IN THE COURTS OF DUBAI INTERNATIONAL FINANCIAL CENTRE

IN THE COURT OF FIRST INSTANCE

N/A

BETWEEN

SALEHIYA TRADING COMPANY

Claimant

and

OLYMPUS EUROPA SE & CO. KG

Defendant

ORDER WITH REASONS OF H.E. JUSTICE SHAMLAN AL SAWALEHI

UPON hearing Counsel for the Claimant and Counsel for the Defendant at the Pre-Trial Review hearing held before H.E. Justice Shamlan Al Sawalehi on 2 October 2026 (the "Hearing")

AND UPON the Order of H.E. Justice Shamlan Al Sawalehi dated 6 October 2026 following the Hearing (the "PTR Order")

AND UPON reading the letter of the Defendant's legal representatives, Reed Smith LLP dated 8 October 2026 (the "Defendant's Letter")

AND UPON reading the letter of the Claimant's legal representatives, Addleshaw Goddard (Middle East) LLP dated 9 October 2026 (the "Claimant's Letter")

IT IS HEREBY ORDERED THAT:

1. The PTR Order is amended as set out below. Save as so amended, the PTR Order remains in full force and effect.

The Strike Out Application

2. Paragraph 4 of the PTR Order is varied so that the witness statement referred to at paragraph 3 of the PTR Order shall be served by no later than **4pm (GST) on 14 October 2026**.

3. The Defendant shall have permission to file and serve a single witness statement in response, confined strictly to the matters raised in the witness statement of Mr Bilal Abu Kalam, by no later than **4pm (GST) on 16 October 2026**.

4. Paragraph 5 of the PTR Order is varied to read as follows: The Defendant shall pay the Claimant's costs of the Strike Out Application. The Claimant shall submit a statement of costs not exceeding 2 pages within 3 days of this Order. The Defendant may file submissions in response, not exceeding 2 pages, by no later than 3 days after the Claimant submits their statement of costs, following which the Court will determine those costs on the papers.

Evidence of Mr Faber and Mr Hufkie

5. Mr Faber and Mr Hufkie shall each give oral evidence, including examination-in-chief and cross-examination, on the same day.

6. The Defendant's request for an overnight interval between the conclusion of examination-in-chief and the commencement of cross-examination of each witness is refused.

The Defendant's Letter

7. Save as expressly provided in the PTR Order and this Order, the remaining requests made in the Defendant's Letter are refused.

Defendant's Request for Reasons

8. The Defendant's request that the Court provide reasons for the PTR Order is refused, for the reasons set out in the Schedule of Reasons of this Order.

Issued by:
Delvin Sumo
Assistant Registrar
Date of issue: 12 October 2026
At: 2pm

SCHEDULE OF REASONS

1. By the Defendant's Letter, the Defendant requests that reasons be provided for each of the determinations made in the PTR Order, and that

time for any application for permission to appeal run from the date on which those reasons are provided. For the reasons which follow, both requests are refused.

2. The extent of the reasons called for depends on the nature of the decision, and case management directions given at a pre-trial review shortly before trial do not require the elaboration of a final judgment. In deciding what is required, the Court must seek to give effect to the overriding objective.

3. The determinations in the PTR Order are case management decisions under Part 4 of the Rule of the DIFC Courts ("RDC"), concerning disclosure, the filing of witness evidence and the timetable for trial. They were made following the Hearing, at which Counsel for both parties made submissions on each of the applications, and at a time when trial is listed to commence on 19 October 2026. The function of the PTR Order was to determine, pragmatically and promptly, those matters which required resolution before trial, so that the parties could complete their preparation.

4. The proximity of the PTR to trial, and the number of substantive matters which remained outstanding for determination at that stage, are not matters for which the Court is responsible. The parties are required to assist the Court to further the overriding objective, and every application should be made as soon as it becomes apparent that it is necessary or desirable to make it. The function of the Court at the Hearing was to determine the matters which the parties had left for its determination.

5. The preparation of fuller reasons in the final days before trial would not further the overriding objective, which requires the Court to deal with the case expeditiously and fairly and to give directions to ensure that the trial proceeds quickly and efficiently.

6. To the extent that the Defendant disagrees with the PTR Order, it is open to the Defendant to seek permission to appeal in accordance with Part 44 of the RDC.