA having a last known address at 105 South Bedford Road, Suite 310, Mt. Kisco, NY10549, USA. Suglia is Aeneas' Principal, and Chief Operating Officer. He joined Aeneas in 2000 and is responsible for the management and administration of the firm. Suglia reports to Grossman.