

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

HIMEND LIMITED,

Plaintiff,

-against-

REED CONSTRUCTION LLC, BENDARY CAR
CORP., HAMMOUDY AUTO SALE, GS AUTO,
INC., AUGUSTA CONT PTE LTD, THANET
INTERNATIONAL LTD, MARINA CARS, INC.,
MTC MAZLOUM TRADING COMPANY,
CLASS AUTO TRADE, INC., TSUI PAI CHING,
GLOBAL CORPORATE ADVISORY PTE LTD,
AJ AUTO SALE, INC., SHAOXING COUNTY
K&O IMPORT, SALEH CHERAIF CAR
EXPORT, A&G CORPORATE SERVICES,
ROSTOV USED CARS, BACHOUR
ENTERPRISES LLC, TRIPS LOGISTICS CORP.,
ACACIA TRADING CORP., H&A AUTO, INC.,
RAK CERAMICS, OCTA MANAGEMENT SA,
MIA TRADING LLC, SBEITY SALES, INC.,
ZANTAT TRADING PTY LTD, WEST
YARMOUTH AUTO SERVICE, RELIABLE
AUTOMOTIVE, PAUL'S AUTO CARS, MY
STORE, INC., GLOBAL AUTO PARTES,
MALAY ASIA LIMITED, INTERACTIVE
GLOBAL LIMITED, INDUSTRIAL ALLIANCE
UNITED LIMITED, ROUSING CAPITAL, REVA
SARL, INC., JOHN DOES 1-50, and XYZ
COMPANIES 1-50

Defendants.

Index No. 653422/2011

SUMMONS

Date Index No. Purchased:

December 12, 2011

To the Above Named Defendants:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the
complaint in this action and to serve a copy of your answer, or, if the complaint is not served
with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days
after the service of this summons, exclusive of the day of service (or within 30 days after the

service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis for venue is the residence of Defendant Acacia Trading SA d/b/a Capricorn Trading Corp., which is located at 485 Seventh Avenue Suite 808, New York, New York 10018.

Dated: New York, New York
December 12, 2011

SHER TREMONTE LLP

By: /s/ Justin M. Sher
Justin M. Sher
41 Madison Avenue, 41st Floor
New York, New York 10010
Tel: 212.202.2600
E-mail: jsher@shertremonte.com

Attorneys for Plaintiff Himend Limited

To: Reed Construction LLC
360 Jersey Road
Delhi, New York 13753

Bendary Car Corp.
363 Hamilton Avenue
West Hempstead, New York 11552

Hammoudy Auto Sales d/b/a New York Limo Group
2526 50th Street
Woodside, New York 11377

GS Auto, Inc.
431 78th Street
Brooklyn, New York 11209

Augusta Cont Pte Ltd d/b/a Augusta Construction Inc.
8062 Trotting Course Lane
Glendale, New York 11385

Marina Cars, Inc.
380 East 18th Street Suite 5N
Brooklyn, New York 11226

Acacia Trading SA d/b/a Capricorn Trading Corp.
485 Seventh Avenue Suite 808
New York, New York 10018

Class Auto Trade, Inc.
330 East Commerce Road
Bridgeton, New Jersey 08302

Trips Logistics
6 Morgan Drive
Methuen, Massachusetts 01844

West Yarmouth Auto Services
601 Route 28
West Yarmouth, Massachusetts 02673

My Store, Inc.
1512 Marion Avenue
Mattoon, Illinois 61938

AJ Auto Sales, Inc.
22140 W Warren
Detroit, Michigan 48239

Bachour Enterprises LLC d/b/a Sunny's Café
6680 Orchard Lake Road
West Bloomfield, Michigan 48322

Sbeity Sales, Inc.
5826 Steadman Street
Dearborn, Michigan 48126

Reva Sarl, Inc.
25860 Warrington Street
Dearborn, Michigan 48127

MIA Trading LLC
20486 Brooklawn
Dearborn Hgt, Michigan 48127

Malay Asia Limited
506 5/F Gold and Silver Commercial Building
12-18 Mercer Street
Sheung Wan, Hong Kong

Shaoxing County K & O Import and Export
Industry Centralizing Area
Xihaoqiao Shaoxing Zhejiang
China

Zantat Trading Pty Ltd
Add RM Six Floor New Shanghai City Plaza No. 33 Henan Road
Shanghai, China

Interactive Global Ltd
Unit 706 7/F South Seas Centre Tower 2
72 Mody Road
Tsimshatsui, KLN

Industrial Alliance United Ltd.
33 UBI Avenue 308-61 Vertex Tower A
Singapore 408868

Global Corporate Advisory Pte Ltd
200 Jalan Sultan #08-02 Textile Centre
Singapore 199018

A & G Corporate Services d/b/a AG Corporate Pte Ltd.
105 Ceccil Street #15-02 The Octagon
Singapore 069534

Rak Ceramics
P.O. Box 4714
Ras Al Khaimah, United Arab Emirates

Thanet International Ltd.
Rosebarry House
211 Tankerton Road
Whitsable, Kent CT5 2AT

OCTA Management SA
Za Des Boutries 37 Rue Des Cayennes
Canflans-Sainte-Honorine 78700
France

Tsui Pai Ching
Taipei, China

H & A Auto Inc.

Rostov Used Cars

MTC Mazloun Trading Company

Global Auto Partes

Paul's Auto Cars

Reliable Automotive

Rousing Capital

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

HIMEND LIMITED,

Plaintiff,

-against-

REED CONSTRUCTION LLC, BENDARY CAR CORP., HAMMOUDY AUTO SALE, GS AUTO, INC., AUGUSTA CONT PTE LTD, THANET INTERNATIONAL LTD, MARINA CARS, INC., MTC MAZLOUM TRADING COMPANY, CLASS AUTO TRADE, INC., TSUI PAI CHING, GLOBAL CORPORATE ADVISORY PTE LTD, AJ AUTO SALE, INC., SHAOXING COUNTY K&O IMPORT, SALEH CHERAIF CAR EXPORT, A&G CORPORATE SERVICES, ROSTOV USED CARS, BACHOUR ENTERPRISES LLC, TRIPS LOGISTICS CORP., ACACIA TRADING CORP., H&A AUTO, INC., RAK CERMANICS, OCTA MANAGEMENT SA, MIA TRADING LLC, SBEITY SALES, INC., ZANTAT TRADING PTY LTD, WEST YARMOUTH AUTO SERVICE, RELIABLE AUTOMOTIVE, PAUL'S AUTO CARS, MY STORE, INC., GLOBAL AUTO PARTES, MALAY ASIA LIMITED, INTERACTIVE GLOBAL LIMITED, INDUSTRIAL ALLIANCE UNITED LIMITED, ROUSING CAPITAL, REVA SARL, INC., JOHN DOES 1-50, and XYZ COMPANIES 1-50,

Defendants.

Index No. 653422/2011

COMPLAINT

Plaintiff Himend Limited (“Himend” or “Plaintiff”) by its undersigned attorneys, for its Verified Complaint against Defendants Reed Construction LLC, Bendary Car Corp., Hammoudy Auto Sale, GS Auto, Inc., Augusta Cont Pte Ltd, Thanet International Ltd., Marina Cars, Inc., MTC Mazloun Trading Company, Class Auto Trade, Inc., Tsui Pai Ching, Global Corporate Advisory Pte Ltd., AJ Auto Sale, Inc., Shaoxing County K&O Import, Saleh Cheraif Car Export,

A&G Corporate Services, Rostov Used Cars, Bachour Enterprises LLC, Trips Logistics Corp., Acacia Trading Corp. a/k/a Acacia Trading SA a/k/a Capricorn Trading Corp., H&A Auto, Inc., Rak Ceramics, OCTA Management SA, MIA Trading LLC, Sbeity Sales, Inc., Zantat Trading Pty Ltd., West Yarmouth Auto Service, Reliable Automotive, Paul's Auto Cars, My Store, Inc., Global Auto Partes, Malay Asia Limited, Interactive Global Limited, Industrial Alliance United Limited, Rousing Capital, Reva Sarl, Inc., John Does 1-50 and XYZ Companies 1-50 (collectively the "Defendants"), alleges as follows:

NATURE OF ACTION

1. This action arises from a sophisticated fraudulent scheme perpetrated by the Defendants through the use of identity theft, computer hacking, counterfeit documents and a network of international bank accounts.
2. The Plaintiff is a trading company based in Dubai. Plaintiff purchases perishable commodities in bulk, such as butter, fish, poultry and palm oil, from various locations and sells these commodities in Asia and the Middle East.
3. From approximately May through October 2011, upon information and belief, Defendants hacked into Plaintiff's Yahoo! e-mail account, learned the identity of certain suppliers of Plaintiff, impersonated these suppliers, created counterfeit invoices and sent spoofed e-mails directing the Plaintiff to pay these invoices by wiring money to Defendants' bank accounts.
4. Upon information and belief, Defendants established these bank accounts using false identities based on personal information they stole from other victims.
5. In reliance on Defendants' fraudulent e-mails, Plaintiff transferred approximately \$1.2 million to the Defendants.

6. Defendants then transferred Plaintiffs' funds to multiple other bank accounts in other countries, including the United States, in an effort to hinder any attempt by Plaintiff to recover its funds.

7. In this action, Plaintiff seeks to recover the funds Defendants stole through their fraudulent scheme and related damages.

JURISDICTION AND VENUE

8. This Court has personal and subject matter jurisdiction pursuant to CPLR §§ 301 and 302.

9. Venue is proper in New York County pursuant to CPLR § 503 because, upon information and belief, Defendant Acacia Trading Corp. has a principal office located in New York County.

PARTIES

10. Plaintiff Himend Limited is a trading company, which maintains a principal place of business in Dubai, United Arab Emirates and is wholly owned by Zara International Inc., a holding company incorporated in New York State. Zara International, Inc. is wholly owned by Sayed Abdul Hamid Khwaja ("Khwaja"), who resides in Nassau County, New York.

11. Upon information and belief, Defendant Reed Construction LLC is a limited liability company registered in New York and located at 360 Jersey Road, Delhi, New York 13753. Upon information and belief, Reed Construction also maintains an office at 1235 Imperial Highway #125, Norwalk, California.

12. Upon information and belief, Defendant Bendary Car Corp. is incorporated in New York with its principal offices located at 363 Hamilton Avenue, West Hempstead, New York 11552.

13. Upon information and belief Defendant, Hammoudy Auto Sale a/k/a New York Limo Group is incorporated in New York with a principal place of business located at 2526 50th Street, Woodside, New York 11377.

14. Upon information and belief, Defendant GS Auto, Inc. is incorporated in New York with a registered address of 431 78th St., Brooklyn, New York 11209.

15. Upon information and belief, Defendant Augusta Cont Pte Ltd. d/b/a Augusta Construction, Inc., is incorporated in New York with a registered address at 8062 Trotting Course Lane, Glendale, New York 11385.

16. Upon information and belief, Defendant Thanet International Ltd. is a company located in Kent, England.

17. Upon information and belief, Defendant Marina Cars, Inc. is a company incorporated in New York with a registered address at 380 East 18th St., Suite 5N, Brooklyn, New York 11226.

18. Upon information and belief, Defendant MTC Mazloun Trading Company is a company based in Michigan.

19. Upon information and belief, Defendant Class Auto Trade, Inc. is a company with a principal place of business located at 330 East Commerce St., Bridgeton, New Jersey 08302.

