IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) SAM PRECIOUS METALS FZ-LLC
(2) SAMI RIYAD MAHMOUD ABU AHMAD
(3) ROSYSON FZE

Claimants

and

(1) SNYDER PRIME LIMITED
(2) PHOEBE LEAH TOOKER
(3) SHAKTHI CHAUHAN

Defendants

CASE MANAGEMENT ORDER OF JUSTICE ANDREW MORAN

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 Claimants and the Defendants at the Pre-Trial Review held on 15 April 2024

AND UPON considering the Court files in the related proceedings CFI-006-2023 and CFI-019-2023

AND UPON conferring with the Deputy Chief Justice H.E. Justice Ali Al Madhani in relation to the case management of these related proceedings

AND UPON it being determined administratively by the Registrar, that if upon exhaustion of the appeal proceedings in CFI-019-2023, permission to bring and continue the derivative claim in those proceedings is upheld, that case shall be allocated to Justice Andrew Moran for case management and trial

AND UPON consideration of the Amended Case Management Order of H.E. Justice Nassir Al Nasser of 28 September 2023

AND UPON hearing further from Counsel for the Claimants and the Defendants at the reconvened Pre-Trial Review held on 8 May 2024

AND UPON Counsel for the Defendants undertaking to file by 9 May 2024, the required notices under RDC 37 relating to his representation of them

IT IS HEREBY ORDERED AND DIRECTED THAT:

1. Of the Agreed List of Issues for Trial recorded in the Amended Case Management Order of H.E. Justice Nassir Al Nasser of 28 September 2023 (the "CMO"), only the following issues shall be heard and determined at the trial hearing fixed for 27 May 2024, namely:

    1. Whether the First Defendant has breached the agreed terms and conditions of the Memorandum of Understanding dated 27 March 2018 and Share Transfer Agreement dated 5 February 2020 by not providing the working capital Requirements?

        (a) Whether the First Defendant's non-compliance and failure in meeting the working capital commitment have caused Financial Losses to the First, Second and Third Claimants?

        (b) Whether the First Claimant has sustained a loss of profit due to the shortfall of 100 kg of Gold?

        (c) What is the effect of signing the shareholder resolution dated 31 December 2020 and what are the obligations of the parties therefrom?

    2. Whether the First Defendant has violated the decision of the General Assembly dated 19 September 2021 and 14 February 2022 by not cooperating with the liquidation procedures of the subsidiary company named M/s. Sam Precious Metals FZE, Sharjah branch?

        (a) Whether the First Claimant has sustained loss due to the non-cooperation of the First Defendant in closing the Claimant's Sharjah branch?

        (b) Whether the running cost of the Sharjah Branch affected the profit of the First Claimant?

6. Liability of the First, Second and Third Defendants to compensate the First, Second and Third Claimants for the loss in (1) & (2)?

2. The trial of the issues numbered 3, 4, 5 and 7 in the CMO, shall not take place at the hearing on 27 May 2024, but be adjourned to be case managed to trial in an appropriate manner, depending on the outcome of the appeals process in CFI-019-2023, at a case management hearing to be fixed on a convenient date.

3. All pleadings of the parties filed in these proceedings shall be amended forthwith, by temporary striking out of all claims, allegations and defences which are irrelevant and/or immaterial to the issues now for trial at the hearing on 27 May 2024. For the avoidance of doubt, this direction is for clarity and focus on the relevant issues for trial, is without prejudice to the restoration of pleaded allegations following further directions for the trial of the issues numbered 3, 5 and 7 in the CMO as provided for in paragraph 2 of this order and is not a grant of liberty to otherwise amend the pleadings.

4. All witness statements filed in these proceedings shall be edited forthwith, by removal of all evidence given in support or in defence of claims, allegations and defences which are irrelevant and/or immaterial to the issues now for trial at the hearing on 27 May 2024. For the avoidance of doubt, this direction is to confine evidence given to the issues for trial on 27 May 2024, and is without prejudice to the right to lead relevant evidence following further directions, at the trial of the issues numbered 3, 5 and 7 in the CMO, in due course.

5. The directions given in paragraphs 3 and 4 shall be achieved by the parties' representatives exchanging and filing redacted and clean versions of all pleadings and witness statements by the date specified in paragraph 6 below. The parties are to strive to redact all material that is irrelevant to the issues now for trial and they are to compile a hearing bundle containing only documents which are necessary and relevant for the determination of those issues. Compliance with these directions is without prejudice to the right of either party to submit at trial that material which is left unredacted is irrelevant; or that documents included in the hearing bundle are irrelevant to the issues to be determined.

6. All pleadings and statements amended or edited in accordance with the foregoing directions shall be exchanged and filed by **4pm (GST) on 20 May 2024.**

7. The Claimant's representatives shall prepare and file a hearing bundle for the trial on 27 May 2024, containing only documents which are relevant to the issues then to be tried, by **4pm (GST) on 21 May 2024.**

8. All remaining orders at paragraphs 30-35 in the CMO, shall continue to apply and be complied with, save as follows. Paragraph 31 is hereby clarified so that the Claimant shall serve its skeleton argument by not later than **4pm (GST) on 23 May 2024** and the Defendants shall file their skeleton argument by **4pm (GST) on 24 May 2024.** The Court will sit, and the hearing commence each day of the trial, at **11am (GST).**

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 8 May 2024
At: 1pm