Claim No. CFI 003/2019

IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Applicant

and

(1) WINTERCAP SA
(2) SHAMAL INTERNATIONAL FZE
(3) WB21 DMCC

Respondents

and

(1) PROMETHEUS CAPITAL FINANCE LIMITED,
(2) NOOR BANK
(3) EMIRATES NBD

Notice Parties

ORDER OF H.E JUSTICE SHAMLAN AL SAWALEHI

UPON reviewing the First Notice Party's Application No. CFI-003-2019/5 dated 13 October 2020 (the **"Application"**) seeking a variation of the Continuing Freezing Order of H.E. Justice Shamlan Al Sawalehi dated March 4, 2019 (the **"Continuing Freezing Order"**)

UPON reviewing the written submissions and supporting evidence of the First Notice Party filed together with the Application on 13 October 2020

UPON the Claimant and the First Notice Party having agreed upon the terms of a variation of the Continuing Freezing Order so as to permit the First Notice Party to re-materialise the securities (penny stock) held by it into certificates that may be held and controlled by the First Notice Party within the DIFC without incurring periodic third party charges.

AND UPON reading the documents recorded on the Court file as having been read

IT IS HEREBY ORDERED THAT:

1. Paragraph 8(1) of the Continuing Freezing Order is hereby amended in the following manner and by the addition of the following highlighted words):

(1) Respondent #1 assets in the account numbered C02END16C0013, at Prometheus Capital Finance Limited DIFC, provided that the following payments shall be permitted to be made to the First Respondent towards the re-materialisation cost of penny stocks into certificates:

(a) The immediate payment of USD 15,000 arising from the Side Agreement between the First Notice Party and Linear Investments Limited dated 14 October 2019; plus

(b) The sum equal to the invoiced costs of the re-materialisation as agreed in writing by the Claimant, which invoices and agreement shall be filed with the Court and notified to the Registry prior to payment.

2. There shall be no order as to costs in respect of this Application.

Issued by:
Amna Al Owais
Chief Registrar
Date of issue: 20 December 2020
At: 1pm