IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Case No. HC/S 986 of 2015)

Between

1. **XAVIER ANDRE JUSTO**
   (Switzerland Passport No. X1813585)

2. **JUSTO CONSULTING CO LTD**
   (ID Unknown)

... Plaintiffs

And

1. **TONG KOOI ONG**
   (NRIC No. S2768952C)

2. **HO KAY TAT**
   (Malaysia Passport No. A20725350)

3. **CLARE REWCASTLE-BROWN**
   (ID Unknown)

... Defendants

DFENCE OF THE 1ST DEFENDANT

1. This Defence is filed without prejudice to the 1st Defendant's averment that the Plaintiffs' claim herein discloses no reasonable cause of action, and/or is scandalous, frivolous, vexatious, and/or is an abuse of process, and/or may prejudice, embarrass or delay the fair trial of the action, and ought to be struck out.

2. For ease of reference, the 1st Defendant adopts the terms and definitions used in the Statement of Claim ("**SOC**"), unless otherwise stated.

3. Paragraph 1 of the SOC is not admitted. To the best of the 1st Defendant's knowledge, the 1st Plaintiff was a director and an executive in the PetroSaudi group of companies while he was employed by PetroSaudi.

4. The 1st Plaintiff is widely reported to be in prison in Thailand serving a 3 year jail sentence since August 2015 based on his admission of blackmail and attempted extortion of his former employers, PetroSaudi, in Thailand. The 1st Plaintiff is also widely reported to have given a confession or confessions in which he had admitted to stealing data from PetroSaudi which he had threatened to reveal as part of his attempts to blackmail and/or extort money from PetroSaudi.

5. Paragraph 2 of the SOC is not admitted. The 1st Defendant is not aware of who the 2nd Plaintiff is save that it was the name the 1st Plaintiff used in the letter titled "Sale of Justo Property IT Software" dated 23 February 2015. The 1st Defendant finds it strange that the 1st and/or 2nd Plaintiffs do not know the 2nd Plaintiff's own company registration number. The 1st Defendant also notes that the address provided for both the 1st and 2nd Plaintiffs in the Writ of Summons is widely reported to be the address used for the 1st Plaintiff's alleged sunbed-tanning business in Koh Samui, Thailand known as "Always The Sun".

6. Paragraphs 3 (1) to (3) of the SOC are admitted.

7. Paragraphs 4 to 6 of the SOC are denied save and insofar as stated herein and as follows:-

(a) The 1st Defendant did not receive any Pen Drive or Hard Drive together with their contents from the 1st and/or 2nd Plaintiffs as alleged;

(b) As per the 1st Plaintiff's request, the 1st Defendant signed a letter titled "Sale of Justo Property IT Software" dated 23 February 2015; and

(c) The 1st Defendant has never been part of any WhatsApp messaging group with the 1st and/or 2nd Plaintiffs as alleged or at all.

8. Save that it is admitted that the 1st Plaintiff did ask the 1st Defendant once for payment via WhatsApp and that the 1st Defendant did not pay any money to the 1st and/or 2nd Plaintiffs, paragraph 7 of the SOC is not admitted.

9. Paragraph 8 of the SOC is not admitted.

10. The 1st Defendant does not plead to paragraph 9 of the SOC as it is not a plea against him.

11. The 1st Defendant avers that the 1st and 2nd Plaintiffs' plea at prayers (1), (2) and (3) of the Relief that the Goods and all copies of the Goods (with the data therein) be returned to them cannot be acceded to and/or the 1st and/or 2nd Plaintiffs are not entitled to the same as the 1st Plaintiff was widely reported to have confessed that he had stolen the data from PetroSaudi. Further, the 1st Defendant's solicitors has written to PetroSaudi on 2 November 2015 and invited them to join

themselves as a party to this action, failing which, the 1st Defendant may have to join them as a party to this action or take out an interpleader application in order for the court to determine the ownership of the Goods and whether the Goods and all copies of the Goods (with the data therein) are to be handed to the 1st and/or 2nd Plaintiffs or not.

12. Save as hereinbefore expressly admitted, the 1st Defendant denies each and every allegation contained in the SOC as if the same were herein set out seriatim and specifically traversed.

Dated this 3rd day of November 2015

SOLICITORS FOR THE 1ST DEFENDANT
MESSRS DAVID LIM & PARTNERS LLP

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