

REPUBLIC OF THE PHILIPPINES  
NATIONAL CAPITAL JUDICIAL REGION  
REGIONAL TRIAL COURT  
MANILA  
Branch 24

EDWARD L. DU and NOMAD  
SPORTS CLUB,  
Petitioners,

- versus -

Case No. 10123275  
For: Annulment of all  
ultra vires acts of the Board  
with Prayer for a Writ of  
Preliminary Injunction.

JONATHAN THORP, FAISAL  
DURRANI-KHAN, MA. SHIELA  
UBAMA, MATTHEW FREESTON,  
CONNY DOLONIUS, IAIN  
SINCLAIR, THOMAS WHITWELL,  
BRADLEY HANNAM AND STEVE  
ARTHUR,

Respondents.

X-----X

**VERY URGENT EX PARTE MOTION  
FOR THE ISSUANCE OF A  
TEMPORARY RESTRAINING ORDER**

Petitioners Edward L. Du and Nomad Sports Club ("Club"), by counsel, respectfully state:

1. On 7 April 2010, petitioners filed a Petition for the annulment of all ultra vires acts of the Board of Directors of petitioner Club with prayer for the issuance of a writ of preliminary injunction.

2. Respondents already made an initial payment of ₱35,050,000.00 and paid another installment in the approximate amount of ₱30,000,000.00 sometime in March 2010. Petitioners subsequently learned that the respondents are undertaking to make another payment in a substantial amount in the month of April.

3. This matter is of extreme urgency as the petitioner, as well as its members, shall suffer grave and irreparable injury unless respondents are restrained from pursuing the purchase of the property subject of this action, including the payments of installments pursuant thereto as well as all negotiations for the financing thereof.

3.1. Unless the subject acts sought to be prevented are immediately curtailed, respondents intend to undertake a sale that is void for want of the qualification to own private land under the Constitution and for lack of ratification of the stockholders warranted by the Corporation Code. Unless restrained, respondents shall be successful in consummating the purchase of the Subject Property in violation of the constitutional prohibition.

3.2. In addition, as shown in the Petition, petitioner Club does not have the financial capacity to shoulder the very first payment of P35,050,000.00. Any additional financial burden will surely cause the bankruptcy of petitioner Club. With the prohibition against its acquisition of private lands, petitioner Club may not even have any asset to hold onto.

4. Thus, it is imperative that the Honorable Court issue a temporary restraining order for 20 days to avert respondents from causing grave and irreparable damage to petitioner Club.

### **PRAYER**

WHEREFORE, petitioners Edward L. Du and Nomad Sports Club respectfully pray that upon the filing of this Motion, the Honorable Court issue a temporary restraining order effective for a period of 20 days from service thereof to restrain the respondents from purchasing the Subject Properties, including any payments and all negotiations for the financing thereof.


Petitioners further pray for such other just and equitable relief under the premises.

Makati City for City of Manila, 8 April 2010.

**BRITANICO SARMIENTO & FRANCO  
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By:

  
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**NOTICE OF HEARING**

**Jonathan Thorp, Faisal Durrani-Khan  
Ma. Shiela Ubama, Matthew Freeston  
Conny Dolonius, Iain Sinclair  
Thomas Whitwell, Bradley Hannam  
And Steve Arthur**  
Respondents

Please take notice that the undersigned will submit the foregoing ex-parte motion for the consideration and approval of the Honorable Court on ~~14~~ April 2010 at 8:30 a.m.

  
**GIAN ENRICO C. NAVARRO**