THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

ALI MOUSA & SONS ALUMINIUM INDUSTRIES

Claimant

and

SUN ENGINEERING & CONTRACTING LLC

Defendant

CASE MANAGEMENT ORDER OF H.E JUSTICE NASSIR AL NASSER

UPON reviewing the Court file

AND UPON reading the Case Management Bundle

AND UPON reviewing the Rules of the DIFC Courts (**"RDC"**)

AND UPON hearing Counsel for the Claimant and Counsel for the Defendant at the Case Management Conference held before H.E Justice Nassir Al Nasser on 30 May 2021

IT IS HEREBY ORDERED THAT:

Agreed List of Issues

1. An agreed list of issues and case memorandum will be filed with the Court **by 7 June 2021**. If the Parties cannot agree, they will point out any areas of disagreement in those documents.

2. Adjacent to each paragraph of each witness statement, reply witness statement (if any) and skeleton argument shall be inserted the issue or issues to which that paragraph relates as numbered in the Agreed List of Issues, in order for the Court to understand to which of the agreed issues that paragraph relates.

Production of Documents (RDC Part 28)

3. Standard production of documents shall be made by each party **by 4pm on 14 June 2021**.

4. The parties shall file and serve a Request to Produce, if any, by **4pm on 21 June 2021**.

5. Objections to Requests to Produce, if any, shall be filed and served within 7 days thereafter and in any event **by 4pm on 28 June 2021**.

6. Where objections to any Requests to Produce have been made, the Court shall determine those objections and shall make any disclosure order within the following 7 days and in any event **by 5 July 2021**.

7. The parties shall comply with the terms of any Disclosure Order and file a Document Production Statement within 21 days thereafter and in any event **by 4pm on 26 July 2021**.

8. Where there are no objections to a particular Request contained in a Request to Produce, documents responsive to that request shall be produced within 14 days from the date of the Request to Produce, and in any event **by 4pm on 26 July 2021**.

Witness Statements (RDC Part 29)

9. Signed statements of witnesses of fact, and hearsay notices where required by the RDC shall be exchanged within 8 weeks following the close of the disclosure stage, and in any event **by 4pm on 20 September 2021**.

10. Any Witness Statement evidence in reply shall be filed and served within 4 weeks thereafter and in any event **by 4pm on 18 October 2021**.

11. Unless otherwise ordered, Witness Statements shall stand as evidence in chief of the witness at trial.

Expert Reports (RDC Part 31)

12. The Claimant and Defendant are each permitted to rely on expert evidence in the fields of Delay and Quantum.

13. The parties may agree to appoint a single joint expert in each field, to be agreed by **25 October 2021**. If so agreed, the single joint expert(s) report(s) to be **filed by 4pm on 3 January 2022**.

14. In not, Expert Report(s) by the Defendant shall be filed and served by no later than 4pm on **3 January 2022**.

15. Expert Report(s) by the Claimant shall be filed and served **by 4pm on 14 March 2022**.

16. Experts in like discipline shall meet within 21 days and submit a joint report setting out the areas in which they agree and disagree within 21 days **by 4pm on 4 April 2022**.

Progress Monitoring Date (RDC Part 26)

17. The Progress Monitoring Date shall be listed on **21 April 2022**.

18. The parties shall file and serve a Progress Monitoring Information Sheet at least three clear days before progress monitoring date and in any event **by 4pm on 18 April 2022**.

Pre-Trial Review (RDC Part 26)

19. A pre-trial review shall be listed at **1pm on 1 May 2022** being within the normal range of 4 to 8 weeks before trial.

Trial Bundles (RDC Part 35)

20. Agreed trial bundles shall be filed and served no later than 2 weeks before trial and in any event **by 4pm on 5 June 2022**.

Reading List and Trial Timetable (RDC Part 35)

21. An agreed reading list for trial along with an estimate of time required for reading and an estimated timetable for trial shall be filed with the Court by the Claimant no later than two clear days before trial and in any event **by 4pm on 15 June 2022**.

Skeleton Argument and Chronology (RDC Part 35)

22. Skeleton Arguments and Written Opening Statements shall be filed and served two clear days before the start of trial and in any event **by 4pm on 15 June 2022**.

23. The parties shall prepare an agreed Chronology of significant events cross-referenced to significant documents, pleadings and witness statements which shall be filed with the Court by the Claimant **by 4pm on 15 June 2022**. In the event that there are areas of disagreement, the Chronology shall include an agreed Chronology and a Chronology of events which are disputed, with the parties' respective positions outlined therein.

Trial (RDC Part 35)

24. The trial of this matter shall be listed at **12pm on 19 June 2022** with an estimated duration of 5 days, with one further day in reserve.

25. Costs of the Case Management Conference shall be costs in the case.

26. The parties shall have liberty to apply.

Issued by:
Ayesha Bin Kalban
Deputy Registrar
Date of issue: 6 June 2021
At: 10am