

1 **IN THE GRAND COURT OF THE CAYMAN ISLANDS**
2 **CIVIL DIVISION**

3
4 **Cause No: G606/2008**

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6 **BETWEEN:**

7 **STRATEGIC TECHNOLOGIES PTE LTD**

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9 **PLAINTIFF/JUDGMENT CREDITOR**

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11 **AND:**

12 **THE ARMAMENTS BUREAU OF THE**
13 **MINISTRY OF NATIONAL DEFENCE OF THE**
14 **REPUBLIC OF CHINA successor to the**
15 **PROCUREMENT BUREAU OF THE REPUBLIC**
16 **OF CHINA MINISTRY OF NATIONAL**
17 **DEFENCE**

18 **DEFENDANT/JUDGMENT DEBTOR**

19
20 **AND**

- 21 1. **CHANG PU WANG (ANDREW WANG),**
22 2. **CHIA HSING WANG (BRUNO WANG)**
23 3. **CHIA JUN YEAH WANG (PAULINE WANG)**

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25 **INTERESTED PARTIES**

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28 **Appearances:**

29 **Mr. Colm Flanagan, of Nelson & Co., for the**
30 **Plaintiff/Judgment Creditor**

31 **Mr. Stuart Diamond of Diamond Jones for the**
32 **Defendant/Judgment Debtor**

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34 **Mr. Jayson Wood and Mr. Peter Huth-Wallis of**
35 **Harneys for the Interested Parties**

36
37 **Before:**

The Hon. Mr. Justice Charles Quin

38 **Heard:**

2nd August 2013

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40 **EX TEMPORE RULING**
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1 1. Mr. Jayson Wood (“Mr. Wood”) with Mr. Peter Huth-Wallis (“Mr. Huth-Wallis”)
2 of Harneys requested attendance at the hearing – explaining that they had just
3 received instructions from Andrew Wang, Bruno Wang and Pauline Wang, (“the
4 Wangs”), who were the subject of an injunction by the Chief Justice on the 4th
5 December 2009 in POCL 15 of 2009. The Court acceded to Mr. Wood’s request.

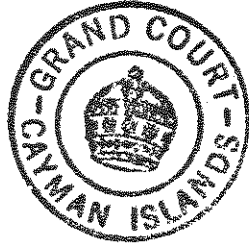
6 2. Mr. Wood explained that Harneys had been retained by the Wangs in place of
7 CARD and that he had been asked by the Wangs to apply for an adjournment of the
8 Plaintiff’s application for the Charging Order Nisi to be made absolute.

9 3. Mr. Wood explained that CARD had appeared for the Wangs from time to time in
10 these proceedings. However, in light of the Chief Justice’s Restraint Order dated
11 the 4th December 2009 in POCL 15 of 2009, CARD were of the view that, as the
12 funds under their control were frozen by the December 2009 Order, the Wangs, and
13 naturally, CARD as well, were hamstrung from that time until the Order had been
14 lifted on the 26th July 2013.

15 4. Mr. Wood explained further that US\$9 million had now been made available and
16 therefore the Wangs were only recently in a position to intervene in these
17 proceedings.

18 5. Mr. Wood explained further that, in relation to today’s proceedings, he had been
19 instructed to apply for an adjournment of the Plaintiff’s application for a Charging
20 Order Nisi to be made Absolute, which had been filed by the Plaintiff on the 20th
21 September 2011. Mr. Wood explained to the Court that CARD had actually drafted
22 the application for an adjournment.

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ADJOURNMENT SUBMISSIONS

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6. Addressing the application for adjournment Mr. Wood said that in light of the fact that the Wangs had been so hamstrung right up until July 2013, the Court has to balance as to where the prejudice lies and, in Mr. Wood's view, it falls in favour of the Court granting an adjournment so that the Wangs would not be prejudiced.
7. Mr. Flanagan on behalf of the Plaintiff/Judgment Creditor opposed the application. Mr. Flanagan submitted that many of the Court documents had been served on the Wangs on several occasions and this was a fact conceded by Mr. Wood on behalf of the Wangs. Mr. Flanagan also said that the Wangs had actually tried to return documents to Nelson & Company, but the documents were sent back to the Wangs.
8. Mr. Diamond on behalf of the Defendants also opposed the application for adjournment. Mr. Diamond submitted that it was open to the Wangs to either make an application to discharge or vary the Chief Justice's Order – which had been in place for almost four years. Mr. Diamond stated that CARD is a very reputable firm with leading counsel Graham Ritchie Q.C. and junior counsel Mrs. Rosie Whittaker-Myles and the Wangs had put forward no good reason why they had not intervened into these proceedings prior to this date.
9. Mr. Diamond stated that the Wangs were the subject of arrest warrants issued by the Taiwan-Taipei District Court on the 8th May 2011, and Mr. Diamond handed up to this Court a Judicial Notice from Chief Judge Wu Shu-Moo, dated the 21st September 2010 from the Taiwan-Taipei District Court, which confirmed that arrest warrants had been issued in respect of the Interested Parties.

