

1MDB to apply for substituted service in suit against Jho Low, 5 individuals

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1Malaysia Development Berhad (1MDB) will file an application for a substituted service order to serve a US\$3.7837 billion writ of summons to fugitive businessman Low Taek Jho or Jho Low, his family members and an associate.

Representing 1MDB, lawyer K Siva Kumar said the application will be filed this week as the writ of summons have yet to be served on all the defendants as they are not at their last addresses.

"The court has fixed Oct 6 for the next case management," he said when contacted by reporters via the WhatsApp application after case management before High Court Deputy Registrar Nor Afidah Idris in Kuala Lumpur on Monday

Substituted service is to serve documents in public litigation in the form of letters, advertisements or any other method that allows the proceedings to get the attention of the defendants after attempts to serve documents via personal

service are unsuccessful.

On May 7, 1MDB and its four subsidiaries, 1MDB Energy Holdings Limited, 1MDB Energy Limited, 1MDB Energy (Langat) Limited and Global Diversified Investment Company Limited formerly known as 1MDB Global Investments Limited, filed a suit against Jho Low, his parents Larry Low Hock Peng and Goh Gaik Ewe, his sister May Lin, his younger brother Taek Szen and his associate Eric Tan Kim Loong.

Based on the writ, 1MDB is claiming US\$661 million from Jho Low and US\$41 million, US\$397 million, US\$608 million and US\$1.9 billion from Jho Low and Tan respectively as well as US\$325 million from Jho Low and his father Hock Peng.

1MDB Global Investments Limited is also seeking US\$630 million from Hock Peng, Jho Low and Tan and US\$2 million from Taek Szen, Jho Low and Tan.

The plaintiffs are also seeking US\$3.5 million from May Lin and Jho Low and US\$1.695 million from Goh, Jho Low and Tan in connection with the purchase of jewellery and secret profits, apart from claiming US\$25.5 million from Jho Low, Tan, Hock Peng and Taek Szen.

Based on the statement of claim, all the plaintiffs claimed that they were

manipulated by a group of individuals, including former prime minister Najib Abdul Razak and the first defendant (Jho Low) to facilitate a large-scale and long-term fraud which resulted in billions of ringgit being fraudulently misappropriated into privately controlled accounts for the benefit of various fraudsters, including the defendants.

“In carrying out the fraud, multiple breaches of trust and/or fiduciary duties were committed by Najib, members of the board of directors and senior management of the plaintiffs.

“The funds and assets of the plaintiffs which were transferred to the defendants were misappropriated, with the knowledge of the defendants, in breach of trust and fiduciary duty,” said all the plaintiffs.

They also claimed that Najib had abused his power and position to protect himself and cover up the fraud against the plaintiffs, among others by obstructing efforts to investigate and uncover evidence related to fraud and misconduct against the plaintiffs in Malaysia.

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