20. Upon information and belief, Defendant Tsui Pai Ching is a company located in Taipei, China.

21. Upon information and belief, Defendant Global Corporate Advisory Pte Ltd is a company located in Singapore.

22. Upon information and belief, Defendant AJ Auto Sale, Inc. is a company incorporated in New York with a registered address at 77-28 170th St., Fresh Meadows, New York 11366.

23. Upon information and belief, Defendant Shaoxing County K&O Import is a company located in Ningpo, China.

24. Upon information and belief, Defendant Saleh Cheraif Car Export is a company that does business in New York and maintains a bank account at JPMorgan Chase.

25. Upon information and belief, Defendant A & G Corporate Services a/k/a AG Corporate Pte Ltd. is a company located in Singapore.

26. Upon information and belief, Defendant Rostov Used Cars is a company that maintains a bank account at Fifth Third Bank.

27. Upon information and belief, Defendant Bachour Enterprises LLC d/b/a Sunny's Café is a company with a principal place of business located at 6680 Orchard Lake Rd., West Bloomfield, Michigan 48322.

28. Upon information and belief, Defendant Trips Logistics Corp. is a company with its principal place of business located at 6 Morgan Dr., Methuen, Massachusetts 01844.

29. Upon information and belief, Defendant Acacia Trading Corp. a/k/a Acacia Trading Corp. SA a/k/a Capricorn Trading Corp. is a company incorporated in New York with a registered address at 485 Seventh Ave., Suite 808, New York, New York 10018.

30. Upon information and belief, Defendant H&A Auto, Inc. does business in New York and maintains a bank account at Bank of America.

31. Upon information and belief, Defendant Rak Ceramics is a company located in the United Arab Emirates.

32. Upon information and belief, Defendant OCTA Management SA is a company located in France.

33. Upon information and belief, Defendant MIA Trading LLC is a company located in London, England.

34. Upon information and belief, Defendant Sbeity Sales, Inc. is a company with a principal place of business located at 5826 Steadman St., Dearborn, Michigan 48126.

35. Upon information and belief, Defendant Zantat Trading Pty Ltd. is a company located in Shanghai, China.

36. Upon information and belief, Defendant West Yarmouth Auto Service is a company with its principal place of business located at 601 Route 28, West Yarmouth, Massachusetts 02673.

37. Upon information and belief, Defendant Reliable Automotive is a company that maintains a bank account at PNC Bank.

38. Upon information and belief, Defendant Paul's Auto Cars is a company doing business in New York that maintains a bank account at Bank of America.

39. Upon information and belief, Defendant My Store, Inc. is a company with a principal place of business located at 1512 Marion Avenue, Mattoon, Illinois 61938.

40. Upon information and belief Global Auto Partes is a company that maintains a bank account at Bank of America.

41. Upon information and belief, Malay Asia Limited is a company based in Hong Kong that does business in New York and maintains a bank account at HSBC.

42. Upon information and belief, Interactive Global Limited is a company based in China that does business in New York and maintains a bank account at HSBC.

43. Upon information and belief, Industrial Alliance United Limited is a company based in Singapore that maintains a bank account at HSBC.

44. Upon information and belief, Rousing Capital is a company based in Taiwan that maintains a bank account at Taishin International Bank.

45. Upon information and belief, Reva Sarl, Inc. is a company with a principal place of business in Dearborn, Michigan that does business in New York and maintains a bank account at Bank of America.

46. Upon information and belief, Defendants John Does 1-50 are the principals of the above-referenced companies who participated in the fraudulent scheme by setting up an international network of bank accounts, hacking into Plaintiff's e-mail account, creating counterfeit invoices, sending spoofed e-mails and deceiving Plaintiff into transferring over \$1.2 million to companies in their control.

47. Upon information and belief, XYZ Companies 1-50 are additional companies operated by John Does 1-50 that were used to set up bank accounts and carry out the fraudulent scheme.

FACTS COMMON TO ALL CLAIMS

I. Plaintiff's Business

48. Plaintiff is a trading company based in the Jebel Ali Free Zone in Dubai, United Arab Emirates.

49. Plaintiff is in the business of purchasing perishable commodities in bulk, including butter, fish, poultry and palm oil, from around the world and selling these commodities to markets in Asia and the Middle East.

50. Plaintiff is wholly owned by Zara International Inc., a holding company incorporated in New York State. Zara International, Inc. is wholly owned by Sayed Abdul Hamid Khwaja, who resides in Nassau County, New York.

II. The Yahoo Account

51. Khwaja uses his Yahoo e-mail account, hamid1khwaja@yahoo.com (the “Yahoo Account”), to communicate with Plaintiff’s suppliers.

52. In or about May 2011, Khwaja experienced problems sending e-mails from the Yahoo Account.

53. Khwaja contacted Yahoo technical support to obtain assistance. At the technician’s request, Khwaja provided his password to allow the technician to access his e-mail account.

54. Upon information and belief, the technician passed Khwaja’s user name and password along to one or more of the Defendants, who used this information to hack into the Yahoo Account.

III. Hong Kong Transfers

55. Norway Pelagic supplies Plaintiff with fish.

56. Plaintiff typically communicates with Norway Pelagic through his Yahoo Account.

57. In September 2011, Khwaja received an e-mail, which he believed to be from an agent of Norway Pelagic.

58. The e-mail attached an invoice and directed Khwaja to make payments to a bank account at HSBC in Hong Kong in the name of Malay Asia Limited (“MAL”).

59. Upon information and belief, the invoice was, in fact, a fraudulent document that replicated an actual Norway Pelagic invoice and incorporated the bank details of MAL.

60. Upon information and belief, the Defendants created this false invoice by accessing the Yahoo Account, reviewing Khwaja's prior communications with Norway Pelagic, and tracking Plaintiff's prior transactions.

61. In response to the e-mail and invoice, Khwaja made arrangements with Plaintiff's bank, Emirates Bank International, to transfer the sum of \$200,000 to the bank account of MAL at HSBC in Hong Kong.

62. Shortly after making the transfer, Khwaja received another e-mail, ostensibly from Norway Pelagic, directing him to send the monies instead to another account at HSBC Hong Kong in the name of Interactive Global Limited ("IGL").

63. Khwaja contacted Emirates Bank and redirected the first payment to the IGL bank account.

64. At the direction of the person purporting to be from Norway Pelagic, Khwaja sent a second payment of \$165,000 to the IGL bank account on October 4, 2011.

65. Following these payments, Khwaja expected to receive from Norway Pelagic shipping documents to allow him to claim the fish he had purchased.

66. When Khwaja did not receive these documents by October 6, 2011, he contacted Norway Pelagic and was advised by their representative, Sissel Humlen, that Norway Pelagic had neither requested nor received any payments from Plaintiff.

67. Norway Pelagic confirmed that the invoice Plaintiff received by e-mail was fake and that neither MAL nor IGL was authorized to receive payments on behalf of Norway Pelagic.

68. In total, Plaintiff transferred approximately \$365,000 to IGL.

69. Upon information and belief, the Defendants transferred these funds to one or more bank accounts in their control at various banks, including Bank of America, JPMorgan Chase, Comerica and First Citizens Bank and Trust.

IV. The Singapore Transfers

70. Ngo Chew Hong Edible Oil Pte Ltd. (“NGO”) is a company based in Singapore that sells palm oil.

71. Khwaja typically places Plaintiff’s order for palm oil by sending an e-mail from the Yahoo Account to Vincent Heng, a senior manager at NGO.

72. In or about June 2011, Plaintiff placed orders for palm oil with NGO.

73. Plaintiff received from NGO the following invoices:

- a. Invoice No. 5100001521 dated June 28, 2011 for 206 m/tons of RBD palm oil (at \$1,500.00 per m/tons) at the price of \$309,000.00;
- b. Invoice No. 5100001523 dated July 8, 2011 for 82.4 m/tons of RBD palm oil (at \$1,500.00 per m/tons) at the price of \$123,600.00; and
- c. Invoice No. 5100002800 dated July 21, 2011 for 82.4 m/tons of palm kernel oil (at \$2,360.00 per m/tons) at the price of \$194,464.00;

74. On September 10, 2011, Plaintiff made partial payment of \$200,000.00 toward Invoice No. 5100001521.

75. On September 27, 2011, Khwaja received an e-mail, which he understood to be from Vincent Heng of NGO. The e-mail directed Plaintiff to pay the outstanding balance of \$427,064 to an “updated” account in the name of Industrial Alliance United Ltd. (“IAU”) at a Singapore branch of HSBC.

76. In accordance with the above instruction, the Plaintiff transferred \$232,600 on September 29, 2011 to IAU's account.

77. On October 1, 2011, Plaintiff transferred a second payment of \$194,464 to IAU's account.

78. Subsequently, Khwaja expected to receive shipping documentation from NGO.

79. On or about October 4, 2011, Khwaja contacted Vincent Heng of NGO to inquire about the shipment.

80. Vincent Heng informed Khwaja that NGO had not received Plaintiff's payments, had not sent the e-mails directing Plaintiff to pay the invoices to accounts in the name of IAU, and that IAU was not authorized to receive funds for the benefit of NGO.

81. In total, Plaintiff transferred \$427,064 to IAU's account at HSBC in Singapore.

82. Upon information and belief, the Defendants then transferred these funds to one or more bank accounts in their control at various banks, including Bank of America, Comerica, TD Bank and PNC Bank.

V. The American Transfer

83. Fonterra is a dairy supplier based in New Zealand. Fonterra supplies butter to Plaintiff.

84. On or about September 20, 2011, Plaintiff received an e-mail from someone purporting to be Marie Renoir of Fonterra.

85. The e-mail directed Plaintiff to pay Fonterra by transferring funds to a bank account in the name of Reed Construction at Bank of America in Los Angeles, California.

86. In reliance on this e-mail, Plaintiff transferred \$259,957 to this account.

87. Fonterra has since confirmed that the e-mail directing Plaintiff to make payments to Reed Construction did not come from Fonterra and that Reed Construction was not authorized to receive payments for the benefit of Fonterra.

88. Khwaja contacted the Los Angeles police department on November 3, 2011 and made a complaint with Detective Aaron King.

89. Detective King's investigation revealed the following information:

- a. the Bank of America account was opened by John Doe No. 1, who claimed to be "Barry G. Reed, Jr." from Arizona;
- b. Bank of America had in its possession a photo of John Doe No. 1 from the day he opened the account;
- c. the address for Reed Construction, 1235 Imperial Highway #125 in Norwalk, California, was a private mail box rented by John Doe No. 1 under the alias of "Barry G. Reed, Jr.";
- d. John Doe No. 1 provided the private mail box company with an address of 540 Knobhill Drive, Lake Havasu, Arizona;
- e. 540 Knobhill Drive in Lake Havasu, Arizona has been the home of an elderly couple for the past 12 years;
- f. when shown a picture of John Doe No. 1, the elderly couple did not know his name but recognized him from a local bar; and
- g. a person of the name of Barry Gene Reed, Jr., who does not match the picture of John Doe No. 1, lives in California and confirmed that he did not open the Reed Construction account;

- h. the private mail box rented by John Doe No. 1 contained various pieces of mail from Bank of America, U.S. Bank and JPMorgan Chase relating to bank accounts in the name of Barry Gene Reed, Jr.

