

CFI 014/2010 - Order

MARCH 17, 2013 COURT OF FIRST INSTANCE - ORDERS,ORDERS

Claim No: CFI 014/2010

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BEFORE JUSTICE SIR JOHN CHADWICK

BETWEEN

TAALEEM P.J.S.C. Claimant

and

**(1) NATIONAL
BONDS
CORPORATION
P.J.S.C.**

**(2) DEYAAR
DEVELOPMENT**

P.J.S.C. Defendants

CASE MANAGEMENT ORDER OF JUSTICE SIR JOHN CHADWICK

MADE ON 16 JANUARY 2013

UPON THE APPLICATION of the Claimant, Taleem PJSC, by Application Notice dated 1 November 2012 (No CFI 014/2010/18) for the production of documents by the Second [Defendant](#), Deyaar Development PJSC

AND UPON THE APPLICATION of the First Defendant, National Bonds Corporation PJSC, by Application Notice also dated 1 November October 2012 (No CFI 014/2010/19) for the production of documents by the Second Defendant

AND UPON HEARING leading counsel for the Second Defendant and counsel for the Claimant and for First Defendant

AND UPON the Second Defendant by counsel stating that it would confirm in writing the matters set out in the Schedule hereto

THE COURT MAKES NO ORDER on the application save that:

1. The Second Defendant shall within seven days of the date of this Order (in so far as it has not already done so) produce to the Claimant and to the First Defendant:

(a) Correspondence between the Second Defendant and the [Ruler's Court](#) relating to the payment of AED 9,501,902 in May 2009;

(b) Any complaint made by the Second Defendant to Financial Audit Department ("the FAD") in

relation to the FAD's investigation into the Sky Gardens transaction.

Provided that, in respect of the documents to be disclosed pursuant to sub-paragraph (a):

(i) the Second Defendant shall be at liberty to inform the Ruler's Court of the order that is being made in relation to those documents;

(ii) the documents are not to be disseminated without a further order of this Court or the consent of the Ruler's Court;

(iii) before reading or referring to those documents at a hearing the party proposing to do so should invite the Court to consider whether an order should be made under [RDC 28.57](#) or that that part of the hearing should be held in private.

2. The Second Defendant shall within seven days of the date of this Order (in so far as it has not already done so) produce to the Claimant the documents described in Classes 1 and 3 in paragraph 2(2) of the Claimant's Request.

3. The Second Defendant shall within seven days of the date of this Order (in so far as it has not already done so) take the steps necessary to recreate the electronic back-up files and restore the e-mail account of Abdulla Al Hamli for the period 1 September 2008 to 31 May 2010 and, the back-up electronic files having been re-created and the e-mail account restored, shall conduct the following keyword searches in respect of the restored e-mail account: (a) "Sky Garden", (b)"NBC" and "National Bonds", (c) "Taaleem", (d) "FAD", (e) "Ruler's court", (f) "Amlak", "Amlak Sky Gardens" and "ASG", (g)"Nasser" and "Nasser Al Shaikh", (h) "Buti", "Buti Jumairi and "Buti Jumeiri", (i)"Mazaya" and (j) "First Dubai". For the avoidance of doubt, each of the keyword searches shall be performed individually and duplicate copies of e-mails produced as a result of the various searches shall be removed by a process of de-duplication.

4. The Second Defendant shall search the de-duplicated e-mails generated by the keyword searches in paragraph 3 of this Order for documents falling within the First Defendant's Requests and shall

within fourteen days of the date of this Order (in so far as it has not already done so) disclose any documents found as a result of that search which have not already been produced in these proceedings.

5. The Second Defendant shall provide a Document Production Statement in accordance with RDC [28.22 - 28.24](#) which shall verify compliance with paragraphs 1, 2 and 4 of this Order.

6. As between the Claimant and the Second Defendant the costs of the Claimant's application for the production of documents shall be costs in the case.

7. As between the First Defendant and the Second Defendant the costs of the First Defendant's application for the production of documents shall be costs in the case.

8. A party seeking to rely on provisions of [UAE](#) Law shall set out and deliver to the other parties, first, a statement of the issues in relation to which it contends provisions of UAE Law are relevant; and, second, what the applicable provisions of UAE Law are said to be in relation to those issues. Any application to adduce expert evidence as to UAE Law is adjourned for further consideration.

9. The parties shall inform the [Registry](#) of periods after the middle of September during which their counsel are not available for a trial or which they wish to avoid.

10. Liberty to apply.

Issued by:

Mark Beer

[Registrar](#)

Date of Issue: 17 March 2013

At: 10am