

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

D. C. Suit No. 3285/2002/V

Between

UNISTELLAR INDUSTRIES
(formerly known as ARGUS FOUNDATION)
(RB No. unknown)

... Plaintiffs

And

SPACE SHUTTLE WORLD TOUR PTE LTD
(RC No. 199900571H)

... Defendants

A F F I D A V I T

I, JASON RESKIN (United States Passport No. 087801565), of care of 500 West Airport Boulevard, Apartment 1114, Sanford, Florida 32773, United States of America, do make oath and say as follows:

1. I am the sole-proprietor of the above named Plaintiff company and I am duly authorized to make this affidavit on its behalf.
2. The facts deposed to herein are true and are within my own personal knowledge or are derived from documents within the possession of the Plaintiffs. Where the said facts are within my personal knowledge they are true otherwise they are true to the best of my knowledge, information, and belief. I crave leave to refer to the Affidavit of Tan Swee Leon filed herein on 19th September, 2002.
3. I refer in particular to the queries raised by the Defendants' Solicitors vide their letter dated 21st November, 2002, addressed to my Solicitors M/s. Gurdaib, Cheong & Partners, namely:

- (a) What was the intended status of ARGUS FOUNDATION, e.g. partnership and disclose all the intended partners?
- (b) What is the intended status of UNISTELLAR INDUSTRIES and who are the people behind it?
- (c) In what capacity the Plaintiffs entered into the contract and in what capacity do they now maintain these proceedings?

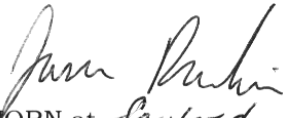
4. In reply to paragraph 3 above, I state the following:

- (a) I wish to state that ARGUS FOUNDATION was a name I used for my hobby. When it became possible that I might be able to have a business formed from my hobby, then I decided that I would formally incorporate, but the business never materialized, so I did not incorporate. If funds were paid and I was able to go forward with changing my hobby into a business then my intention with respect to ARGUS FOUNDATION was to form a Subchapter S Corporation as ARGUS, INC. and file the alias ARGUS FOUNDATION in the State of Missouri within five (5) business days of receiving our first lease payment under contract with the Defendants. Listed officers would more than likely have been myself as President, Ian Lambert as Vice-President, Amy Riley as Secretary, and Bryan Ball as Treasurer. The required capital was never received from the Defendants and all contracts following the exhibition in China were lost since I could not produce our only product. Therefore ARGUS FOUNDATION was not registered until August of 2002, and ARGUS, INC. was never incorporated. The alias ARGUS FOUNDATION has not been used since November of 2001.
- (c) I wish to state that my intention with respect to UNISTELLAR INDUSTRIES is to continue to operate it as a hobby for the duration of this litigation. Several factors regarding the

replacement simulators currently being developed will dictate the type of entity that UNISTELLAR INDUSTRIES will become in the future.

- (d) I wish to state that I entered into the contract with defendants as a hobbyist with the intent to go into business and register the name ARGUS FOUNDATION once I was in business (if and when I received the first lease payment transfer). I maintain this hobbyist status under both names ARGUS FOUNDATION and UNISTELLAR INDUSTRIES. Both aliases happen to be registered with the State of Missouri even though that is not a legal requirement.
- (e) I wish to state that I patiently worked with the defendants and gave them every benefit of the doubt for almost two (2) years. The last word I received from Mr. Tan was on the 2nd of July, 2002 where he indicated he was going to send me (by fax) a copy of the insurance claim that he was required to file to cover my simulator, but to date I have not received said document. I have kept a deliberate record of every conversation since Mr. Tan first contacted me in March of 2000.
- (f) I wish to state for the record that I did attempt to arrive at a settlement with Mr. Tan to avoid legal expenses. Mr. Tan indicated that he was interested in purchasing additional simulators, so I provided him with the specifics on the 2nd of June, 2002 regarding estimated costs and completion dates. I never heard back from him regarding this issue and after a little more than a month I retained my counsel in Singapore. How he believes we “arrived at a settlement” is beyond my comprehension.

The Plaintiffs accordingly pray for the Defendants' application be dismissed with costs.


SWORN at *Sanford Florida*)
by JASON RESKIN this *14* day)
of *December*, 2002.)