VI. The Taiwan Transfer

90. Plaintiff also did business with a shipping company called Maxx Intermodal Systems NV.

91. In or about September 2011, Khwaja received an e-mail from someone claiming to be Abror Ikramov of Maxx Intermodal Systems.

92. The e-mail directed Plaintiff to pay invoices from Maxx Intermodal Systems to an account in the name of Rousing Capital at Taishin International Bank in Taichung, Taiwan.

93. On or about September 17, 2011, Plaintiff transferred \$50,000 to the Rousing Capital account.

94. On or about September 24, 2011, Plaintiff transferred \$51,000 to the Rousing Capital account.

95. On or about October 1, 2011, Plaintiff transferred \$49,000 to the Rousing Capital account.

96. In total, Plaintiff transferred \$150,000 to the Rousing Capital account in Taiwan.

97. Maxx Intermodal Systems has since confirmed that it did not send the e-mails, did not receive the \$150,000 in payments from Plaintiff and that Rousing Capital was not authorized to receive payments intended for Maxx Intermodal Systems.

FIRST CLAIM FOR RELIEF
FRAUD

98. Plaintiff repeats and re-alleges each of the foregoing allegations as if fully set forth herein.

99. From September through October 2011, the Defendants falsely represented that they were agents of Plaintiff's suppliers.

100. Defendants sent counterfeit invoices from spoofed e-mail addresses that were made to appear to be from Plaintiff's suppliers.

101. Defendants falsely represented that Plaintiff could pay its suppliers' invoices by transferring funds to certain bank accounts in Defendants' control.

102. Defendants knew their representations were false when they made them.

103. Defendants made these representations intentionally in order to induce Plaintiff to transfer monies to accounts in Defendants' control.

104. Plaintiff justifiably and reasonably relied on the Defendants' false representations.

105. In reliance on Defendants' false representations, Plaintiff transferred approximately \$1.2 million into Defendants' bank accounts.

106. As a direct and proximate result of the Defendants fraud, Plaintiff has suffered damages no less than \$1.2 million.

SECOND CLAIM FOR RELIEF
AIDING AND ABETTING FRAUD

107. Plaintiff repeats and re-alleges each of the foregoing allegations as if fully set forth herein.

108. Upon information and belief, the Defendants were aware of the fraudulent acts of John Does 1-50, MAL, IAU, Reed Construction and Rousing Capital.

109. Upon information and belief, the Defendants, acting in concert with John Does 1-50, MAL, IAU, Reed Construction and Rousing Capital, set up various bank accounts to receive proceeds from the fraudulent scheme.

110. Upon information and belief, the Defendants' actions were done purposefully with the intent to aid and abet John Does 1-50, MAL, IAU, Reed Construction and Rousing Capital in defrauding Plaintiff.

111. As a direct and proximate result of the Defendants conduct, Plaintiff has suffered damages of no less than \$1.2 million.

THIRD CLAIM FOR RELIEF
CONVERSION

112. Plaintiff repeats and re-alleges each of the foregoing allegations as if fully set forth herein.

113. In September 2011 and October 2011, Plaintiff made transfers totaling approximately \$1.2 million to bank accounts in Defendants' control.

114. Defendants did not have authority to exercise control of Plaintiff's funds.

115. Defendants are intentionally exercising control over the funds, which is the rightful property of Plaintiff.

116. Defendants' unauthorized possession and control of Plaintiff's funds interferes with Plaintiff's right of possession.

117. As a direct and proximate result of the Defendants' conversion of Plaintiff's funds, Plaintiff has suffered damages of no less than \$1.2 million.

118. Defendants conversion' of the Plaintiff's funds was done with a malicious intent to defraud Plaintiff.

119. Defendants therefore are also liable to Plaintiff for punitive damages.

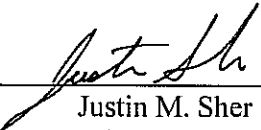
DEMAND FOR RELIEF

WHEREFORE, Plaintiff Himend Limited prays for judgment against Defendants as follows:

1. Granting Plaintiff damages in the amount of \$1.2 million, together with appropriate interest thereon;
2. Granting Plaintiff punitive damages against Defendants;
3. Granting Plaintiff their full costs, including, as part of such costs, reasonable attorneys' fees;
4. Granting Plaintiff such other and further relief as the Court may consider equitable, just and proper.

Dated: New York, New York
December 12, 2011

SHER TREMONTE LLP

By:  _____

Justin M. Sher
Michael Tremonte
Valerie A. Gotlib

41 Madison Avenue, 41st Floor
New York, New York 10010
Tel: 212.202.2600
E-mail: jsher@shertremonte.com

Attorneys for Plaintiff Himend Limited

REQUEST FOR JUDICIAL INTERVENTION

UCS-840 (3/2011)

Supreme COURT, COUNTY OF New York

Index No: 653422/2011 Date Index Issued: 12/12/2011

For Court Clerk Use Only:	
	IAS Entry Date
Judge Assigned	
RJI Date	

CAPTION: Enter the complete case caption. Do not use et al or etiano. If more space is required, attach a caption rider sheet.

HIMEND LIMITED,

Plaintiff(s)/Petitioner(s)

-against-
 REED CONSTRUCTION LLC, BENDARY CAR CORP., HAMMOUDY AUTO SALE, GS AUTO, INC., AUGUSTA CONT PTE LTD, THANET INTERNATIONAL LTD, MARINA CARS, INC., MTC MAZLOUM TRADING COMPANY, CLASS AUTO TRADE, INC., TSUI PAI CHING, GLOBAL CORPORATE ADVISORY PTE LTD, AJ AUTO SALE, INC., SHAOXING COUNTY K&O IMPORT, SALEH CHERAIF CAR EXPORT, A&G CORPORATE SERVICES, ROSTOV USED CARS, BACHOUR ENTERPRISES LLC, TRIPS LOGISTICS CORP., ACACIA TRADING CORP., H&A AUTO, INC., RAK CERMANICS, OCTA MANAGEMENT SA, MIA TRADING LLC, SBEITY SALES, INC., ZANTAT TRADING PTY LTD, WEST YARMOUTH AUTO SERVICE, RELIABLE AUTOMOTIVE, PAUL'S AUTO CARS, MY STORE, INC., GLOBAL AUTO PARTES, MALAY ASIA LIMITED, INTERACTIVE GLOBAL LIMITED, INDUSTRIAL ALLIANCE UNITED LIMITED, ROUSING CAPITAL, REVA SARL, INC., JOHN DOES 1-50, and XYZ COMPANIES 1-50

Defendant(s)/Respondent(s)

NATURE OF ACTION OR PROCEEDING: Check ONE box only and specify where indicated.

MATRIMONIAL

Contested
 Uncontested

NOTE: For all Matrimonial actions where the parties have children under the age of 18, complete and attach the **MATRIMONIAL RJI Addendum**.

TORTS

Asbestos
 Breast Implant
 Environmental: _____ (specify)

Medical, Dental, or Podiatric Malpractice
 Motor Vehicle
 Products Liability: _____ (specify)

Other Negligence: _____ (specify)

Other Professional Malpractice: _____ (specify)

Other Tort: _____ (specify)

OTHER MATTERS

Certificate of Incorporation/Dissolution [see NOTE under Commercial]
 Emergency Medical Treatment
 Habeas Corpus
 Local Court Appeal
 Mechanic's Lien
 Name Change
 Pistol Permit Revocation Hearing
 Sale or Finance of Religious/Not-for-Profit Property
 Other: _____ (specify)

COMMERCIAL

Business Entity (including corporations, partnerships, LLCs, etc.)
 Contract
 Insurance (where insurer is a party, except arbitration)
 UCC (including sales, negotiable instruments)
 Other Commercial: Fraud (specify)

NOTE: For Commercial Division assignment requests [22 NYCRR § 202.70(d)], complete and attach the **COMMERCIAL DIV RJI Addendum**.

REAL PROPERTY: How many properties does the application include? _____

Condemnation
 Foreclosure

Property Address: _____
Street Address City State Zip

NOTE: For Foreclosure actions involving a one- to four-family, owner-occupied, residential property, or an owner-occupied condominium, complete and attach the **FORECLOSURE RJI Addendum**.

Tax Certiorari - Section: _____ Block: _____ Lot: _____
 Other Real Property: _____ (specify)

SPECIAL PROCEEDINGS

CPLR Article 75 (Arbitration) [see NOTE under Commercial]
 CPLR Article 78 (Body or Officer)
 Election Law
 MHL Article 9.60 (Kendra's Law)
 MHL Article 10 (Sex Offender Confinement-Initial)
 MHL Article 10 (Sex Offender Confinement-Review)
 MHL Article 81 (Guardianship)
 Other Mental Hygiene: _____ (specify)

Other Special Proceeding: _____ (specify)

STATUS OF ACTION OR PROCEEDING: Answer YES or NO for EVERY question AND enter additional information where indicated.

Has a summons and complaint or summons w/notice been filed?	<input checked="" type="radio"/> YES	<input type="radio"/> NO	If yes, date filed: <u>12/12/2011</u>
Is this action/proceeding being filed post-judgment?	<input type="radio"/> YES	<input checked="" type="radio"/> NO	If yes, judgment date: _____

NATURE OF JUDICIAL INTERVENTION: Check ONE box only AND enter additional information where indicated.

- Infant's Compromise
- Note of Issue and/or Certificate of Readiness
- Notice of Medical, Dental, or Podiatric Malpractice Date Issue Joined: _____
- Notice of Motion Relief Sought: _____ Return Date: _____
- Notice of Petition Relief Sought: _____ Return Date: _____
- Order to Show Cause Relief Sought: Injunction/Restraining Order Return Date: _____
- Other Ex Parte Application Relief Sought: _____
- Poor Person Application
- Request for Preliminary Conference
- Residential Mortgage Foreclosure Settlement Conference
- Writ of Habeas Corpus
- Other (specify): _____

RELATED CASES List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases. If additional space is required, complete and attach the RJJ Addendum. If none, leave blank.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

PARTIES: If additional space is required, complete and attach the RJJ Addendum. For parties without an attorney, check "Un-Rep" box AND enter party address, phone number, and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
	List parties in caption order and indicate party role(s) (e.g. defendant; 3rd-party plaintiff).	Provide name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case.		
<input type="checkbox"/>	HIMEND LIMITED Last Name First Name Primary Role: Secondary Role (if any):	SHER JUSTIN Last Name First Name SHER TREMONTE LLP Firm Name 41 Madison Avenue, 41st Floor New York New York 10010 Street Address City State Zip +1 (212) 202-2600 +1 (212) 202-4156 jsher@shertremonte.com Phone Fax e-mail	<input checked="" type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	
<input type="checkbox"/>	Last Name First Name Primary Role: Secondary Role (if any):	Last Name First Name Firm Name Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input type="radio"/> NO	

I AFFIRM UNDER THE PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 12/12/2011 _____

Justin M. Sher

SIGNATURE

3973484

ATTORNEY REGISTRATION NUMBER

Justin M. Sher

PRINT OR TYPE NAME



Request for Judicial Intervention Addendum

Supreme

COURT, COUNTY OF New York

Index No: _____

For use when additional space is needed to provide party or related case information.

