Claim No: CFI 026/2010

THE JUDICIAL AUTHORITY OF THE DUBAI INTERNATIONAL FINANCIAL CENTRE

IN THE COURT OF FIRST INSTANCE

BEFORE JUSTICE DAVID WILLIAMS

BETWEEN

ANNA DADIC	Claimant
v	
DUBAI INTERNATIONAL FINANCIAL CENTRE AUTHORITY	Defendant

ORDER FOR DIRECTIONS

1. The Chief Justice has assigned me to this case since I have had no involvement in any of the judicial proceedings, Judgments or Orders which form the basis of the claim.

2. The claim for Judicial Review was lodged on 31 October 2010 attached to which was a document entitled Particulars of Claim for Judicial Review ("Particulars No.1").

3. On 28 November 2010 the Claimant filed Further Particulars of Claim for Judicial Review ("Particulars No.2").

4. On 19 December 2010 Clifford Chance LLP, for the Defendant, filed an Acknowledgement of Service and indicated that the Defendant intended to defend all claims. It was accompanied by a detailed list of grounds for contesting the claim and asserted, on the basis of those grounds, that the claim was bound to fail. This latter statement is sufficient to indicate that the Defendant intends to contest the grant of permission to proceed which permission is required by DIFC Rule 42.6.

5. On 16 March 2011 the Claimant filed further Particulars of Claim for Judicial Review ("Particulars No.3").

6. DIFC Rule 42.32 states that "the Court will normally consider the question of permission without a hearing". However, in this case because of the novelty and complexity of the claim, the Court proposes to hold a permission hearing. Due to the fact that I shall not be sitting in this Court until next November, the hearing for permission will be conducted with the Claimant present in the Court along with the Defendant's counsel with myself appearing by way of video conference from New Zealand.

Directions:

7. For the purposes of ensuring the expeditious and efficient conduct of the permission hearing, the Court issues the following directions:

(i) The Claimant shall file her written submissions in support of an Application for Permission and any further documents (if any) she wishes to produce to the Court in addition to those already lodged in the Court as soon as possible but in any event no later than **4pm on 15 April 2011**.

(ii) The Defendant shall file any documentary evidence it wishes to produce to the Courts and its written submissions in opposition to the grant of Permission and in reply as soon as possible after receipt of the Claimant's submissions but in any event no later than **4pm on 29 April 2011**.

(iii) The Claimant may file, if she wishes to do so, a brief Rejoinder strictly confined to replying to the Defendant's submissions and not

exceeding five pages in length no later than **4pm on 13 May 2011**.

- (iv) The submissions of each party should address:

  - a. The question of whether the defendant is amenable to Judicial Review. In this respect the parties are referred to the decision of the English Court of Appeal in *Regina v Upper Tribunal* 2011 QB 120 a copy of which is available on request from the Court Registry.

  - b. Whether there has been compliance in respect of each component of the Claimant's claim with the time limits under RDC 42.7 for filing the Claim Form for Judicial Review proceedings and, if not, whether an extension of time should be granted.

  - c. The relevance, if any, by way of guidance, of the English principles concerning Permission in Judicial Review cases which are summarised in Civil Procedure 2011 (White Book) Volume 1 at paragraph 54.4.2, 54.4.5 pages 1683-1684 (attached).

- (v) A half day hearing will take place on either 16, 17 or 23 May 2011 with the Claimant and counsel for the Defendant in the DIFC Courts and Justice Williams participating by video conference. The precise date will be notified closer to the hearing.

Justice David Williams

Date of Issue: 22 March 2011

At: 12.30pm