



ADGM COURTS  
محكمة أبوظبي العالمية



In the name of  
**His Highness Sheikh Mohamed bin Zayed Al Nahyan**  
President of the United Arab Emirates/ Ruler of the Emirate of Abu Dhabi

**COURT OF FIRST INSTANCE  
COMMERCIAL AND CIVIL DIVISION  
BETWEEN**

**789 CONSULTING ADVISORS LTD**

Applicant

and

**JOHN JAMES SMITH**

First Respondent

**JJS INVESTMENT HOLDINGS 1 LTD**

Second Respondent

**JJS INVESTMENT HOLDINGS 2 LTD**

Third Respondent

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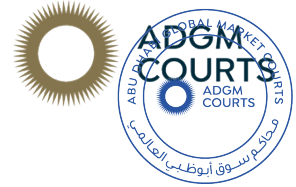
**ORDER**

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**PENAL NOTICE**

**IF YOU, THE WITHIN NAMED: (1) JOHN JAMES SMITH; (2) JJS INVESTMENT HOLDINGS 1 LTD; AND (3) JJS INVESTMENT HOLDINGS 2 LTD, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE SUBJECT TO A PENALTY.**

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE SUBJECT TO A PENALTY.**



**JUDGE:** Justice 2  
**DATE OF ORDER:** 3 September 2022  
**CLAIM NO:** ADGMCFI-PCA-2022-998

**UPON** the Applicant's Application by notice dated 1 September 2022 ("**the Application**")

**AND UPON** the Application being made without notice to the Respondents

**AND UPON** considering the documents on the Court file

**AND UPON** conducting a hearing remotely on 3 September 2022

**AND UPON** hearing Leading Counsel for the Applicant

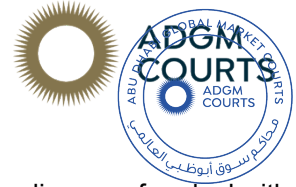
## **ORDER**

1. This order made on 3 September 2022 by Justice 2 is:
  - (a) a Domestic Freezing Injunction made against the First Respondent, being John James Smith; and
  - (b) a Worldwide Freezing Injunction made against the Second and Third Respondents, being respectively JJS Investment Holdings 1 LTD and JJS Investment Holdings 2 LTD.
2. This order was made at a hearing without notice to the Respondents. The Respondents have a right to apply to the Court to vary or discharge the order – see paragraph 14 below.
3. There will be a further hearing in respect of this order on 10 September 2022.
4. As there is more than one Respondent—
  - (a) unless otherwise stated, references in this order to "**the Respondent**" mean all of them;
  - (b) unless otherwise stated, references in this order to "**the Corporate Respondents**" mean the Second and Third Respondents; and
  - (c) this order is effective against any Respondent on whom it is served or who is given notice of it.

## **FREEZING INJUNCTIONS**

### The First Respondent

5. Until further order of the Court, the First Respondent must not remove from the ADGM or in any way dispose of, deal with or diminish the value of any of his assets which are in the ADGM up to the value of US\$2,900,500,000.
6. Paragraph 5 applies to all the First Respondent's assets whether or not they are in his own name, whether they are solely or jointly owned and whether the First Respondent is interested in them legally, beneficially



or otherwise, including any asset which he has the power, directly or indirectly, to dispose of or deal with as if it were his own. The First Respondent is to be regarded as having such power if a third party holds or controls the asset in accordance with his direct or indirect instructions.

7.

- (1) If the total value free of charges or other securities (“**unencumbered value**”) of the First Respondent’s assets in the ADGM exceeds US\$2,900,500,000, the First Respondent may remove any of those assets from the ADGM or may dispose of or deal with them so long as the total unencumbered value of the First Respondent’s assets still in the ADGM remains above US\$2,900,500,000.
- (2) If the total unencumbered value of the First Respondent’s assets in the ADGM does not exceed US\$2,900,500,000, the Respondent must not remove any of those assets from the ADGM and must not dispose of or deal with any of them.