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	REED CONSTRUCTION LLC Last Name First Name Primary Role: Defendant Secondary Role (if any): Defendant	Last Name First Name Firm Name 360 JERSEY ROAD DELHI New York 137573 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	BENDARY CAR CORP. Last Name First Name Primary Role: Defendant Secondary Role (if any): Defendant	Last Name First Name Firm Name 363 HAMILTON AVENUE WEST HEMPSTEAD New York 11552 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	HAMMOUDY AUTO SALES Last Name First Name Primary Role: Defendant Secondary Role (if any): Defendant	Last Name First Name Firm Name 2526 50TH STREET WOODSIDE New York 11377 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	GS AUTO INC. Last Name First Name Primary Role: Defendant Secondary Role (if any): Defendant	Last Name First Name Firm Name 431 78TH STREET BROOKLYN New York 11209 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	AUGUSTA CONT PTE LTD Last Name First Name Primary Role: Defendant Secondary Role (if any): Defendant	Last Name First Name Firm Name 8062 TROTting COURSE LANE GLENDALE New York 11385 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	MARINA CARS INC. Last Name First Name Primary Role: Defendant Secondary Role (if any): Defendant	Last Name First Name Firm Name 380 EAST 18TH STREET SUITE 5N BROOKLYN New York Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

Request for Judicial Intervention Addendum

Supreme

COURT, COUNTY OF New York

Index No: _____

For use when additional space is needed to provide party or related case information.

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	ACACIA TRADING SA Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name: ACACIA TRADING SA d/b/a CAPRICORN TRADING CORP Street Address: 485 SEVENTH AVENUE SUITE 808 City: NEW YORK State: New York <input type="text"/> Zip: 10018 Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	CLASS AUTO TRADE INC. Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name: CLASS AUTO TRADE INC. Street Address: 330 EAST COMMERCE ROAD City: BRIDGETON State: New Jersey <input type="text"/> Zip: 08302 Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	TRIPS LOGISTICS Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name: HAMMOUDY AUTO SALES d/b/a NEW YORK LIMO GROUP Street Address: 6 MORGAN DRIVE City: METHUEN State: Massachus <input type="text"/> Zip: 01844 Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	WEST YARMOUTH AUTO SERVICES Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name: WEST YARMOUTH AUTO SERVICES Street Address: 601 ROUTE 28 City: WEST YARMOUTH State: Massachus <input type="text"/> Zip: 02673 Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	MY STORE INC. Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name: MY STORE INC. Street Address: 1512 MARION AVENUE City: MATTOON State: Illinois <input type="text"/> Zip: 61938 Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	AJ AUTO SALES INC. Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name: AJ AUTO SALES INC. Street Address: 380 EAST 18TH STREET SUITE 5N City: DETROIT State: Michigan <input type="text"/> Zip: 48239 Phone: _____ Fax: _____ e-mail: _____	<input type="radio"/> YES <input checked="" type="radio"/> NO	

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

Request for Judicial Intervention Addendum

Supreme

COURT, COUNTY OF New York

Index No: _____

For use when additional space is needed to provide party or related case information.

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	BACHOUR ENTERPRISES LLC Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Provide name, firm name, business address, phone number and e-mail address of all attorneys that have appeared in the case. BACHOUR ENTERPRISES LLC d/b/a SUNNY'S CAFE Firm Name 6680 ORCHARD LAKE ROAD WEST BLOOMFIELD Michigan <input type="text"/> 48322 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	SBEITY SALES INC. Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	SBEITY SALES INC. Firm Name 5826 STEADMAN STREET DEARBORN Michigan <input type="text"/> 48126 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	REVA SARL INC. Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	REVA SARL INC. Firm Name 25860 WARRINGTON STREET DEARBORN Michigan <input type="text"/> 48127 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	MIA TRADING LLC Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	MIA TRADING LLC Firm Name 20486 BROOKLAWN DEARBORN HGT Michigan <input type="text"/> 48127 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	MALAY ASIA LIMITED Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USA MALAY ASIA LIMITED Firm Name 506 5/F GOLD AND SILVER COMMERCIAL BUILDING, 12-18 MERCER STREET SHEUNG WAN, HONG KONG New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	SHAOXING K&O IMPORT AND EXPORT Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USA SHAOXING K&O IMPORT AND EXPORT Firm Name INDUSTRY CENTRALIZIG AREA, XIHAQIAO SHAOXING ZHEJANG CHINA New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

Request for Judicial Intervention Addendum

Supreme

COURT, COUNTY OF **New York**

Index No: _____

For use when additional space is needed to provide party or related case information.

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	ZANTAT TRADING PTY LTD Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USE ZANTAT TRADING PTY LTD Last Name First Name ADD RM SIX FLOOR NEW SHANGHAI CITY PLAZA NO 33 HENAN ROAD Firm Name SHANGHAI, CHINA New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	SBEITY SALES INC. Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USA SBEITY SALES INC. Last Name First Name 5826 STEADMAN STREET DEARBORN Michigan <input type="text"/> 48126 Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	INTERACTIVE GLOBAL LTD Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USA INTERACTIVE GLOBAL LTD Last Name First Name UNIT 706 7/F SOUTH SEAS CENTRE TOWER 2, 72 MODY ROAD Firm Name TSIMSHATSUI KLN New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	INDUSTRIAL ALLIANCE UNITED LTD Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USA INDUSTRIAL ALLIANCE UNITED LTD Last Name First Name 33 UBI AVENUE 308-61 VERTEXT TOWER A Firm Name SINGAPORE 408868 New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	GLOBAL ADVISORY PTE LTD Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USA MALAY ASIA LIMITED Last Name First Name 200 JALAN SULTAN #08-02 TEXTILE CENTRE Firm Name SINGAPORE 199018 New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	A&G CORPORATE SERVICES Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USA d/b/a AG CORPORATE PTE LTD Last Name First Name INDUSTRY CENTRALIZIG AREA, XIHAQIAO SHAOXING ZHEJANG CHINA Firm Name SINGAPORE 069534 New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

Request for Judicial Intervention Addendum

Supreme

COURT, COUNTY OF New York

Index No: _____

For use when additional space is needed to provide party or related case information.

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	RAK CERAMICS Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USA RAK CERAMICS Last Name First Name P.O. BOX 4714 RAS AL KHAIMAH Firm Name UNITED ARAB EMIRATES New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	THANET INTERNATIONAL LTD Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USA THANNET INTERNATIONAL LTD Last Name First Name ROSEBARRY HOUSE 211 TANKERTON ROAD Firm Name WHITSABLE, KENT CT52AT New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	OCTA MANAGMENT SA Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USA OCTA MANAGEMENT SA Last Name First Name ZA DES BOUTRIES 37 RUE DES CAYENNES CANFLANS-SAINTE-HONORINE 78700 Firm Name FRANCE New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	TSUI PAI CHING Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	FOREIGN COMPANY LOCATED OUTSIDE USA IN TAIPEI CHINA Last Name First Name Firm Name New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	H & A AUTO INC. Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	ROSTOV USED CARS Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

Request for Judicial Intervention Addendum

Supreme

COURT, COUNTY OF New York

Index No: _____

For use when additional space is needed to provide party or related case information.

PARTIES: For parties without an attorney, check "Un-Rep" box AND enter party address, phone number and e-mail address in "Attorneys" space.

Un-Rep	Parties:	Attorneys:	Issue Joined (Y/N):	Insurance Carrier(s):
<input checked="" type="checkbox"/>	MTC MAZLOUM TRADING COMPANY Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	RAK CERAMICS Last Name First Name Firm Name New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	GLOBAL AUTO PARTES Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	PAUL'S AUTO CARS Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	RELIABLE AUTOMOTIVE Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	
<input checked="" type="checkbox"/>	Last Name First Name Primary Role: Defendant <input type="text"/> Secondary Role (if any): Defendant <input type="text"/>	Last Name First Name Firm Name New York <input type="text"/> Street Address City State Zip Phone Fax e-mail	<input type="radio"/> YES <input checked="" type="radio"/> NO	

RELATED CASES: List any related actions. For Matrimonial actions, include any related criminal and/or Family Court cases.

Case Title	Index/Case No.	Court	Judge (if assigned)	Relationship to Instant Case

SUPREME COURT OF THE STATE OF NEW YORK

UCS-840C
3/2011

COUNTY OF New York x

Index No. 653422/2011

HIMEND LIMITED

RJI No. (if any) _____

-against-

Plaintiff(s)/Petitioner(s)

REED CONSTRUCTION LLC, ET AL.

Defendant(s)/Respondent(s) x

COMMERCIAL DIVISION
Request for Judicial Intervention Addendum

COMPLETE WHERE APPLICABLE [add additional pages if needed]:

Plaintiff/Petitioner's cause(s) of action [check all that apply]:

- Breach of contract or fiduciary duty, fraud, misrepresentation, business tort (e.g. unfair competition), or statutory and/or common law violation where the breach or violation is alleged to arise out of business dealings (e.g. sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, and other business agreements; trade secrets; restrictive covenants; and employment agreements not including claims that principally involve alleged discriminatory practices)
- Transactions governed by the Uniform Commercial Code (exclusive of those concerning individual cooperative or condominium units)
- Transactions involving commercial real property, including Yellowstone Injunctions and excluding actions for the payment of rent only
- Shareholder derivative actions — without consideration of the monetary threshold
- Commercial class actions — without consideration of the monetary threshold
- Business transactions involving or arising out of dealings with commercial banks and other financial institutions
- Internal affairs of business organizations
- Malpractice by accountants or actuaries, and legal malpractice arising out of representation in commercial matters
- Environmental insurance coverage
- Commercial insurance coverage (e.g. directors and officers, errors and omissions, and business interruption coverage)
- Dissolution of corporations, partnerships, limited liability companies, limited liability partnerships and joint ventures — without consideration of the monetary threshold
- Applications to stay or compel arbitration and affirm or disaffirm arbitration awards and related injunctive relief pursuant to CPLR Article 75 involving any of the foregoing enumerated commercial issues — without consideration of the monetary threshold

Plaintiff/Petitioner's claim for compensatory damages [exclusive of punitive damages, interest, costs and counsel fees claimed]:

\$ 1.2 million

Plaintiff/Petitioner's claim for equitable or declaratory relief [brief description]:

[Empty box for Plaintiff/Petitioner's claim for equitable or declaratory relief]

Defendant/Respondent's counterclaim(s) [brief description, including claim for monetary relief]:

[Empty box for Defendant/Respondent's counterclaim(s)]

I REQUEST THAT THIS CASE BE ASSIGNED TO THE COMMERCIAL DIVISION. I CERTIFY THAT THE CASE MEETS THE JURISDICTIONAL REQUIREMENTS OF THE COMMERCIAL DIVISION SET FORTH IN 22 NYCRR § 202.70(a), (b) AND (c).

Dated: 12/12/2011


SIGNATURE

Justin M. Sher
PRINT OR TYPE NAME

SHERLLP
ATTORNEYS & COUNSELORS AT LAW

December 13, 2011

[TO: BANKS LISTED ON PAGE THREE OF THE ATTACHED ORDER]

Re: Himend Limited v. Reed Construction LLC, et al.
(Index No. 653422/2011)

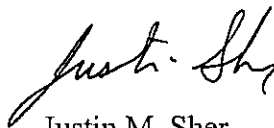
Dear Sir/Madam:

We represent the plaintiff, Himend Limited, in the above-referenced action pending in New York County Supreme Court. Enclosed please find a December 12, 2011 Order to Show Cause with Temporary Restraining Order (the "Order") and materials filed by the plaintiff in connection with the Order.

