

21 JUN 2007 12:08

CHARLES RUSSELL

NO. 7297 P. 2

IN THE HIGH COURT OF JUSTICE  
FAMILY DIVISION  
PRINCIPAL REGISTRY

Matter No. FD07D02865

Dated 19<sup>th</sup> JUNE 2007

BETWEEN

MICHELLE DANIQUE YOUNG

and

SCOT GORDON YOUNG



Before Mr. Justice Moylan

TO: SCOT GORDON YOUNG of:

- (1) 3467 North Moorings Way, Coconut Grove, Miami, Florida 33133, USA
- (2) c/o Mr Gwilym Davies, 82 Tiddington Road, Stratford-upon-Avon, Warwickshire CV37 7BA
- (3) c/o Greenfield Horizon Ltd of 3<sup>rd</sup> Floor, Nagico Building, Road Town, Tortola, British Virgin Islands c/o Mr Gwilym Davies, 82 Tiddington Road, Stratford-upon-Avon, Warwickshire CV37 7BA
- (4) c/o Condor Corporate Services Ltd of 15 Warwick Road, Stratford upon Avon, Warwickshire, CV37 8YW, c/o Mr Gwilym Davies, 82 Tiddington Road, Stratford-upon-Avon, Warwickshire, CV37 7BA

PENAL NOTICE

IF YOU SCOT GORDON YOUNG DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

21 JUN 2007 12:40

CHARLES RUSSELL

NO. 7397 P. 3

**THIS ORDER**

1. This is a Worldwide Freezing Injunction made against SCOT GORDON YOUNG (the Respondent) on 19 June 2007 by Mr Justice Moylan on the application of MICHELLE DANIQUE YOUNG (the Applicant). The Judge read the Affidavits listed in Schedule A and accepted the undertakings set out in Schedule B at the end of this Order.
2. This order was made without notice to the Respondent. The Respondent has a right to apply to the court to vary or discharge it - see paragraph 13 below. There will be a further hearing in respect of this order at 10.30 am on 26 June 2007 ("the return date").

**FREEZING INJUNCTION**

3. Until the return date or further order of the court, the Respondent must not:
  - (1) remove from England and Wales any of his assets up to the value of £60 million;
  - (2) transfer or dispose of or deal with or diminish the value of his assets worldwide whether held in his own name or in the name of his nominee or jointly with another, nor any assets in which he has an interest howsoever arising, up to the same value.
4. This prohibition includes in particular the following (but, for the avoidance of doubt, without limitation):
  - a. Any interest (howsoever held) that the Respondent may have in any of the following properties:
    - i. 29 South Lodge, 245 Knightsbridge, London, SW7 1DG
    - ii. 39 Chester Terrace, London, NW1 4ND
    - iii. Dione House, Oxford Road, Stokenchurch, High Wycombe, Buckinghamshire, HP1 3SX
    - iv. Buckinghamshire Suite, 26-27 Belgrave Square, London SW1 8QB
    - v. 3647 North Moorings Way, Coconut Grove, Miami 33133, Florida USA
    - vi. Wootton Place, Church Street, Wootton, Oxfordshire, OX20 1FA
    - vii. 27 Eaton Square, London, SW1W 9DF
    - viii. 28 Eaton Square, London, SW1W 9DF
    - ix. 29 Eaton Square, London, SW1W 9DF
    - x. 23 Wilton Crescent, London, SW1X
    - xi. Lincoln University Halls of residence.