Before me,





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AFFIDAVIT

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MR GURDAIB SINGH S/O PALA SINGH
MESSRS GURDAIB, CHEONG & PARTNERS
ADVOCATES & SOLICITORS
10 ANSON ROAD, #16-01A
INTERNATIONAL PLAZA
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REF : GS/HM/3146/2002

Filed this day of , 2002

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A F F I D A V I T

I, GEORGE R. O'CONNOR (United States Passport No. 087801565), of care of 7 Main Street, Parkville, Missouri, 64152, United States of America, do make oath and say as follows:

1. The facts deposed to herein are true and are within my own personal knowledge or are derived from documents within the possession of the Plaintiffs. Where the said facts are within my personal knowledge they are true otherwise they are true to the best of my knowledge information and belief.

2. I am an Attorney in good standing and have been continuously licensed by the Supreme Court of the State of Missouri to practice law in the State of Missouri since 1990 by examination and under Missouri Bar License Number 38042, and I am admitted to Federal Courts including the United States District Courts for the Western District of Missouri and the District of Kansas in the United States of America and make this affidavit to provide a legal opinion on behalf of the Plaintiffs as required in the following context, namely:

- (a) That there are no impediments, under Missouri state law or US Federal Law, to the Plaintiffs (in their stated capacity) commencing proceedings without formally being registered or incorporated.
- (b) That there are no impediments to a second unregistered entity assuming the contractual burdens and benefits of another unregistered entity.

3. In reply to the paragraph 2 above, I am of the opinion as follows:

- (a) Neither Federal nor Missouri statutory law nor common law prohibit a person from the use of a name that is not that person's name. There is no requirement for a person or a group of people to register or incorporate a casual hobby, association, or club. A person may adopt a *nom de guerre* or a *nom de plume* at any time, so long as there is no intent to defraud. The United States Constitution, First (1st) Amendment guarantees the right of "free speech" and US history is filled with examples of anonymous political pamphlets, advertisements and so on. Thomas Paine published his famous anonymous pamphlet titled **Common Sense**, in January of 1776, urging the colonists to revolt against the British Monarchy and declare independence from the Commonwealth.
- (b) The State of Missouri criminal statutes that define and prohibit civil and criminal fraud (using the broadest definition of fraud in the Missouri statutes) defines fraud under Chapter 407 *et seq.* of the Revised Statutes of Missouri (R.S.Mo. 2001). Mr. Reskin's

actions simply do not fit within the definition under sections 407.010 through 407.025. Missouri's official state statutes can be found on the State's Official Website, without cost to the user at:

<http://www.moga.state.mo.us/homestat.asp>

- (c) Turning now to Chapter 417 *et seq.* (R.S.Mo. 2001) the "Registration of Fictitious Names" statute: Mr. Reskin is not required to register his *nom de guerre* or *nom de plume* because he does not engage in "business" within or concerning the State of Missouri. Again, his activity is that of a hobbyist and he is neither required to use his personal name nor a registered fictitious name because he fails to meet the statutory definition of an entity that requires registration. See, Chapter 417.210 (R.S.Mo. 2001)
- (b) My opinion is exactly the same as I have stated in Paragraph A: Plaintiffs may create and use as many names as they so desire and transfer any contractual rights or duties. Mr. Reskin is not required to register his *nom de guerre* or *nom de plume* because he does not engage in business within or concerning the State of Missouri. Again, his activity is the equivalent of a hobbyist and he is neither required to use his personal name nor a registered fictitious name because he fails to meet the statutory definition of an entity that requires registration. A very simple example of this is that the noted Missouri-born author Samuel Clemens wrote most of his famous books under the name "Mark Twain" without registering or incorporating under his *nom de plume*. Thus, the famous author of such books as: **Tom Sawyer** (1876), **Huckleberry Finn**(1885), and **A Connecticut Yankee in King Arthur's Court** (1889) could, and did, assume a name that was not his own, for his own purposes, and he could, and did, receive

monetary and contractual obligations and rights under his
assumed name.

George R. O'Connor Mo 38042
Ks 70654

SWORN at Johnson County, Kansas USA)
by GEORGE R O'CONNOR this)
28th day of Dec, 2002)

Before me, *Sandy Johnson*

A NOTARY PUBLIC

02/05/06



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