THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

BAM HIGGS & HILL LLC

Claimant

and

(1) AFFAN INNOVATIVE STRUCTURES LLC
(2) AMER AFFAN

Defendants

ORDER OF JUSTICE MICHAEL BLACK KC

UPON reviewing the Claimant's Pre-Trial Review Skeleton dated 13 September 2024

AND UPON reviewing the Parties' Pre-Trial Review Checklists dated 17 September 2024

AND UPON reviewing the Defendants' Pre-Trial Review Note dated 20 September 2024

AND UPON hearing Counsel for the Claimant and Counsel for the Defendants at the Pre-Trial Review on 20 September 2024

IT IS HEREBY ORDERED THAT:

1. Timetabling of the Trial

(a) The Trial shall commence on **21 October 2024** and the Parties' openings and hearing of the evidence shall run for six days until (and including) 28 October 2024, with 29 and 30 October 2024 being held as days in reserve.

(b) The time for the Parties' openings and hearing of the evidence at the Trial shall be shared equally between the Parties. The Parties shall set out the terms of their agreement to share the time at the Trial equally in a chess clock protocol, to be concluded ahead of the commencement of Trial on **21 October 2024.**

2. Expert Witnesses' Evidence

(a) The Parties shall liaise within one another to attempt to agree a list of proposed issues to be discussed by the Experts during the Trial by way of "hot-tubbing". The agreed list of proposed issues to be discussed by the Experts shall be added as an addendum to the Claimant's written Skeleton Arguments.

(b) Failing agreement between the Parties on the list of proposed issues to be discussed by the Experts by way of hot-tubbing, the Parties shall each submit their respective lists as an addendum to their written Skeleton Arguments.

(c) During the course of the Trial and in the light of the oral evidence given, Justice Michael Black KC shall direct which of the issues proposed by the Parties (by agreement or individually) shall be discussed during expert "hot-tubbing", if any.

3. Document Arrangements

(a) In addition to the Bundle submitted to the Court of **20 September 2024,** the Claimant shall prepare and provide:

(i) A hyperlinked pdf of the Bundle; and

(ii) A hyperlinked electronic bundle containing the documents agreed between the Parties.

4. Closing Arguments

(a) The Parties are to file their written closing arguments by no later than **4pm (GST) on 25 November 2024.**

(b) The Parties are to liaise as soon as practicable with each other and with the Registry to agree possible dates for oral closings to take place remotely in December 2024.

5. Hearing Transcription

(a) The Parties are to appoint a live transcription service provider and an electronic document presentation service provider, the costs of which are to be borne equally by the Parties until the Court issues an order as to costs of the Trial following cost submissions by the Parties.

6. Costs

(a) The costs of the pre-trial review shall be to be costs in the case.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 3 October 2024
Time: 2pm