IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

N/A

BETWEEN:

PAUL

Claimant

and

PAXTON

Defendant

ORDER WITH REASONS OF H.E. JUSTICE ROGER STEWART

UPON the Arbitration Claim Form dated 4 February 2026 (the "Claim")

AND UPON the Defendant's Application No ARB-010-2026/2 dated 30 March 2026 ("the "Main Application")

AND UPON the Order with Reasons of H.E. Justice Roger Stewart dated 21 May 2026

AND UPON the Claimant seeking its costs on an indemnity basis and filing a Statement of Costs dated 1 June 2026

AND UPON the Defendant's Application No. ARB-010-2026/4 dated 12 June 2026 (the "Costs Application") supported by a document entitled "Defendant's response to the Witness statement of Prince" dated 9 June 2026 and a further document entitled "Defendant's Objections to the Claimant's statement of costs" also dated 9 June 2026

AND UPON the Claimant confirming that it did not intend to respond further in relation to costs or the Costs Application

IT IS HEREBY ORDERED THAT:

1. The Claimant is entitled to be paid its costs of the Main Application.

2. Those costs are summarily assessed in the sum of **USD 25,000**.

3. The above sum shall be paid by the Defendant to the Claimant within 14 days of this Order.

4. The Costs Application is dismissed.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 23 September 2026
At: 2pm

SCHEDULE OF REASONS

1. As set out in the Order with Reasons of 21 May 2026:

   (a) The Court dismissed the Main Application dated 30 March 2026 whereby the Defendant sought to set aside or vary an anti-suit injunction contained in an Order dated 4 February 2026 and maintained at the return date of 13 February 2026 so as to permit it to seek relief from the Dubai Courts outside the DIFC in order to set aside an Arbitral Award dated 5 December 2025;

   (b) Permission was given to any party to apply for costs within 7 days from the date of the Order; and

   (c) The other party was permitted to respond to the same within 7 days thereafter.

2. On 1 June 2026, the Claimant sought costs in the total amount of USD 43,505.62 on an indemnity basis. This was made up as to expenses or disbursements of AED 7,005.42 with the balance being time costs.

3. On 12 June 2026, the Defendant issued an application objecting to the costs statement and seeking its dismissal on several grounds alternatively that it be substantially reduced and that no costs be awarded on an indemnity basis.

4. Accompanying the Defendant's application were two documents. The first was entitled "Defendant's response to the witness statement of Prince" which contained a series of points objecting to an earlier witness statement in the substantive proceedings. It is of no relevance to the costs position.

5. The second document was entitled "Defendant's objections to the Claimant's Statement of Costs". This document:

(a) Objected to the sufficiency of the evidence presented in support of the Costs Application including in respect of disbursements where no description was given as to their nature;

(b) Objected that the total time sought was disproportionate given that the matter was resolved without a hearing;

(c) Objected to assessment on an indemnity basis;

(d) Objected to the authority of Mr Xu to act for the Claim on the basis that his authority to act had been challenged in related proceedings

(e) Asserted that the Statement of Costs had been uploaded without notice to the Defendant; and

(f) Submitted that there should be no resolution of the issues until the authority issues had been resolved.

6. The Claimant was given the opportunity to respond to the above application (without being under any obligation to do so) but chose not to do so.

7. Having considered the material, I come to the following conclusions:

(a) First, there is no basis for reducing the costs sought or postponing the costs assessment on the basis of the alleged authority issues. Mr Xu and his firm have acted on behalf of the Claimant throughout and there is no explanation as to why this was done without the Claimant's knowledge or authority - such an allegation being inherently implausible;

(b) Secondly, the Claimant is, as a matter of principle, entitled to have its costs assessed on an indemnity basis. The Order with Reasons dated 21 May 2026 set out a series of matters which took this case outside the norm including:

i. The expression of disquiet at the conduct of the Defendant in paragraph 26;

ii. The fact that the grounds for making the application were misconceived on grounds set out in paragraph 31 including:

1. That the Defendant had put forward no ground upon which it was entitled to challenge the Award in the Courts of Dubai outside the DIFC; and

2. That no proper grounds were established as to non-disclosure;

(c) Thirdly, however, that even on the basis of an indemnity assessment, the costs sought fall to be reduced substantially as set out below.

8. The effect of an indemnity basis is such as to reverse the burden of proof as to reasonableness and remove the requirement for proportionality. Nonetheless I consider:

(a) That there is no basis for making any award for disbursements. Their nature is wholly unidentified and I cannot see what work has been done in relation to such disbursements;

(b) The time costs fall for reduction as:

i. Time is included for a hearing of 2 hours totaling USD 2,030 when no hearing took place; and

ii. I consider the total time spent on documents to have been unreasonable given:

1. The nature of the application;

2. The limited evidence provided by the Claimant; and

3. The knowledge which the Claimant's lawyers had of the matter;

(c) Given that the Claimant chose not to respond to the points made, I assess the costs claimed as USD 25,000 which I consider a reasonable sum given the work involved.

9. There is no separate basis for the Costs Application.