You are receiving these materials because there is evidence that the defendants in this case have deposited proceeds of a fraudulent scheme into one or more accounts at your bank. The enclosed Order restrains your bank and the defendants "from transferring, assigning, pledging, paying any check drawn upon or otherwise removing assets from the bank accounts owned or operated by the Defendants," including without limitation the accounts listed on pages three and four of the Order. Please consult this list and ensure that your bank complies with the Order immediately.

Please contact me if you have any questions concerning the Order.

Sincerely,



Justin M. Sher

At IAS Part 60 of the Supreme
Court of the State of New York,
County of New York at 60 Centre
Street, New York, New York on the
12 day of Dec., 2011.

PRESENT: HON. R. FRIED, J.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

HIMEND LIMITED,

Plaintiff,

-against-

REED CONSTRUCTION LLC, BENDARY CAR
CORP., HAMMOUDY AUTO SALE, GS AUTO,
INC., AUGUSTA CONT PTE LTD, THANET
INTERNATIONAL LTD, MARINA CARS, INC.,
MTC MAZLOUM TRADING COMPANY,
CLASS AUTO TRADE, INC., TSUI PAI CHING,
GLOBAL CORPORATE ADVISORY PTE LTD,
AJ AUTO SALE, INC., SHAOXING COUNTY
K&O IMPORT, SALEH CHERAIF CAR
EXPORT, A&G CORPORATE SERVICES,
ROSTOV USED CARS, BACHOUR
ENTERPRISES LLC, TRIPS LOGISTICS CORP.,
ACACIA TRADING CORP., H&A AUTO, INC.,
RAK CERAMICS, OCTA MANAGEMENT SA,
MIA TRADING LLC, SBEITY SALES, INC.,
ZANTAT TRADING PTY LTD, WEST
YARMOUTH AUTO SERVICE, RELIABLE
AUTOMOTIVE, PAUL'S AUTO CARS, MY
STORE, INC., GLOBAL AUTO PARTES,
MALAY ASIA LIMITED, INTERACTIVE
GLOBAL LIMITED, INDUSTRIAL ALLIANCE
UNITED LIMITED, ROUSING CAPITAL, REVA
SARL, INC., JOHN DOES 1-50, and XYZ
COMPANIES 1-50,

Defendants.

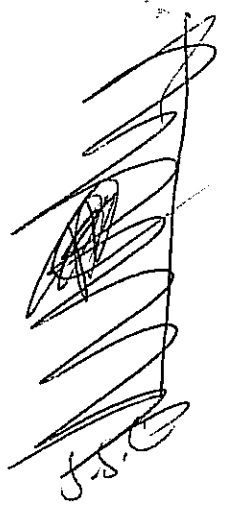
MOTION SEQUENCE NO. 001
Index No. 653 422/2011

Date Purchased: December 12, 2011

**ORDER TO SHOW CAUSE
WITH TEMPORARY
RESTRAINING ORDER**

Upon the Affidavit of Sayed Hamid Khwaja dated December 7, 2011 and the exhibits annexed thereto, the Affirmation of Justin M. Sher dated December 12, 2011 pursuant to 22 NYCRR 202.7(f), the accompanying Memorandum of Law, and upon all papers and proceedings herein, let the Defendants Reed Construction LLC, Bendary Car Corp., Hammoudy Auto Sale, GS Auto, Inc., Augusta Cont Pte Ltd, Thanet International Ltd., Marina Cars, Inc., MTC Mazloun Trading Company, Class Auto Trade, Inc., Tsui Pai Ching, Global Corporate Advisory Pte Ltd., AJ Auto Sale, Inc., Shaoxing County K&O Import, Saleh Cheraif Car Export, A&G Corporate Services, Rostov Used Cars, Bachour Enterprises LLC, Trips Logistics Corp., Acacia Trading Corp. a/k/a Acacia Trading SA a/k/a Capricorn Trading Corp., H&A Auto, Inc., Rak Ceramics, OCTA Management SA, MIA Trading LLC, Sbeity Sales, Inc., Zantat Trading Pty Ltd., West Yarmouth Auto Service, Reliable Automotive, Paul's Auto Cars, My Store, Inc., Global Auto Partes, Malay Asia Limited, Interactive Global Limited, Industrial Alliance United Limited, Rousing Capital, Reva Sarl, Inc., John Does 1-50 and XYZ Companies 1-50 (collectively the "Defendants"), or their attorneys, show cause at Individual Assignment Part 60 to be held at the courthouse, 60 Centre Street, New York, New York on the 5 day of JAN, 2012, why an order should not be entered:

1. Granting an order of attachment pursuant to CPLR 6201(3) and 6210 against the Defendants in the amount of \$1,202,021.00 plus interest and costs and directing the sheriff of any county or of the city of New York where any property in which the Defendants have an interest is located or where a garnishee may be served to levy within his jurisdiction, at any time before final judgment, upon such property in which the Defendants have an interest and upon such debts owing to the Defendant as will satisfy a potential judgment of \$1,202,021.00;



2. Granting a preliminary injunction enjoining the Defendants and non-party bank garnishees Bank of America, JPMorgan Chase, DBS Bank Ltd., Comerica Bank, TD Bank, PNC Bank, Fifth Third Bank, First Citizens Bank & Trust Co., U.S. Bank, Capital One, UBS Geneva, Hua Nan Commercial Bank, HSBC Dubai, Bank of Beirut, Australia and New Zealand Banking, and Industrial and Commerce Bank of China (the "Non-Party Banks"), from transferring, assigning, pledging, paying any check drawn upon or otherwise removing assets in the bank accounts owned or operated by the Defendants, including without limitation the following bank accounts (the "Known Accounts"):

<u>ACCOUNT NAME</u>	<u>BANK</u>	<u>ACCOUNT NUMBER</u>
Reed Construction	Bank of America	1051077756
Hammoudy Auto Sale	Bank of America	004632126413
H and A Auto Inc.	Bank of America	355002733761
MIA Trading LLC	Bank of America	375009658502
Reva Sarl Inc.	Bank of America	375009658557
Trips Logistics Corp.	Bank of America	004626732716
Pauls Auto Cars	Bank of America	385009714041
My Store Inc.	Bank of America	355000526763
Global Auto Partes	Bank of America	5407375822
MTC Mazloun Trading Co.	JPMorgan Chase	805222239
Class Auto Trade Inc.	JPMorgan Chase	820000487
Saleh Cheraif Car Export	JPMorgan Chase	954316808
Global Corporate Advisory Pte	DBS Bank Ltd.	0669008228

Ltd.

A and G Corporate Services	DBS Bank Ltd.	0179012309
Sbeity Sales Inc.	Comerica Bank	1852608288
A J Auto Sale Inc.	Comerica Bank	1852318300
West Yarmouth Auto Service	TD Bank	8247404308
Reliable Automotive	PNC Bank	3101767984
Rostov Used Cars	Fifth Third Bank Cincinnati	791327982
Bachour Enterprises LLC	First Citizens Bank and Trust Co.	008924117942
GS Auto Inc.	US Bank	145571931628
Bendary Car Corp.	Capital One	7047206620
Acacia Trading SA	UBS Geneva	CH220024024077368460R
Octa Management SA	UBS Geneva	CH020024024078163461W
Zantat Trading Pty Ltd.	Hua Nan Commercial Bank Taiwan	121990000391
Rak Ceramics	HSBC Dubai	061565156104
Thanet International Ltd.	Bank of Beirut London	GB06BRBA23084705550004
Tsui Pai Ching	Australia and New Zealand Banking	0000140464
Shaoxing County K and O Import	Industrial and Commerce Bank of China	1211016029814108509
Rousing Capital	Taishin International Bank	068730026710

3. Granting an order compelling the Non-Party Banks to produce within seven (7) days of service of the order:

- a. Documents sufficient to identify account holders, signatories and account numbers associated with the Defendants' accounts, including without limitation the Known Accounts;
- b. Documents concerning contact information for account holders and signatories associated with Defendants' accounts, including without limitation the Known Accounts;
- c. Documents sufficient to identify the current balance of Defendants' accounts, including without limitation the Known Accounts;
- d. Documents relating to transactions in the accounts from September 1, 2011 through the present, including without limitation, monthly statements and records of withdrawals, debits, deposits, checks paid, wires and telegraphic transfers;

4. Granting an order directing non-party Yahoo!, Inc. to produce within seven (7) days of service of the order the following documents:

- a. Documents concerning the e-mail account hamid1khwaja@yahoo.com, including without limitation any records of communications between Yahoo! customer service or technical support and Hamid Khwaja and records of any work performed by Yahoo!, its employees or agents on the account;
- b. Documents concerning the identity of any Yahoo! employees, independent contractors or agents who communicated with Hamid Khwaja concerning the e-mail account, hamid1khwaja@yahoo.com from April through October 2011;

c. Documents concerning the Internet Protocol address and identity of the owners of the following e-mail accounts from which fraudulent e-mails were sent to hamid1khwaja@yahoo.com in September and October 2011:

- i. Marie.Renoir@hotmail.com
- ii. sh.norwaypelagic@yahoo.no
- iii. abror.ikramov.logistixx@hotmail.com
- iv. vincentheng.nchoil.sg@hotmail.com
- v. joycelim.sales@yahoo.com.sg

5. Granting an order directing non-party Microsoft Corp., or the relevant subsidiary of Microsoft Corp. that operates Hotmail, to produce within seven (7) days of service of the order documents concerning the Internet Protocol address and identity of the owners of the following e-mail accounts from which fraudulent e-mails were sent to hamid1khwaja@yahoo.com in September and October 2011:

- i. Marie.Renoir@hotmail.com
- ii. abror.ikramov.logistixx@hotmail.com
- iii. vincentheng.nchoil.sg@hotmail.com

6. Granting such other and further relief as the Court deems just and proper.

IT IS FURTHER ORDERED that, pending the hearing of this application, the Defendants and Non-Party Banks are temporarily restrained from transferring, assigning, pledging, paying any check drawn upon or otherwise removing assets from the bank accounts owned or operated by the Defendants, including without limitation the Known Accounts;

IT IS FURTHER ORDERED that, pending the hearing of this application, the Defendants, Non-Party Banks, non-party Yahoo!, Inc. and non-party Microsoft Corp. are

HON. BERNARD J. FRIED



J.S.C.
J.S.C.

temporarily restrained from destroying, deleting or otherwise disposing of documents relating to Defendants or the Known Accounts, including without limitation the documents described in paragraphs 3, 4 and 5 above;

IT IS FURTHER ORDERED that a copy of this Order to Show Cause, together with the papers upon which it was granted, be served personally on any location of the Non-Party Banks, Microsoft Corp. and Yahoo!, Inc. on or before the 16 day of Dec., 2011, and be served personally on Defendants on or before the 16 day of Dec., 2011 and that such service be deemed good and sufficient service; and

IT IS FURTHER ORDERED THAT opposition papers, if any, shall be served on Plaintiffs' counsel, Justin M. Sher, on or before 1/4/2012, 2011. ^{And filed} ^{close. A burner}

ENTER:

ORAL ARGUMENT
DIRECTED

[Signature]
HON. BERNARD J. FRIED

Hon. B. P. Riker, J.