- b. In the event that any of the above properties have been sold, the Respondent's interest in the net proceeds of sale thereof and/or any asset purchased wholly or in part with the net proceeds of sale;
- c. Any money standing to the credit of any bank account;
- d. Any shareholding in Esendex Limited (company number 04217280)
- e. Any loan notes issued by Esendex Ltd
- f. Any interest in Boss Holdings Ltd (company number 02838730) or its assets
- g. Any shareholding in Fosse Developments Ltd (company number 04764639)
- h. Any interest in Star Lane Estates Ltd (company number 05506638) or its assets
- i. Any shareholding in Condor Corporate Services Ltd (company number 03713623)
- j. Any interest in Greenfield Horizon Ltd (a company registered in the British Virgin Islands with company number 1000867) or its assets
- k. Any shareholding in EPOSS Ltd (company number 03713623)
- l. Any shareholding in EPOSS plc
- m. Any loan notes issued by EPOSS plc
- n. Any shareholding in Honnington Investments Ltd
- o. Any shareholding in Shipston Investments Ltd
- p. Any shareholding in Dominion Nominees Ltd
- q. Any shareholding in Parasol Participations Ltd
- r. Any shareholding in SMS Ltd (company number 06716119)
- s. Any shareholding in MIG Ltd (company number 02584799)
- t. Any shareholding in Qiosks Ltd
- u. Any shareholding in IDM Cityscape Ltd (company number 05611706)
- v. Any shareholding in ISENTRY Ltd (company number 05136224)
- w. Any shareholding in Allied Minds plc (company number 05361385)
- x. Any shareholding in Futuragene plc (company number 04001406)
- y. Any shareholding in Xenos Ltd (company number 04069923)
- z. Any shareholding in Minster Ltd (company number 01759121)

AC. 2297 2 5

- aa. Any shareholding in Milvus Ventures Ltd (company number 04823135)
  - bb. Any shareholding in Solar Breeze Ltd
  - cc. Any shareholding in Canyonrose Ltd
  - dd. Any shareholding in Jagersfield Ltd
  - ea. Any shareholding in Readywood Ltd
  - ff. Any shareholding in Westcreek Holdings Ltd
  - gg. Any shareholding in lake Golden Ltd
  - hh. In the event that the Respondant has sold any interest in any of the above, the Respondent's interest in the net proceeds of sale thereof and/or any asset purchased wholly or in part with the net proceeds of sale;
  - ii. Any interest the Respondent may have in the fixtures and fittings at (or formerly at) Wooton Place, Oxford;
  - jj. The Respondent's Roger Dubuis wristwatch;
  - kk. Any asset held in or by or via the Kilmona Foundation;
  - ll. Any asset held in or by or via the Espino Foundation;
  - mm. Any asset held on the Respondent's behalf by Gwillim Davis.
6. For the purpose of this order the Respondent's assets include any asset which he has the power, directly or indirectly, to dispose of or deal with as if it were his own. The 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. For the avoidance of doubt, the particular assets referred to at paragraph 4 above are subject to the freezing injunction in paragraph 3 above only if and to the extent that they are assets of the Respondent (as the term is explained in paragraph 5 above).
  7. If the total value free of charges and other securities ('unencumbered value') of the Respondent's assets in England and Wales exceeds £80 million, the Respondent may remove any of those assets from England and Wales or may dispose of or deal with them so long as the total unencumbered value of the Respondent's assets still in England and Wales remains above £80 million.
  8. If the total unencumbered value of the Respondent's assets in England and Wales does not exceed £80 million, the Respondent must not remove any of those assets from England and Wales or must not dispose of or deal with any of them. If the Respondent has other assets outside England and Wales, he may dispose of or deal with those assets outside England and Wales so long as the total unencumbered value of all his assets whether in or outside England and Wales remains above £80 million.
  9. The Applicant is at liberty to serve the application and this order on the Respondent overseas

## PROVISION OF INFORMATION

10. The Respondent must:

- (1) Within 72 hours of service of this order and to the best of his ability (i) inform the Applicant in writing of all his assets with an individual or collective value in excess of £50,000 held worldwide whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets and (ii) set out the up to date position in respect of the proceedings that were issued against him in the Queen's Bench Division under claim no HQ06X00957 and claim no HQ06X01635 and in the Chancery Division under claim number HC06CO1196. The Respondent may be entitled to refuse to provide some or all of this information on the grounds that he may incriminate him.
- (2) Within 4 days after being served with this order swear an affidavit confirming the above information which must be served on the Applicant's legal representatives.

