

MAP. 1/14/19

2019

NO 4

**IN THE HIGH COURT OF SIERRA LEONE
(COMMERCIAL AND ADMIRALTY DIVISION)**

IN THE MATTER OF THE MINES AND MINERAL ACT (2009)

AND

IN THE MATTER OF THE COMPANIES ACT 2009

AND

IN THE MATTER OF THE 2010 MINING LEASE AGREEMENT BETWEEN THE REPUBLIC OF SIERRA LEONE ON THE ONE HAND AND KOIDU HOLDINGS SA NOW KNOWN AS KOINDU LIMITED ON THE OTHER HAND

AND

IN THE MATTER RELATING, TOUCHING AND CONCERNING OCTEA LIMITED AND ITS SUBSIDIARY COMPANIES OCTEA DIAMOND LIMITED, OCTER MINING LIMITED, OCTEA SERVICES LTD. AND OCTEA FOUNDATION LIMITED

AND

IN THE MATTER OF THE KOIDU HOLDINGS (SA) KOIDU KIMBERLITE PROJECT, EXTENDED AREA SETTLEMENT PLAN OF JUNE 2012

AND

IN THE MATTER OF KOIDU LIMITED SIERRA LEONE

AND

IN THE MATTER OF THE HIGH COURT RULES 2007

AND

IN THE MATTER OF AN APPLICATION OF MARGINALISED AFFECTED PROPERTY OWNERS (LG)



BETWEEN:

MARGINALISED AFFECTED PROPERTY OWNERS (MAPO) (LG)
19 GBENSE NGUMBU STREET
KOIDU CITY

APPLICANTS

AND

- | | |
|--|-----------------------------|
| 1. OCTEA LIMITED | 1 st RESPONDENT |
| 2. THE MANAGING DIRECTOR OCTEA LIMITED | 2 nd RESPONDENT |
| 3. OCTEAD DIAMOND LTD | 3 rd RESPONDENT |
| 4. THE MANAGING DIRECTOR OCTEA DIAMOND LIMITED | 4 th RESPONDENT |
| 5. OCTEA MINING LIMITED | 5 th RESPONDENT |
| 6. THE MANAGING DIRECTOR OCTEA MINING LIMITED | 6 th RESPONDENT |
| 7. OCTEA SERVICES LIMITED | 7 th RESPONDENT |
| 8. THE MANAGING DIRECTOR OCTEA SERVICES LIMITED | 8 th RESPONDENT |
| 9. OCTEA FOUNDATION LIMITED | 9 th RESPONDENT |
| 10. THE MANAGING DIRECTOR OCTEA FOUNDATION LIMITED | 10 th RESPONDENT |
| 11. KOIDU LIMITED | 11 th RESPONDENT |
| 12. THE MANAGING DIRECTOR KOIDU LIMITED | 12 th RESPONDENT |

ALL OF 84 WILLKINSON ROAD FREETOWN SIERRA LEONE

EX-PARTE ORIGINATING SUMMONS

LET ALL PARTIES CONCERNED attend the High Court sitting at Law Court Buildings
Monday on the 4th day of March 2019 at 9:00 O'clock in the
forenoon or as soon thereafter as Counsel may be heard, on the hearing of an application by
Counsel on behalf of the Plaintiffs herein for the following orders:

1. That this Honourable Court declares that the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 12th defendants are either wholly or partially owned and or are in the employment of the 1st Defendant.
2. That this Honorable Court declares that the 1st, 3rd, 5th, 7th, 9th and 11th Defendants are under "common control".
3. That this Honorable Court declares that 84, Wilkinson Road Freetown be the address for services for all legal proceedings in Sierra Leone on the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 12th Defendants.
4. That this Honorable Court declares service of this proceedings and any other subsequent proceedings on the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 12th Defendants effected at 84, Wilkinson Road Freetown Sierra Leone is effective personal and or substituted service.
5. That this Honorable Court declares that the 1st, 3rd, 5th, 7th, 9th and 11th Defendants were all created and organized as a sham to avoid liability and execution of judgments.
6. That this Honorable declares that the 3rd, 5th, 7th, 9th and 11th Defendants are in fact alter egos of the 1st Defendant.
7. That the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 12th Defendants be held jointly and or severally liable for the acts and omission of themselves and or their business enterprises, engagements and operations in Sierra Leone that caused harm, injuries and or loss to parties in a contract or tort between and or amongst them as well as innocent third parties.
8. That the MINING lease agreement of 2010 entered into between the Republic of Sierra Leone and Koidu Holdings (SA) now known as Koidu Limited relating to mining and commercial exploration of THE KOIDU KIMBERLITE IN A PROJECT TO BE KNOWN AS "THE KOIDU KIMBERLITE PROJECT" was an agreement for all intent and purposes for and on behalf of the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 12th defendants.
9. That the Community Development Agreement dated 13th May 2017 entered into by the 7th defendant and the Primary Host Communities of Tankoro and Gbense Chiefdoms was for all intent and purposes on behalf of the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th and 12th Defendants respectively.

AND FURTHER TAKE NOTICE that at the hearing of this application, the Applicants will use and rely on the Affidavit of TAMBA PRINCE BOIMA sworn to on the _____ day of _____ 2019 together with the exhibits attached thereto and filed herewith and any other Supplemental Affidavit(s) that Counsel may seek leave to use.

Dated the 4 day of March 2019.

[Signature]
C&J PARTNERS
BARRISTERS & SOLICITORS