[Signature]
HON. BERNARD J. FRIED

[Signature] Return date is on Jan. 5, 2012
9:30 AM

HON. BERNARD J. FRIED

At IAS Part ____ of the Supreme Court of the State of New York, County of New York at 60 Centre Street, New York, New York on the ____ day of _____, 2011.

PRESENT: HON. _____, J.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

HIMEND LIMITED,

Plaintiff,

-against-

REED CONSTRUCTION LLC, BENDARY CAR CORP., HAMMOUDY AUTO SALE, GS AUTO, INC., AUGUSTA CONT PTE LTD, THANET INTERNATIONAL LTD, MARINA CARS, INC., MTC MAZLOUM TRADING COMPANY, CLASS AUTO TRADE, INC., TSUI PAI CHING, GLOBAL CORPORATE ADVISORY PTE LTD, AJ AUTO SALE, INC., SHAOXING COUNTY K&O IMPORT, SALEH CHERAIF CAR EXPORT, A&G CORPORATE SERVICES, ROSTOV USED CARS, BACHOUR ENTERPRISES LLC, TRIPS LOGISTICS CORP., ACACIA TRADING CORP., H&A AUTO, INC., RAK CERAMICS, OCTA MANAGEMENT SA, MIA TRADING LLC, SBEITY SALES, INC., ZANTAT TRADING PTY LTD, WEST YARMOUTH AUTO SERVICE, RELIABLE AUTOMOTIVE, PAUL'S AUTO CARS, MY STORE, INC., GLOBAL AUTO PARTES, MALAY ASIA LIMITED, INTERACTIVE GLOBAL LIMITED, INDUSTRIAL ALLIANCE UNITED LIMITED, ROUSING CAPITAL, REVA SARL, INC., JOHN DOES 1-50, and XYZ COMPANIES 1-50,

Defendants.

MOTION SEQUENCE NO. 001
Index No.

Date Purchased: December 12, 2011

**ORDER TO SHOW CAUSE
WITH TEMPORARY
RESTRAINING ORDER**

Upon the Affidavit of Sayed Hamid Khwaja dated December 7, 2011 and the exhibits annexed thereto, the Affirmation of Justin M. Sher dated December 12, 2011 pursuant to 22 NYCRR 202.7(f), the accompanying Memorandum of Law, and upon all papers and proceedings herein, let the Defendants Reed Construction LLC, Bendary Car Corp., Hammoudy Auto Sale, GS Auto, Inc., Augusta Cont Pte Ltd, Thanet International Ltd., Marina Cars, Inc., MTC Mazloun Trading Company, Class Auto Trade, Inc., Tsui Pai Ching, Global Corporate Advisory Pte Ltd., AJ Auto Sale, Inc., Shaoxing County K&O Import, Saleh Cheraif Car Export, A&G Corporate Services, Rostov Used Cars, Bachour Enterprises LLC, Trips Logistics Corp., Acacia Trading Corp. a/k/a Acacia Trading SA a/k/a Capricorn Trading Corp., H&A Auto, Inc., Rak Ceramics, OCTA Management SA, MIA Trading LLC, Sbeity Sales, Inc., Zantat Trading Pty Ltd., West Yarmouth Auto Service, Reliable Automotive, Paul's Auto Cars, My Store, Inc., Global Auto Partes, Malay Asia Limited, Interactive Global Limited, Industrial Alliance United Limited, Rousing Capital, Reva Sarl, Inc., John Does 1-50 and XYZ Companies 1-50 (collectively the "Defendants"), or their attorneys, show cause at Individual Assignment Part ____ to be held at the courthouse, 60 Centre Street, New York, New York on the ____ day of _____, 2011, why an order should not be entered:

1. Granting an order of attachment pursuant to CPLR 6201(3) and 6210 against the Defendants in the amount of \$1,202,021.00 plus interest and costs and directing the sheriff of any county or of the city of New York where any property in which the Defendants have an interest is located or where a garnishee may be served to levy within his jurisdiction, at any time before final judgment, upon such property in which the Defendants have an interest and upon such debts owing to the Defendant as will satisfy a potential judgment of \$1,202,021.00;

2. Granting a preliminary injunction enjoining the Defendants and non-party bank garnishees Bank of America, JPMorgan Chase, DBS Bank Ltd., Comerica Bank, TD Bank, PNC Bank, Fifth Third Bank, First Citizens Bank & Trust Co., U.S. Bank, Capital One, UBS Geneva, Hua Nan Commercial Bank, HSBC Dubai, Bank of Beirut, Australia and New Zealand Banking, and Industrial and Commerce Bank of China (the “Non-Party Banks”), from transferring, assigning, pledging, paying any check drawn upon or otherwise removing assets in the bank accounts owned or operated by the Defendants, including without limitation the following bank accounts (the “Known Accounts”):

<u>ACCOUNT NAME</u>	<u>BANK</u>	<u>ACCOUNT NUMBER</u>
Reed Construction	Bank of America	1051077756
Hammoudy Auto Sale	Bank of America	004632126413
H and A Auto Inc.	Bank of America	355002733761
MIA Trading LLC	Bank of America	375009658502
Reva Sarl Inc.	Bank of America	375009658557
Trips Logistics Corp.	Bank of America	004626732716
Pauls Auto Cars	Bank of America	385009714041
My Store Inc.	Bank of America	355000526763
Global Auto Partes	Bank of America	5407375822
MTC Mazloun Trading Co.	JPMorgan Chase	805222239
Class Auto Trade Inc.	JPMorgan Chase	820000487
Saleh Cheraif Car Export	JPMorgan Chase	954316808
Global Corporate Advisory Pte	DBS Bank Ltd.	0669008228

Ltd.

A and G Corporate Services	DBS Bank Ltd.	0179012309
Sbeity Sales Inc.	Comerica Bank	1852608288
A J Auto Sale Inc.	Comerica Bank	1852318300
West Yarmouth Auto Service	TD Bank	8247404308
Reliable Automotive	PNC Bank	3101767984
Rostov Used Cars	Fifth Third Bank Cincinnati	791327982
Bachour Enterprises LLC	First Citizens Bank and Trust Co.	008924117942
GS Auto Inc.	US Bank	145571931628
Bendary Car Corp.	Capital One	7047206620
Acacia Trading SA	UBS Geneva	CH220024024077368460R
Octa Management SA	UBS Geneva	CH020024024078163461W
Zantat Trading Pty Ltd.	Hua Nan Commercial Bank Taiwan	121990000391
Rak Ceramics	HSBC Dubai	061565156104
Thanet International Ltd.	Bank of Beirut London	GB06BRBA23084705550004
Tsui Pai Ching	Australia and New Zealand Banking	0000140464
Shaoxing County K and O Import	Industrial and Commerce Bank of China	1211016029814108509
Rousing Capital	Taishin International Bank	068730026710

3. Granting an order compelling the Non-Party Banks to produce within seven (7) days of service of the order:
 - a. Documents sufficient to identify account holders, signatories and account numbers associated with the Defendants' accounts, including without limitation the Known Accounts;
 - b. Documents concerning contact information for account holders and signatories associated with Defendants' accounts, including without limitation the Known Accounts;
 - c. Documents sufficient to identify the current balance of Defendants' accounts, including without limitation the Known Accounts;
 - d. Documents relating to transactions in the accounts from September 1, 2011 through the present, including without limitation, monthly statements and records of withdrawals, debits, deposits, checks paid, wires and telegraphic transfers;
4. Granting an order directing non-party Yahoo!, Inc. to produce within seven (7) days of service of the order the following documents:
 - a. Documents concerning the e-mail account hamid1khwaja@yahoo.com, including without limitation any records of communications between Yahoo! customer service or technical support and Hamid Khwaja and records of any work performed by Yahoo!, its employees or agents on the account;
 - b. Documents concerning the identity of any Yahoo! employees, independent contractors or agents who communicated with Hamid Khwaja concerning the e-mail account, hamid1khwaja@yahoo.com from April through October 2011;

c. Documents concerning the Internet Protocol address and identity of the owners of the following e-mail accounts from which fraudulent e-mails were sent to hamid1khwaja@yahoo.com in September and October 2011:

- i. Marie.Renoir@hotmail.com
- ii. sh.norwaypelagic@yahoo.no
- iii. abror.ikramov.logistixx@hotmail.com
- iv. vincentheng.nchoil.sg@hotmail.com
- v. joycelim.sales@yahoo.com.sg

5. Granting an order directing non-party Microsoft Corp., or the relevant subsidiary of Microsoft Corp. that operates Hotmail, to produce within seven (7) days of service of the order documents concerning the Internet Protocol address and identity of the owners of the following e-mail accounts from which fraudulent e-mails were sent to hamid1khwaja@yahoo.com in September and October 2011:

- i. Marie.Renoir@hotmail.com
- ii. abror.ikramov.logistixx@hotmail.com
- iii. vincentheng.nchoil.sg@hotmail.com

6. Granting such other and further relief as the Court deems just and proper.

IT IS FURTHER ORDERED that, pending the hearing of this application, the Defendants and Non-Party Banks are temporarily restrained from transferring, assigning, pledging, paying any check drawn upon or otherwise removing assets from the bank accounts owned or operated by the Defendants, including without limitation the Known Accounts;

IT IS FURTHER ORDERED that, pending the hearing of this application, the Defendants, Non-Party Banks, non-party Yahoo!, Inc. and non-party Microsoft Corp. are

temporarily restrained from destroying, deleting or otherwise disposing of documents relating to Defendants or the Known Accounts, including without limitation the documents described in paragraphs 3, 4 and 5 above;

IT IS FURTHER ORDERED that a copy of this Order to Show Cause, together with the papers upon which it was granted, be served personally on any location of the Non-Party Banks, Microsoft Corp. and Yahoo!, Inc. on or before the ____ day of _____, 2011, and be served personally on Defendants on or before the ____ day of _____, 2011 and that such service be deemed good and sufficient service; and

IT IS FURTHER ORDERED THAT opposition papers, if any, shall be served on Plaintiffs' counsel, Justin M. Sher, on or before _____, 2011.

ENTER:

Hon. _____, J.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

HIMEND LIMITED,

Plaintiff,

Index No.

-against-

REED CONSTRUCTION LLC, BENDARY CAR CORP., HAMMOUDY AUTO SALE, GS AUTO, INC., AUGUSTA CONT PTE LTD, THANET INTERNATIONAL LTD, MARINA CARS, INC., MTC MAZLOUM TRADING COMPANY, CLASS AUTO TRADE, INC., TSUI PAI CHING, GLOBAL CORPORATE ADVISORY PTE LTD, AJ AUTO SALE, INC., SHAOXING COUNTY K&O IMPORT, SALEH CHERAIF CAR EXPORT, A&G CORPORATE SERVICES, ROSTOV USED CARS, BACHOUR ENTERPRISES LLC, TRIPS LOGISTICS CORP., ACACIA TRADING CORP., H&A AUTO, INC., RAK CERMANICS, OCTA MANAGEMENT SA, MIA TRADING LLC, SBEITY SALES, INC., ZANTAT TRADING PTY LTD, WEST YARMOUTH AUTO SERVICE, RELIABLE AUTOMOTIVE, PAUL'S AUTO CARS, MY STORE, INC., GLOBAL AUTO PARTES, MALAY ASIA LIMITED, INTERACTIVE GLOBAL LIMITED, INDUSTRIAL ALLIANCE UNITED LIMITED, ROUSING CAPITAL, REVA SARL, INC., JOHN DOES 1-50, and XYZ COMPANIES 1-50,

Defendants.

