

**IN THE HIGH COURT OF SOLOMON ISLANDS**

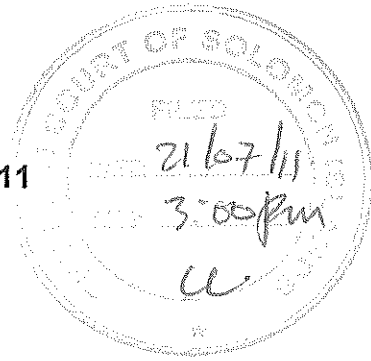
*Name of court*

**Civil Claim Number**

258

of 2011

*Number allocated to proceedings by registrar under rule 4.2*



.....  
*Date of filing in the registry*

**ORDER**

**(RULE 17.3)**

*Type of Document*

Messrs. Sol-Law, Barristers, Solicitors and Notaries  
5th Floor, Anthony Saru Building  
Corner Coronation Avenue and Hibiscus Avenue  
**HONIARA**

*Address for Service of the person filing this document*

Telephone: (677) 23886

Facsimile: (677) 20356

---

**BETWEEN: SMM SOLOMON LIMITED**

**First Claimant**

**AND: ALFRED JOLO** (representing the trustees and members of the Anika Thai clan)

**Second Claimant**

**AND: MARTIN TANGO** (representing the trustees and members of the Thavia clan)

**Third Claimant**

**AND: JAMES UGURA** (representing the trustees and members of the Vihuvanagi tribe)

**Fourth Claimant**

**AND: BEN SALUSU** (representing the trustees and members of the Vihuvunagi tribe in respect of the Chogea and Beajong land areas within Takata)

**Fifth Claimant**

**AND: MAFA PAGU** (representing the trustees and members of the Thogokama tribe)

**Sixth Claimant**

**AND: PAUL FOTAMANA** (representing the trustees and members of the Veronica Lona clan)

**Seventh Claimant**

**AND: THE ATTORNEY GENERAL** (representing the Minerals Board)

**First Defendant**

AND: THE ATTORNEY GENERAL (representing the Minister for Mines, Energy and Rural Electrification) Second Defendant

AND: THE COMMISSIONER OF LANDS Third Defendant

AND: THE REGISTRAR OF TITLES Fourth Defendant

AND: PACIFIC INVESTMENT AND DEVELOPMENT LIMITED Fifth Defendant

AND: AXIOM KB LIMITED Sixth Defendant

AND: ROBERT MALO, FRANCIS SELO, LEONARD BAVA, REV. WILSON MAPURU AND ELLIOT CORTEZ Seventh Defendants

Date of order: *[Date of Order]* 21 July 2011

Judge: *[Name of Judge]* The Honourable Mr. Justice Chetwynd

**UPON HEARING** Mr Sullivan of Queen's Counsel with him Mr. Lepe of Counsel for the Claimants, the Solicitor General for the First to Fourth Defendants, Mr Pitakaka of Counsel for the Sixth Defendant and Mr Hapa of Counsel for the Seventh Defendants, and there being no appearance by the Fifth Defendant

**AND UPON READING** the Claim, Application, Undertaking as to Damages and Certificate of Urgency all filed on 15 July 2011 and the Sworn Statements of Yoritoshi Ochi, Ben Salusu and James Ugura all filed on 18 July 2011

**AND UPON THE SIXTH DEFENDANT BY ITS COUNSEL UNDERTAKING** not, by itself, its servants, agents or invitees (including any associated company) to -

- (a) enter -
  - (i) Takata (the area outlined in solid red on exhibit YO-2); or
  - (ii) any part of the land covered by the First Claimant's prospecting licence No. PL 48/07,

for the purpose of conducting any reconnaissance, prospecting or mining for any minerals whatsoever or any activity ancillary thereto, including without limitation prospecting by way of drilling;
- (b) pursue any negotiations or sign any agreement whatsoever for surface access rights over the areas of South San Jorge and Takata covered by the Sixth Defendant's letter of intent issued on or about 12 April 2011, whether such negotiations are held or such signing is done within such

lands or elsewhere including Honiara;

- (c) approach any of the Second to Seventh Claimants' or the tribes and clans they represent with the purpose of inducing them to withdraw from the Claim or proceedings;

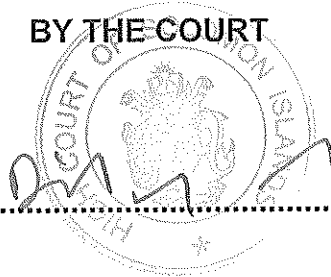
such undertaking to be continued until the determination of the application for injunctive relief.

**IT IS ORDERED :-**

1. The Defendants file and serve any sworn statements in response to the application by 15 August 2011.
2. The application be adjourned to 18 August 2001.
3. Liberty to apply on 3 days written notice.
4. Costs in the cause.

Perfected, signed and sealed this 22<sup>nd</sup> day of July 2011.

BY THE COURT



Hon. D. Chetwynd J., Puisne Justice

The hearing on 18<sup>th</sup> August is adjourned

*D. Chetwynd J.*

For court use only:

Entered in the database by ..... on .....