#### The Corporate Respondents

8. Until further order of the Court, each of the Corporate Respondents must not—

- (a) remove from the ADGM any of its assets which are in the ADGM up to the value of US\$2,900,500,000; or
- (b) in any way dispose of, deal with or diminish the value of any of its assets whether they are in or outside the ADGM up to the same value.

9. Paragraph 8 applies to each Corporate Respondent’s assets whether or not they are in its own name, whether they are solely or jointly owned and whether the relevant Respondent is interested in them legally, beneficially or otherwise, including any asset which it has the power, directly or indirectly, to dispose of or deal with as if it were its own. A Corporate Respondent 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.

10.

- (1) If the unencumbered value of any Corporate Respondent’s assets in the ADGM exceeds US\$2,900,500,000, the Corporate Respondent may remove any of those assets from the ADGM or may dispose of or deal with them so long as the total unencumbered value of that Corporate Respondent’s assets still in the ADGM remains above US\$2,900,500,000.
- (2) If the total unencumbered value of a Corporate Respondent’s assets in the ADGM does not exceed US\$2,900,500,000, that Respondent must not remove any of those assets from the ADGM and must not dispose of or deal with any of them. If any Corporate Respondent has other assets outside the ADGM, it may dispose of or deal with those assets outside the ADGM so long as the total unencumbered value of all its assets whether in or outside the ADGM remains above US\$2,900,500,000.

#### **PROVISION OF INFORMATION**

11.

- (1) Each Corporate Respondent must by 5.00 pm GST on 24 September 2022 swear and serve on the Applicant’s solicitors an affidavit setting out its assets worldwide exceeding US\$20,000 in value



whether in its own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.

- (2) If the provision of this information is likely to incriminate a Corporate Respondent, it may be entitled to refuse to provide it, but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information is contempt of Court and may render the Corporate Respondent liable to a penalty.

## EXCEPTIONS TO THIS ORDER

12.

- (1) This order does not prohibit the First Respondent from spending US\$5,000 a week towards his ordinary living expenses. The First Respondent may agree with the Applicant's legal representatives that the above spending limit should be increased or that this order should be varied in any other respect, but any agreement must be in writing.
- (2) This order does not prohibit any Respondent from dealing with or disposing of any of his or its assets in the ordinary and proper course of business, but before doing so the relevant Respondent must tell the Applicant's legal representatives.
- (3) This order does not prohibit any of the Respondents from spending a reasonable sum on legal advice and representation.
- (4) The order will cease to have effect if a given Respondent—
  - (a) provides security by paying the sum of US\$2,900,500,000 into Court, to be held to the order of the Court; or
  - (b) makes provision for security in that sum by another method agreed in writing with the Applicant's legal representatives.

## COSTS

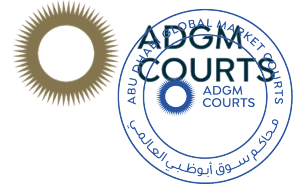
13. Costs of the Application are reserved with liberty to all parties to apply to restore any issue as to costs for determination by the Court.

## VARIATION OR DISCHARGE OF THIS ORDER

14. Anyone served with, notified of, or affected by this order may apply to the Court at any time for directions or to vary or discharge this order (or so much of it as affects that person).

## INTERPRETATION OF THIS ORDER

15. Where the First Respondent is ordered not to do something he 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.
16. Where any of the Corporate Respondents is ordered not to do something it must not do it itself or by its directors, officers, partners, employees or agents or in any other way.



## **PARTIES OTHER THAN THE APPLICANT AND RESPONDENTS**

### **17. Effect of this order**

It is a contempt of Court for any person knowingly to assist in or permit a breach of this order. Any person doing so may be subject to a penalty.

### **18. 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 Respondent before it was notified of this order.

### **19. Withdrawals by the Respondent**

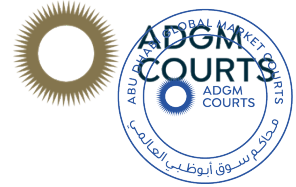
No bank need enquire as to the application or proposed application of any money withdrawn by the Respondent if the withdrawal appears to be permitted by this order.