**AFFIDAVIT OF SAYED
ABDUL HAMID KHWAJA**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

SAYED ABDUK HAMID KHWAJA, being duly sworn, deposes and says:

1. I am an officer and director of Plaintiff Himend Limited (“Himend” or “Plaintiff”), which maintains its principal place of business in Dubai, United Arab Emirates. Plaintiff is

wholly owned by Zara International Inc., a holding company incorporated in New York State, of which I am the owner and Chief Executive Officer.

2. I submit this affidavit in support of Plaintiff's motion for an order of attachment prohibiting the transfer or removal of the Defendants' assets, for a temporary restraining order prohibiting the removal or transfer of such assets pending completion of the attachment and to obtain expedited discovery from the banks where the Defendants maintain bank accounts into which proceeds of the fraud were transferred and from Yahoo! Inc. and Microsoft Corp. relating to certain relevant e-mail accounts.

3. Except where otherwise stated, the matters described herein are based on my personal knowledge and/or information and documents in my possession, and are true to the best of my knowledge, information and belief.

4. Plaintiff is a trading company operating from the Jebel Ali Free Zone in Dubai. Plaintiff is in the business of purchasing various perishable foodstuffs, such as butter, fish, poultry and palm oil, in bulk from international suppliers and reselling them in Asia and the Middle East.

5. From approximately May through October 2011, Plaintiff was the victim of a sophisticated fraud that involved computer hacking, identity theft, forgery and international money transfers. Upon information and belief, one or more of the Defendants hacked into my e-mail account, misappropriated information about Plaintiff's suppliers, forged suppliers' invoices and, impersonating Plaintiff's suppliers, sent e-mails to my attention attaching the fake invoices and directing Plaintiff to wire payments to Defendants' bank accounts. By means of this unlawful scheme, the Defendants stole payments from the Plaintiff totaling approximately \$1,202,021.00.

6. A true and correct copy of the Complaint filed on behalf of the Plaintiff against the Defendants is attached hereto as **Exhibit 1**.

DEFENDANTS UNLAWFULLY ACCESSED MY YAHOO! E-MAIL ACCOUNT

7. In approximately May 2011, I experienced technical problems with my Yahoo! e-mail account, hamid1khwaja@yahoo.com (the “Yahoo! Account”).

8. I contacted Yahoo! Inc. for technical assistance. In connection with providing such assistance, I provided the Yahoo! Inc. representative with my account password.

9. Upon information and belief, the Yahoo! Inc. representative to whom I provided my password supplied it, in turn, to one or more of the Defendants, who used this information to unlawfully access, or “hack” into, my Yahoo! Account without my permission.

FRAUD RELATING TO THE PELAGIC ACCOUNT

10. At all times relevant herein, Plaintiff maintained business relationships with various suppliers of bulk foodstuffs, including Norway Pelagic (“Pelagic”), a supplier of fish.

11. In the ordinary course of Plaintiff’s business, I routinely placed orders with Pelagic for bulk shipments of fish. Typically, after I placed such an order, Pelagic would send me an invoice, which I then caused Plaintiff to pay by means of a wire transfer. After Pelagic received payment, it would provide documentation, via e-mail, sufficient to permit Plaintiff to claim the purchased goods.

12. In September 2011, I received an e-mail, sent to my Yahoo! Account, which appeared to have been sent by a Pelagic representative from a Pelagic e-mail account. The e-mail directed me to make payments to a bank account in the name of Malay Asia Limited (“MAL”) at the Honk Kong and Shanghai Banking Corporation Limited (“HSBC”) in Hong Kong. A true copy of the e-mail, dated September 28, 2011, is annexed hereto as **Exhibit 2**.

13. Included in Exhibit 2 is an e-mail attachment, dated September 27, 2011, which appeared to me to be a bona fide Pelagic invoice. I have since learned that the e-mail attachment was, in fact, a forgery, made to resemble an actual Pelagic invoice.

14. Upon information and belief, the Defendants forged this invoice using information obtained by hacking into my Yahoo! e-mail account, reviewing my prior communications with Pelagic, and tracking the transactions reflected in my communications relating to transactions between Plaintiff and Pelagic.

15. Some of the e-mails from the person who claimed to be a representative of Pelagic came from the e-mail address, sh.norwaypelagic@yahoo.no, which I now realize is not an authentic Pelagic e-mail address. An example of such an e-mail is attached as **Exhibit 3**.

16. In response to the forged invoice, I directed Plaintiff's bank, Emirates Bank International ("EBI"), to transfer \$200,000.00 to the MAL bank account in Hong Kong. Shortly after the transfer was initiated, I received another e-mail, ostensibly from Pelagic, directing me to transfer the funds instead to an account in the name of Interactive Global Limited ("IGL") at HSBC in Hong Kong. Consistent with that instruction, I caused EBI to redirect the transfer to IGL.

17. Subsequently, on October 4, 2011, in response to e-mail communications that I believed to be from Pelagic, I caused Plaintiff's bank to wire an additional payment in the amount of \$165,000.00 to the IGL bank account.

18. Following these payments, which I believed had been made to Pelagic, I expected to receive shipping documents from Pelagic sufficient to permit Plaintiff to claim the invoiced order. When I did not receive such documents, I contacted Pelagic on October 6, 2011. A Pelagic representative advised me that Pelagic had neither requested nor received any payment

from me. At my request, Pelagic provided written confirmation that it had not received the wire transfers described above.

19. Based on these communications with Pelagic, I became aware that Plaintiff Himend was the victim of an elaborate fraud, whereby unknown persons had hacked into my e-mail, impersonated a Pelagic representative, forged invoices to appear as though they had been prepared by Pelagic, and deceived me into causing Plaintiff to transfer funds into the fraudsters' bank accounts.

20. On discovering the fraud, I instructed Plaintiff's bank to recall the wire transfers to the fraudsters' IGL bank accounts. True and correct copies of these written instructions are annexed hereto as **Exhibit 4**. Although Plaintiff's bank sent retrieval telexes, the wire transfers had already been completed and the funds could not be recalled.

21. As a result of the forged Pelagic invoices, Plaintiff was defrauded out of \$365,000, as set forth in the following chart:

DATE	AMOUNT	BANK	ACCOUNT NO.	BENEFICIARY
9/29/2011	\$200,000	HSBC	817-453350-838	Interactive Global Ltd.
10/4/2011	\$165,000	HSBC	817-453350-838	Interactive Global Ltd.

FRAUD RELATING TO THE NGO ACCOUNT

22. Plaintiff has been purchasing palm oil from Ngo Chew Hong Edible Oil Pte Ltd. ("Ngo"), a Singapore company, since approximately 2004. In the ordinary course of business, I placed orders for bulk shipments of palm oil via e-mail, on behalf of Plaintiff. After I placed such orders, Ngo would send me an invoice, which I then caused Plaintiff to pay by means of

wire transfer. After Ngo received payment, it would provide shipping documents sufficient to permit Plaintiff to claim the purchased goods.

23. In or about June 2011, I placed an order for palm oil with Ngo via e-mail. I subsequently received, via e-mail to my Yahoo! Account, e-mails, which appeared to have been sent by an Ngo representative with whom I had communicated via e-mail on numerous prior occasions. The e-mail attached what appeared to be bona fide Ngo invoices, dated June 28, 2011, July 8, 2011 and July 21, 2011. These invoices specified payment for palm oil shipments in the amounts of \$309,000.00, \$123,600.00 and \$194,464.00. True and correct copies of these invoices are attached hereto as **Exhibit 5**.

24. Some of the e-mails from the person who claimed to be a representative of Ngo came from the e-mail address, vincentheng.nchoil.sg@hotmail.com, which I now realize is not an authentic Ngo e-mail address.

25. On September 10, 2011, I caused Plaintiff to pay \$200,000.00 via wire transfer in partial satisfaction of the June 28, 2011 invoice. Subsequently, on September 27, 2011, I received an e-mail to my Yahoo! Account, which I believed to have originated from an authorized Ngo representative, directing payment of the outstanding balance on the June 28, July 8 and July 21 invoices to a bank account in the name of Industrial Alliance United Ltd. ("IAU") at HSBC in Singapore. A true and correct copy of the e-mail is attached hereto as **Exhibit 6**.

26. In accordance with the above instruction, on September 29, 2011 and October 1, 2011, I caused Plaintiff to make payments, via wire transfers, totaling \$427,064.00 to the IAU bank account.

27. True and correct copies of the documents relating to these wire transfers, including copies of SWIFT confirmations and copies of the Plaintiff's November 15, 2011 bank statements reflecting these transfers, are attached hereto as **Exhibit 7**.

28. Subsequent to causing Plaintiff to make these payments, I anticipated receiving from Ngo documents sufficient to permit Plaintiff to claim the invoiced shipments of palm oil. However, when the anticipated documents did not arrive, I contacted Ngo by telephone on or about October 4, 2011, to inquire about the release of the shipping documents. The Ngo representative informed me that Ngo had not received payment from Plaintiff and had not directed payment of funds into the IAU bank account. Indeed, Ngo provided written confirmation that it had not received the wire transfers to the IAU bank account. True and correct copies of Ngo's written confirmation letters are attached hereto as **Exhibit 8**.

29. During the course of the phone call, I became aware that Himend had been the victim of fraud relating to the Ngo account. Similar to the fraud relating to the Pelagic account, unknown persons apparently had hacked into my e-mail, impersonated a Ngo representative, and deceived me into causing Himend to transfer funds into the fraudsters' bank accounts.

30. On discovering the fraud, I instructed Plaintiff's bank to recall the wire transfers to the fraudsters' IAU bank account. True and correct copies of these written instructions are annexed hereto as **Exhibit 9**. Although Plaintiff's bank sent retrieval telexes, the wire transfers had already been completed and the funds could not be recalled.

31. As a result of the forged Ngo invoices, Plaintiff was defrauded out of \$427,064.00, as set forth in the following chart:

DATE	AMOUNT	BANK	ACCOUNT NO.	BENEFICIARY
9/29/2011	\$232,600.00	HSBC	260-771019-178	Industrial Alliance United Ltd.

10/4/2011	\$194,464.00	HSBC	260-771019-178	Industrial Alliance United Ltd.
-----------	--------------	------	----------------	------------------------------------

FRAUD RELATING TO THE FONTERRA ACCOUNT

32. At all times relevant herein, Plaintiff maintained a business relationship with Fonterra, a New Zealand supplier of dairy products.

33. On or about September 20, 2011, I received an e-mail, sent to my Yahoo! Account, which I believed to be from a Fonterra representative. The e-mail invoiced Plaintiff for a shipment of dairy products and directed payment of \$259,957.00 via wire transfer to a bank account in the name of Reed Construction.

34. Some of the e-mails from the person who claimed to be a representative of Ngo came from the e-mail address, Marie.Renoir@hotmail.com, which I now realize is not an authentic Fonterra e-mail address.

35. Consistent with prior practice regarding the Fonterra account, upon receipt of the e-mail purporting to have originated with a Fonterra representative, I caused Plaintiff to pay the invoice, via wire transfer in the amount of \$259,957.00 to the Reed Construction bank account.