## EXCEPTIONS TO THIS ORDER

11. (1) This order does not prohibit the Respondent from spending £6,000 a week towards his ordinary living expenses, including by providing for the Applicant and the parties' children, and also a reasonable sum on legal advice and representation, provided that in each case he shall inform the Applicant's legal representatives of the bank account(s) or source of funds withdrawn and provide documentary evidence of the same.
- (2) This order does not prohibit the Respondent from dealing with or disposing of any of his assets in the ordinary and proper course of business.
- (3) The Respondent may agree with the Applicant's legal representatives that the above spending limits should be increased or that this order should be varied in any other respect, but any agreement must be in writing.
- (4) This order does prevent the Respondent from complying with any obligations imposed upon him by any orders that have been made to date in the proceedings issued in the Queen's Bench Division under claim no HQ06X00957 and claim no HQ06X01635 and in the Chancery Division under claim number HC06CO1196. However, before complying with any such obligation he shall give the Applicant's legal representatives 24 hours notice in writing of (i) the obligation in question and (ii) the manner in which he intends to comply with the same and (iii) provide documentary evidence of the same.

## COSTS

12. The costs of this application are reserved to the judge hearing the application on the return

### VARIATION OR DISCHARGE OF THIS ORDER

13. Anyone served with or notified of this order may apply to the court at any time during normal court hours to vary or discharge this order (or so much of it as affects that person), but they must first inform the Applicant's legal representatives of their intention to do so. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicant's legal representatives in advance.

### INTERPRETATION OF THIS ORDER

14. A Respondent who is an individual who is ordered not to do something 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.
15. A Respondent which is not an individual which is ordered not to do something 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 RESPONDENT

#### (1) Effect of this order

16. It is a contempt of court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

#### (2) Set off by banks

17. 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.

#### (3) Withdrawals by the Respondent

18. 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.

#### (4) Persons outside England and Wales

19. (1) Except as provided in subparagraph (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 his officer or agent appointed by power of attorney;
  - (b) any person who-
    - (i) is subject to the jurisdiction of this court;

21 JUN 2007 12:07

CHARLES RUSSELL

NO. 7297 9 8

(ii) has been given written notice of this order at 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.

**(5) Assets located outside England and Wales**

20. Nothing in this order shall, in respect of assets located outside England and Wales, prevent any third party from complying with-

(1) 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

(2) 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.

**COMMUNICATIONS WITH THE COURT**

21. All communications to the court about this order should be sent to-

The Royal Courts of Justice, Strand, London WC2A 2LL, quoting the names of the parties and the Matter number given above.

The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.



**SCHEDULE A**

**AFFIDAVITS**

The Applicant relied on the following affidavits-

1 First Affidavit of Michelle Danique Young sworn on 18 June 2007 together with its exhibit.

**SCHEDULE B**

**UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT**

1 If the court later finds that this order has caused loss to the Respondent or a third party, and decides that they should be compensated for that loss, the Applicant will comply with any order the court may make.

2 The Applicant will serve upon the Respondent together with this order as soon as practicable:

(i) copies of the affidavits and exhibits containing the evidence relied upon by the Applicant, and any other documents provided to the court on the making of the application;

- (ii) the Notice of Application;
  - (iii) the Petition and the Applicant's Form A.
- 3 Anyone notified of this order will be given a copy of it by the Applicant's legal representatives.
  - 4 The Applicant will pay the reasonable costs of anyone other than the 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.
  - 5 If this order ceases to have effect the Applicant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.

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

The Applicant's legal representatives are-

Charlee Russell LLP  
8 - 10 New Fetter Lane, London EC4A 1RS  
Ref: MKF/JGW/069635  
Tel: 0207 203 5000  
Fax: 0207 203 0200  
Email: [Miranda.fisher@charleerussell.co.uk](mailto:Miranda.fisher@charleerussell.co.uk)

Dated 19<sup>th</sup> June 2007