### **20. Persons outside the ADGM**

- (1) Except as provided in paragraph (2) below, the terms of this order do not affect or concern anyone outside the jurisdiction of this Court.
- (2) The terms of this order will affect the following persons in a country or state outside the jurisdiction of this Court—
  - (a) the Respondent or its officer or his or its agent appointed by power of attorney;
  - (b) any person who—
    - (i) is subject to the jurisdiction of this Court;
    - (ii) (has been given written notice of this order at its, her or his residence or place of business within the jurisdiction of this Court; and
    - (iii) 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; and
  - (c) any other person, only to the extent that this order is declared enforceable by or is enforced by a Court in that country or state.

### **21. Assets located outside the ADGM**

- (3) Nothing in this order shall, in respect of assets located outside the ADGM, prevent any third party from complying with —
  - (a) what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the country or state in which those assets are situated or under the proper law of any contract between itself and the Respondent; and
  - (b) any orders of the Courts of that country or state, provided that reasonable notice of any application for such an order is given to the Applicant's solicitors.



## LIBERTY TO APPLY

22. The parties have liberty to apply on 72 hours' notice.

## COMMUNICATIONS WITH THE COURT

23. All communications to the Court about this order should be sent to Abu Dhabi Global Market Authorities Building, ADGM Square, Al Maryah Island, PO Box 111999, Abu Dhabi, UAE quoting the case number. The telephone number is T +971 2 333 8976; [registry@adgmcourts.com](mailto:registry@adgmcourts.com). The offices are open between 8.30am and 4:30pm Monday to Friday except public holidays.

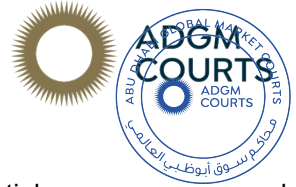
## SCHEDULE A - AFFIDAVITS

The Applicant relied on the following affidavits:

- (1) First Affidavit of Jane Elizabeth Fitzpatrick sworn on 31 August 2022.
- (2) First Affidavit of Henry John Davis sworn on 1 September 2022.

## SCHEDULE B - UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

- (1) If the Court later finds that this order has caused loss to any of the Respondents, and decides that such Respondent or Respondents should be compensated for that loss, the Applicant will comply with any order the Court may make.
- (2) The Applicant shall file and serve on each of the Respondents a claim form claiming the appropriate relief.
- (3) Pursuant to ADGM CPR 65(1) the Applicant shall serve on the Respondents as soon as practicable:
  - (a) this order;
  - (b) the Application including the Affidavits in support set out in Schedule A; and
  - (c) an application notice for continuation of this order.
- (4) Anyone notified of this order by the Applicant will be given a copy of it by the Applicant's legal representatives.
- (5) The Applicant will pay the reasonable costs of anyone, other than (i) a Respondent; or (ii) directors, officers, partners, employees or agents of a Respondent, which have been incurred as a result of this order including the costs of finding out whether that person holds any of the Respondent's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the Applicant will comply with any order the Court may make.
- (6) If this order ceases to have effect (for example, if a Respondent provides security as provided for above) the Applicant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who it has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.



- (7) The Applicant will notify the Court as soon as reasonably practicable if substantial sums are recovered by the Applicant such that the limits of US\$2,900,500,000 in paragraphs 5, 7, 8 and 10 above (or any of them) may be affected.
- (8) The Applicant will not without the permission of the Court use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in the ADGM or in any other jurisdiction, other than this claim.
- (9) The Applicant will not without the permission of the Court seek to enforce this order in any jurisdiction outside the ADGM.

### NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

The Applicant's legal representatives are:

XYZ Lawyers  
Level 20, Al Maqam Tower  
Abu Dhabi Global Market Square  
Al Maryah Island  
Abu Dhabi, United Arab Emirates



Issued by:

Linda Fitz-Alan  
Registrar, ADGM Courts  
3 September 2022