36. Subsequently, I became aware that the September 20, 2011 e-mail had been sent to me as part of the above-described fraudulent scheme. Similar to the fraud relating to the Pelagic and Ngo accounts, unknown persons apparently had hacked into my e-mail, impersonated a Fonterra representative and deceived me into causing Plaintiff to transfer funds into the fraudsters' bank accounts.

37. As did Pelagic and Ngo, Fonterra has since confirmed that it did not send the above-described e-mail and did not instruct payment to the Reed Construction bank account.

38. After discovering the fraud relating to the Fonterra account, on November 3, 2011, I lodged a complaint with the County of Los Angeles Sheriff's Department in Cerritos,

California. A true and correct copy of the resulting incident report is attached hereto as **Exhibit 10**. In connection with the California authorities' investigation of the fraud, Bank of America froze the assets in the Reed Construction bank account, which total approximately \$184,445.52. California authorities informed me that the Bank of America freeze of the Reed Construction account will expire shortly. Once that freeze is lifted, there will be no impediment to the dissipation of the assets contained in the Reed Construction bank account.

39. By letter dated November 3, 2011, Fonterra confirmed, through its independent investigator KPMG, that Fonterra did not send any emails to the Yahoo! Account purporting to direct payment to the Reed Construction bank account. Fonterra further acknowledged Plaintiff's filing of the above-described police report. A true and correct copy of Fonterra's November 3, 2011 letter is attached hereto as **Exhibit 11**.

FRAUD RELATING TO THE MAXX INTERMODAL ACCOUNT

40. At all times relevant herein, Plaintiff maintained a business relationship with Maxx Intermodal Systems NV, a shipping company.

41. In approximately September 2011, I received an e-mail from someone claiming to be an agent of Maxx Intermodal Systems.

42. The e-mail directed Plaintiff to pay invoices from Maxx Intermodal Systems to an account in the name of Rousing Capital at Taishin International Bank in Taichung, Taiwan.

43. Some of the e-mails from the person who claimed to be a representative of Maxx Intermodal Systems came from the e-mail address, abror.ikramov.logistixx@hotmail.com, which I now realize is not an authentic Maxx Intermodal Systems e-mail address.

44. In response to the e-mail, I caused Plaintiff to make three separate transfers. On or about September 17, 2011, Plaintiff transferred \$50,000 to the Rousing Capital account.

45. On or about September 24, 2011, Plaintiff transferred \$51,000 to the Rousing Capital account.

46. On or about October 1, 2011, Plaintiff transferred \$49,000 to the Rousing Capital account.

47. In total, Plaintiff transferred \$150,000 to the Rousing Capital account in Taiwan.

48. Shortly after I caused these funds to be transferred, I discovered that the e-mails enclosing the invoices were fraudulent and that, consistent with the above-described fraudulent scheme, the funds had been transferred to one of the Defendants' accounts, rather than to the bona fide recipient. To date, Plaintiff has been unable to recover these funds.

49. Maxx Intermodal Systems has since confirmed that it did not send the e-mails, did not receive the \$150,000 in payments from Plaintiff and that Rousing Capital was not authorized to receive payments intended for Maxx Intermodal Systems.

FRAUD RELATING TO THE SABER ACCOUNT

50. At all times relevant herein, Plaintiff maintained a business relationship with Saber Pte Ltd. ("Saber"), a supplier of palm oil. On or about October 4, 2011, I received an e-mail purporting to have been sent by an authorized representative of Saber. The e-mail, which was sent to my Yahoo! Account, invoiced Plaintiff for a shipment of palm oil and directed payment of \$340,895.30 via wire transfer to a bank account in the name of Darkmoon International Holding Ltd. ("Darkmoon"). True and correct copies of the October 4, 2011 e-mail and the documents relating to the relevant palm oil order placed with Saber are attached hereto as **Exhibit 12.**

51. Some of the e-mails from the person who claimed to be a representative of Saber came from the e-mail address, joycelim.sales@yahoo.com.sg, which I now realize is not an authentic Saber e-mail address.

52. By the time I received the e-mail directing payment to the Darkmoon bank account, I had become aware that fraudsters had hacked into my Yahoo! Account and that Plaintiff had been the victim of the above-described fraudulent scheme. Accordingly, Plaintiff did not transfer funds as instructed in the October 4, 2011 e-mail.

FOREIGN LEGAL PROCEEDINGS

53. Following the discovery of the above-described fraudulent scheme, on November 11, 2011, Plaintiff applied for and obtained from the Hong Kong High Court a Mareva Injunction, which prohibits the disposition or transfer of assets contained in the MAL and IGL bank accounts at HSBC in Hong Kong, as well as an order (the “HK Order”) directing HSBC to disclose documents and information relating to these accounts.

54. A true and correct copy of the November 11, 2011 HK Order is attached hereto as **Exhibit 13**.

55. Pursuant to the HK Order, Plaintiff’s lawyers in Hong Kong obtained documents from HSBC, which are attached hereto as **Exhibit 14**. These documents show that the Defendants subsequently transferred funds from their MAL and IGL accounts into the following bank accounts:

DATE	AMOUNT	FROM	RECIPIENT	RECIPIENT ACCOUNT NUMBER	RECIPIENT BANK
9/20/2011	\$30,000	MAL	AUGUSTA CONT PTE LTD	508015567201	OCBC SINGAPORE
9/20/2011	\$10,000	MAL	AUGUSTA CONT PTE LTD	508015567201	OCBC SINGAPORE
9/20/2011	\$30,000	MAL	THANET INTERNATION	GB06BRBA2308470555 0004	BANK OF BERUIT

			AL LTD		LONDON
9/21/2011	\$50,000	MAL	HAMMOUDY AUTO SALE	004632126413	BOA MA
9/21/2011	\$13,000	MAL	AUGUSTA CONT PTE LTD	508015567201	OCBC BANK SINGAPORE
9/22/2011	\$60,000	MAL	MARINA CARS INC	808067557	JPMORGAN NY
9/23/2011	\$40,000	MAL	MARINA CARS INC	808067557	JPMORGAN NY
9/26/2011	\$49,810.87	MAL	MTC MAZLOUM TRADING COMPANY	805222239	JPMORGAN NY
9/26/2011	\$60,000	MAL	CLASS AUTO TRADE INC	820000487	JPMORGAN NY
9/26/2011	\$3,000	MAL	TSUI PAI CHING	0000140464	AUSTRALIA AND NEW ZEALAND BANKING
9/27/2011	\$38,000	MAL	CLASS AUTO TRADE INC	820000487	JPMORGAN NY
9/27/2011	\$8,000	MAL	GLOBAL CORPORATE ADVISORY PTE LTD	0669008228	DBS BANK LTD
9/28/2011	\$26,200	MAL	A J AUTO SALE INC	1852318300	COMERICA BANK DETROIT
10/6/2011	\$60,000	IGO	GLOBAL AUTO PARTES	5407375822	BOA NY
10/7/2011	\$59,700	IGO	SHAOXING COUNTY K AND O IMPORT	1211016029814108509	INDUSTRIAL AND COMERCE BANK OF CHINA
10/8/2011	\$30,000	IGO	SALEH CHERAIF CAR EXPORT	954316808	JPMORGAN NY
10/8/2011	\$23,400	IGO	A AND G CORPORATE SERVICES	0179012309	DBS BANK LTD SINGAPORE
10/10/2011	\$62,000	IGO	ROSTOV USED CARS	791327982	FIFTH THIRD BANK CINCINNATI
10/11/2011	\$61,900	IGO	BENDARY CAR CORP	7047206620	CAPITAL ONE NEW

					ORLEANS
10/12/2011	\$62,000	IGO	BACHOUR ENTERPRISES LLC	008924117942	FIRST CITIZENS BANK AND TRUST CO RALEIGH
10/13/2011	\$40,500	IGO	TRIPS LOGISTICS CORP	004626732716	BOA NY

56. In addition, Plaintiff applied for and obtained on November 15, 2011 a summons from the High Court of the Republic of Singapore (the “Singapore summons”), which directed HSBC and OCBC Bank in Singapore to disclose details concerning the Defendants’ bank accounts and to refrain from communicating any information relating to the proceedings to the Defendants.

57. A true copy of the Singapore summons is attached hereto as **Exhibit 15**.

58. According to documents received from HSBC in Singapore, attached as **Exhibit 16**, the Defendants subsequently transferred funds from their IAU account to the following bank accounts:

DATE	AMOUNT	FROM	RECIPIENT ACCOUNT NAME	RECIPIENT ACCOUNT NUMBER	RECIPIENT BANK
10/3/2011	\$250,000	IAU	ACACIA TRADING SA	CH220024024077368460R	UBS GENEVA
10/4/2011	\$38,625	IAU	H AND A AUTO INC	355002733761	BOA NY
10/5/2011	\$100,000	IAU	RAK CERAMICS	061565156104	HSBC DUBAI
10/5/2011	\$100,000	IAU	ACACIA TRADING SA	CH220024024077368460R	UBS GENEVA
10/5/2011	\$82,957	IAU	OCTA MANAGEMENT SA	CH020024024078163461W	UBS GENEVA
10/5/2011	\$13,875	IAU	MIA TRADING LLC	375009658502	BOA
10/7/2011	\$14,945	IAU	SBEITY	1852608288	COMERICA

			SALES INC		DETROIT
10/11/2011	\$40,000	IAU	ZANTAT TRADING PTY LTD	121990000391	HUA NAN COMMERCIA L BANK TAIWAN
10/12/2011	\$49,775	IAU	WEST YARMOUTH AUTO SERVICE	8247404308	TD BANK
10/13/2011	\$99,000	IAU	HAMMOUD Y AUTO SALE	004632126413	BOA
10/14/2011	\$103,869	IAU	RELIABLE AUTOMOTI VE	3101767984	PNC BANK
10/14/2011	\$24,500	IAU	MY STORE INC	355000526763	BOA
10/17/2011	\$99,774	IAU	REVA SARL INC	375009658557	BOA NY
10/18/2011	\$75,375	IAU	PAULS AUTO CARS	385009714041	BOA
10/18/2011	\$24,400	IAU	MY STORE INC	355000526763	BOA
10/25/2011	\$16,000	IAU	GS AUTO INC	145571931628	US BANK
10/27/2011	\$5,410	IAU	MY STORE INC	355000526763	BOA

RELIEF REQUESTED

59. As a consequence of the Defendants' fraudulent scheme, Plaintiff has been defrauded out of approximately \$1,202,021.00.

60. Through this application, Plaintiff seeks an order of attachment prohibiting the transfer or removal of the Defendants' assets, for a temporary restraining order prohibiting the removal or transfer of such assets pending completion of the attachment and to obtain expedited discovery from the banks where the Defendants maintain bank accounts into which proceeds of the fraud were transferred and from Yahoo! Inc. and Microsoft relating to certain relevant e-mail accounts.


WHEREFORE, I respectfully request an order granting the relief requested herein and granting such other and further relief as this Court may deem just and proper.

Dated: New York, New York
December 7, 2011



Sayed Abdul Hamid Khwaja

Subscribed and sworn to before me this
7th day of December, 2011



Notary Public

JUSTIN M. SHER
NOTARY PUBLIC-STATE OF NEW YORK
No. 025H6114127
Qualified in New York County
My Commission Expires August 09, 2012