

# CFI 005/2011 - Order

DECEMBER 20, 2011 COURT OF FIRST INSTANCE - ORDERS,ORDERS

**Claim No. CFI 005/2011**

**IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS**

**IN THE COURT OF FIRST INSTANCE**

**IN THE MATTER OF**

**DR. DAVID  
DORSEY** Claimant  
and  
**UNION  
PROPERTIES PJSC** Defendant

**And by Counterclaim under RDC Part 21**

**BETWEEN:**

**UNION  
PROPERTIES PJSC** Claimant  
and  
**DR. DAVID  
DORSEY** Defendant

**AMENDED ORDER**

**UPON** the Claimant's Application No 52/2011 of 3 November 2011 ("the Application")

**AND UPON** reading the CMC bundle filed by the Claimant including the statements of case and recent open correspondence between the parties

**AND UPON** reading the parties' skeleton arguments and hearing the submissions from both parties' attorneys

**AND UPON** reading the parties' request to adjust the timetable of the Case Management Order issued on

14 December 2011

**WITH THE CONSENT OF THE PARTIES IT IS ORDERED THAT:**

The Application

*Re-Amendment of Particulars of Claim*

1. The Claimant be permitted to re-amend the Particulars of Claim as shown in the draft Re-Amended Particulars of Claim attached to the Application.
2. The Claimant shall file and serve the Re-Amended Particulars of Claim by **4 pm on 17 November 2011**.
3. The Defendant be permitted to amend its Statement of Defence and Counter-claim to plead to the re-amendments to the Particulars of Claim, and shall file and serve any Amended Statement of Defence and Counterclaim **by 4 pm on 1 December 2011**.
4. If required, the Claimant shall be permitted to amend its Reply and Defence to Counterclaim, and shall file and serve any Amended Reply and Defence to Counterclaim by **4pm on 15 December 2011**.
5. The Defendant shall be entitled to its costs of and arising from the Claimant's amendments. Such costs to be referred for detailed assessment if not agreed.

*Request for Further Information*

6. The request for further information is rejected.

*Permission for expert evidence*

7. Both parties shall be permitted to rely at trial upon the evidence of experts on, inter alia, the issue of the quality of the finish and fittings of the Unit and the relevant common parts and amenities, on the issue of market practices within Dubai and the [DIFC](#) and, further, to provide any necessary and appropriate valuations.
8. On or before 29 February 2012 the parties shall exchange their proposed instructions to their experts on the areas on which expert opinion is required.

*Inspection*

9. The Claimant's expert(s) shall be permitted access to the Unit for up to 2 full days in order to inspect the Unit and the common parts and common amenities with a view to preparing an expert report, provided that no less than 14 days' notice has been given in writing to the Defendant's attorneys.
10. The Claimant shall preserve the existing state of the Unit, and shall not until further order take any steps, whether itself or by any of its servants and/or agents or howsoever, to improve the condition of the Unit until such time as the Claimant receives written notice from the Defendant that its expert has completed his inspection of the Unit and common parts.

Case Management Directions

- (a) The parties are ordered to mediate their various claims under RDC Part 27, Justice by Reconciliation procedures.
- (b) On or before **2 February, 2012** the parties shall exchange the names of 3 neutral individuals who are available to conduct justice by reconciliation procedures in this case prior to **29 March, 2011**.
- (c) On or before **9 February, 2012** the parties shall in good faith endeavour to agree a neutral individual from the names so exchanged and provided.
- (d) Failing such agreement by **9 February, 2012** the Case Management Conference will be restored to enable the [Court](#) to facilitate agreement on a neutral individual or panel.
- (e) The parties shall take such serious steps as they may be advised to resolve their disputes by justice by reconciliation procedures before the neutral individual so chosen by no later than **29 March, 2011**.
- (f) If the case is not finally settled, the parties shall inform the Court by letter prior to exchange of witness statements what steps towards justice by reconciliation have been taken and (without prejudice to matters of privilege) why such steps have failed. If the parties have failed to initiate justice by reconciliation procedures, the Case Management Conference is to be restored for further consideration of the case.

11. Taking into account the above Orders, the Court and the parties have agreed to the following case management timetable. However, the timetable shall only continue after the date set for justice by reconciliation if such mediation fails to resolve matters between the parties.

No	DATE	EVENT
1	Service of Re-Amended Particulars of Claim	17 November 2011
2	Service of Amended Defence and Counterclaim	1 December 2011
3	Service of Amended Reply to Defence and Counterclaim	11 December 2011
4	Standard disclosure	5 January 2012
5	Request for production of specific documents (if any) (Redfern schedule)	12 January 2012
6	Production of documents/objections	2 February 2012
7	Exchange of lists of 3 neutral individuals who are available to conduct justice by reconciliation	15 February 2012
8	Replies to objections	9 February 2012
9	Agreed neutral individual	9 February 2012
10	Hearing to determine decision on production	23 February 2012

11	CMC to facilitate agreement on a neutral individual	23 February 2012
12	Production	8 March 2012
13	<a href="#">Stay</a> for use of Justice by Reconciliation (RDC Part 27)	29 April 2012
14	Exchange of witness statements	29 April 2012
15	Exchange of experts' reports	27 May 2012
16	Meetings of experts on or before	17 June 2012
17	Exchange of supplemental witness statements	24 June 2012
18	Joint experts' reports or final experts' reports	8 July 2012
19	Pre-trial review	22 July 2012
20	Progress monitoring date	29 July 2012
21	Sending pre-trial checklists to the Court	29 April 2012
22	Trial	Week commencing 2 September 2012

#### Costs

12. The costs of the CMC hearing and any other cost ( if any ) will be costs in the case.

Shamlan Alsawalehi

**Judicial Officer**

Date of Issue: 20 December 2011

At: 12pm