ITHE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

HEXAGON HOLDINGS (CAYMAN) LIMITED

Claimant/Respondent

and

(1) DUBAI INTERNATIONAL FINANCIAL CENTRE AUTHORITY
(2) DUBAI INTERNATIONAL FINANCIAL CENTRE INVESTMENTS LLC

Defendants/Applicants

CASE MANAGEMENT ORDER OF JUSTICE SIR JEREMY COOKE

UPON the Case Management Conference (**"CMC"**) held before Justice Sir Jeremy Cooke on 22 February 2021

AND UPON HEARING counsel for the Claimant and counsel for the Defendants at the CMC

IT IS HEREBY ORDERED THAT:

Request for Further Information

1. The Defendants' Application Notice No. CFI-013-2019/3 dated 11 February 2021 (the **"RFI Application"**) is granted.

2. The Claimant shall provide in the form of Re-Amended Particulars of Claim responses to the Defendants' Requests for Further Information Nos. 4.a, 4.b, 5.a, 5.b, 8.a, 8.b, 12 and 13 **on or before 12 March 2021**.

Production of Documents

3. Standard production of documents to be made by each party on or before 1 April 2021.

4. On or before 15 April 2021, each party may file and serve on the other party a Request to Produce (**"RTP"**) in the form of a Redfern Schedule which substantially complies with Schedule A to Part 28 of the DIFC Court Rules.

5. Objections to Requests contained in an RTP (if any) shall be filed and served by the party responding to the RTP **on or before 13 May 2021**.

6. Where there are no objections to a particular Request contained in a RTP, the responding party shall produce to the requesting party documents which are responsive to that request **by 4:00pm on 13 May 2021**.

7. **On or before 27 May 2021** where a requesting party considers that: (i) a responding party's objection to production is not justified; or (ii) the responding party has failed to produce requested documents that are within its possession, custody or control without objection, the requesting party may apply to the Court for a Document Production Order.

8. The Court shall use its best endeavours to determine the application(s) for a Document Production Order **by 10 June 2021**.

9. The parties shall comply with the terms of any Document Production Order **by 4:00pm on 8 July 2021**.

Second CMC

10. A second CMC shall be held before Justice Sir Jeremy Cooke on **8 July 2021**.

Order for Alternative Dispute Resolution

11. Without prejudice to the possibility of alternative dispute resolution at any appropriate time during the proceedings, the Claimant and the Defendants shall, following the close of the disclosure stage and prior to the exchange of witness statements, give reasonable consideration to whether the case is capable of amicable settlement.

Witness Statements

12. Signed statements of witnesses of fact, and hearsay notices where required to be exchanged and filed by **26 August 2021**.

13. Any Witness Statement evidence in reply shall be filed and served by **16 September 2021**.

14. Unless otherwise ordered, witness statements are to stand as evidence in chief of the witness at trial.

Expert Reports

15. The parties shall have permission to rely on expert evidence from one expert each in the fields of:

a. real estate valuation; and

b. loss of profits in real estate development.

16. The Claimant shall file and serve any expert reports setting out its claim for damages by **30 September 2021**.

17. The Defendants shall file and serve any expert reports in response by **28 October 2021**.

18. The experts in each field shall meet and produce a joint expert report setting out the areas of agreement and disagreement between them, which shall be filed by **11 November 2021**.

19. The parties shall file and serve any supplemental expert reports by **25 November 2021**.

Pre-Trial Review

20. A pre-trial review is to be listed not less than 1 week after the close of expert evidence, and in any event no later than 14 days before the first day fixed for trial.

Trial Bundles

21. The parties shall agree an index for the trial bundle no later than 28 days before the first day fixed for trial.

22. Agreed trial bundles shall be prepared by the Claimant in accordance with Part 35 of the RDC and lodged by not later than 21 days before the first day fixed for trial.

Reading List

23. A single reading list approved by all parties' legal representatives for trial shall be lodged with the Registry not later than seven days before the first day fixed for trial, together with an estimate of time required for reading.

Skeleton Argument, Opening Statements and Chronology

24. Skeleton Arguments shall be filed and served by the Claimant no later than 7 days before trial and by the Defendants by no later than 4 days before trial.

25. An agreed chronology of significant events cross-referenced to the documents in the bundle shall be filed by the Claimant no later than 7 days before trial. In the event that there is disagreement, this is to be set out in a single document in redline.

Trial

26. The trial of this matter shall be fixed for **three weeks commencing on Sunday 6 February 2022**.

27. Liberty to apply.

Costs

28. The Claimant's Application Notice No. CFI-013-2019/2 dated 10 January 2021 (the **"Interim Payment Application"**) is granted.

29. The Defendants shall pay to the Claimant within 14 days of the date of this Order an interim payment on account of costs in the sum of US$ 430,000 (Four Hundred and Thirty Thousand United States Dollars) on account of the costs that the Defendants were ordered to pay to the Claimant pursuant to paragraph 4 of the DIFC Court of Appeal's order dated 27 September 2020.

30. The costs of the CMC, the RFI Application and the Interim Payment Application shall be costs in the case.

Issued by:
Nour Hineidi
Registrar
Date of Issue: 1 March 2021
At: 12pm