1 10. Mr. Diamond submitted that the Wangs have produced no legitimate reason why
2 they had not appeared in these proceedings prior to today, nor any reason why they
3 had not challenged the Chief Justice's Order.



4 *CONCLUSION*

5 11. Having heard counsel on behalf of the interested parties and the Judgment Creditor
6 and the Judgment Debtor I have decided not to accede to the Wangs' application for
7 an adjournment of the Plaintiff's application for a Charging Order Absolute.

8 12. I am guided by the principles as set out by the learned editors of the Supreme Court
9 Practice pursuant to O.35 r.3 of the 1999 Rules.

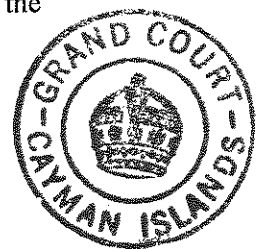
10 Clearly, the Court has to give careful scrutiny to such a very late application and its
11 effect on the Applicant, the interested parties, and also on the Plaintiff/Judgment
12 Creditor, and the Defendant/Judgment Debtor.

13 13. These proceedings have been ongoing for a very long time. The Plaintiff obtained a
14 judgment from the Singapore High Court on the 10th December 2009 in the sum of
15 SGD\$10,693.00 and US\$1,573,510.40 with interest and fixed costs. In this Court's
16 view, that judgment of the Singapore High Court was a final and conclusive
17 Judgment with an order for fixed costs.

18 14. The Judgment of the Singapore High Court was served on the Defendant on the 17th
19 June 2004. On the 16th December 2004 the Judgment in favour of the Plaintiff was
20 registered in the High Court of Justice of England and Wales.

21 15. On the 30th October 2008 this Court granted the Plaintiff an injunction in the sum of
22 US\$3,000,000.00.

- 1 16. On the 30th June 2009 Judgment was entered in the sum of US\$1,573,510.40 and
2 the sum of SGD\$10,693 plus interest in favour of the Plaintiff in this Court.
- 3 17. On the 2nd July 2009 the Judgment was served on the Defendant.
- 4 18. On the 20th September 2011 the Plaintiff filed its application for the Charging Order
5 Nisi to be made absolute.
- 6 19. The Plaintiff's application for the Charging Order Nisi to be made Absolute was set
7 down for hearing on the 17th April 2012. The application was adjourned to the 24th
8 April 2012, and then adjourned to the 4th May 2012, and then adjourned to the 6th
9 April 2013 and then adjourned to the 30th April 2013 and finally adjourned to
10 today's date – the 2nd August 2013.
- 11 20. These proceedings are clearly important to all the parties, but this Court finds that
12 the Wangs knew of the proceedings for a very long time. Their attorneys, CARD,
13 knew of the proceedings and had appeared on behalf of the Wangs from time to
14 time. Indeed, so abreast of the proceedings were the Wangs that CARD, (clearly on
15 the Wangs' instructions) had a Summons prepared to adjourn the Plaintiff's
16 application for a Charging Order Absolute.
- 17 21. The Interested Parties filed no application in this Court to be joined as a party. The
18 Interested Parties did not write any letters explaining their position or positions –
19 even after being the subject of arrest warrants issued by the Taiwan-Taipei District
20 Court on the 8th May 2011. In fact, the Interested Parties tried to return court
21 documents. I find that there is some force in Defence counsel's submission that the
22 Wangs treated this Court and these proceedings with contempt.

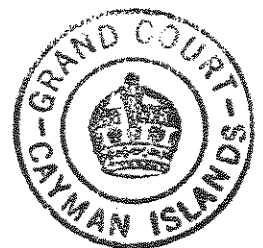


1 22. On the other hand, the Plaintiff has been severely prejudiced in incurring significant
2 costs and experiencing substantial delay, as the Plaintiff's application for the
3 Charging Order Nisi to be made absolute had to be adjourned on a number of
4 occasions. It is correct to state that on one occasion this Court could not
5 accommodate the hearing of the Plaintiff's application because there was no judge
6 available due to the Courts' large volume of work. We are at a very late stage in
7 these proceedings and the Plaintiff has already sustained significant prejudice in
8 delay and cost in this matter.

9 23. I find that if I were to grant the interested parties their application for an
10 adjournment it would cause significant prejudice and further delay to the Plaintiff. I
11 find that the Wangs have been largely responsible for the position in which they
12 have found themselves today and, there is no evidence that they have taken any
13 steps to intervene in these proceedings at any stage, until this morning.

14 24. In light of the overall justice of the case and the prejudice which would be suffered
15 by, primarily, the Plaintiff, but also by the Defendant, I reject the application by the
16 Interested Parties for an adjournment and I order that the Plaintiff's application for
17 a Charging Order Nisi to be made Absolute be continued and heard today.

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1 25. Having heard counsel on the costs of this application for an adjournment I order
2 that the Plaintiff's and the Defendant's costs for this morning's 2-hour hearing of
3 the application for an adjournment are to be borne by the Interested Parties and,
4 such are to be taxed on a standard basis if not agreed.

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7 **Dated this the 2nd day of August 2013**



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13 **Honourable Mr. Justice Charles Quin**
14 **Judge of the Grand Court**