IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) AL SOOR INVESTMENTS LLC
(2) AL BARAKA INVESTMENTS LLC
(3) SARI INVESTMENTS LLC

Claimants

and

(1) JULIUS BAER (MIDDLE EAST) LIMITED
(2) BANK JULIUS BAER & CO LTD
(3) MR EMAD ODEH
(4) MR NICO TSCHUI

Defendants

ORDER WITH REASONS OF THE DEPUTY REGISTRAR AYESHA BIN KALBAN

UPON reviewing Application Notice No. CFI-088-2019/5 filed on behalf of the First, Second, Third and Fourth Defendants dated 8 September 2022 (the "Defendants' Application")

AND UPON reviewing Rule 23.21 of the Rules of the DIFC Courts ("RDC")

IT IS HEREBY ORDERED THAT:

1. The Defendants' Application be dismissed due to its failure to meet the requirements of RDC 23.21.

2. The Defendants shall bear their own costs of this Application.

SCHEDULE OF REASONS

1. In accordance with Rule 23.21 of the Rules of the DIFC Courts (the "RDC") an application notice must state the order that the applicant is seeking and briefly explain why the applicant is seeking the order.

2. The Defendants' Application Notice states as follows:

> *".this is not an application notice, however the form categories did not list witness statement as an option."*

3. As set out above and within the Application Notice, the Defendants' intention when filing the Application Notice was to file multiple witness statements in response to an application made by the Claimants. The DIFC Courts' eRegistry forms page provides an electronic filing cover sheet (the "SS1 Form") which is the appropriate form to be used when filing submissions that are not required to be filed under a specific form. It is surprising that the Defendants' representatives are unaware of the existence of the SS1 form and it is unfortunate that they have made payment unnecessarily. A simple query made to the Registry would have provided guidance, and there would have been no costs wasted by the Defendants' representatives.

4. In light of the above, I find that the Defendants' Application fails to satisfy the requirements of RDC 23.21 insofar as the Defendants do not appear to be seeking an order from the Court and therefore must be dismissed.

Issued by:
Ayesha Bin Kalban
Deputy Registrar
Date of Issue: 9 September 2022
At: 2pm