Claim No: CFI 095/2023

IN THE COURTS OF DUBAI INTERNATIONAL FINANCIAL CENTRE

IN THE COURT OF FIRST INSTANCE

BETWEEN

AHMED SEDDIQ MOHAMED SAMEA ALMUTAWA

Claimant

and

MOHAMED SEDDIQ MOHAMED SAMEA AL MUTAWA

Defendant

ORDER WITH REASONS OF H.E. JUSTICE RENE LE MIERE

UPON the Part 7 Claim Form dated 20 December 2023 (the "Claim")

AND UPON the Order with Reasons of H.E. Justice Rene Le Miere dated 24 December 2024 granting the Defendant leave to file an Expert Report (the "Order")

AND UPON the Defendant's Application No. CFI-095-2023/7 dated 12 February 2025 seeking an extension of time to file his Expert Report (the "Application")

AND UPON the Claimant's evidence in answer dated 14 February 2025 and the Defendant's evidence in reply dated 27 February 2025

AND UPON the Consent Order dated 11 April 2025 staying the Application pending agreement of mutual terms of settlement of the proceedings between the Claimant and the Defendant (the "Stay")

IT IS HEREBY ORDERED THAT

1. The Stay on the Application is removed.

2. The Application is granted.

3. The Defendant shall file and serve his Expert Report by no later than **4pm on 26 May 2025**.

4. The Claimant shall file and serve his reply to the Defendant's Expert Report by no later than **4pm on 23 June 2025**.

5. The parties shall file the joint Expert Report by no later than **4pm on 14 July 2025**.

6. The costs of the Application will be the Claimant's costs in the case.

Issued by:
Delvin Sumo
Assistant Registrar
Date of Issue: 9 May 2025
At: 9am

SCHEDULE OF REASONS

Summary

1. The Defendant applied on 12 February 2025 by Application No. CFI-095-2023/7 for an extension of time to file an expert report (the "Application").

2. For the reasons below the Court will order:

(a) The stay on the Application is removed.

(b) The Application is granted.

(c) The Defendant shall file and serve his Expert Report by no later than 4pm on 26 May 2025.

(d) The Claimant shall file and serve his reply to the Defendant's Expert Report by no later than 4pm on 23 June 2025.

(e) The parties shall file the joint Expert Report by no later than 4pm on 14 July 2025.

(f) The costs of the Application will be the Claimant's costs in the case.

Some Procedural History

3. On 24 December 2024, the Court ordered that:

(a) The Defendant is granted permission to file an expert report on the accuracy and completeness of the Deloitte Report used for the company's valuation, including the extent to which it was a draft and not final, whether it reflected the company's actual value at the time of signing and completing the SPA, and the actual value at the time of signing or completing the SPA. The report is not to deal with the company's current value.

(b) The parties must confer on directions for the filing and service of the Defendant's expert report, any responsive expert evidence by the Claimant and, if the Claimant serves an expert report, a meeting of the experts and a joint expert report.

4. A proposed timetable was shared by the Claimant's legal representatives to the Registry on 21 January 2025, in which the following dates had been considered between the parties:

(a) Submission of the Defendant's Expert Report - 11 February 2025;

(b) Submission of the Claimant's Reply to the Defendant's Expert Report - 11 March 2025;

(c) Submission of the Joint Expert Report - 01 April 2025;

(d) Pre-Trial Review - 08 April 2025; and

(e) Commencement of the Trial - 06 May 2025.

5. On 12 February 2025, the Defendant filed Application No. CFI-095-2023/7 seeking an extension of time to file the Defendant's Expert Report.

6. The Defendant explained that the Defendant's Expert Report would not be ready to be submitted by 11 February 2025, as the identified expert required documentation and information to prepare the Defendant's expert report. The Defendant requested that the following extensions of time be granted:

(a) Submission of the Expert Report by the Defendant - 24 February 2025;

(b) Submission of the Claimant's Reply to the Defendant's Expert Report - 17 March 2025; and

(c) Submission of the Joint Expert Report - 07 April 2025.

7. On 11 April 2025 the Court ordered by consent that :

(a) The Pre-Trial Review and Trial are vacated pending the Court's decision on the Defendant's Application.

(b) All further actions in the Defendant's Application be stayed pending agreement of mutual terms of settlement of the proceedings between the Claimant and the Defendant.

(c) In the event that the Claimant and the Defendant fail to agree on mutual terms of settlement of the proceedings by 24 April 2025, either party shall have permission to apply to the Court for the stay on the Defendant's Application to be removed and for the Pre-Trial Review and Trial to be listed pending the Court's decision on the Defendant's Application.

8. The parties failed to agree on mutual terms of settlement of the proceedings. The Defendant applies for his extension of time application to be granted.

Decision

9. The Claimant opposed the Court's grant of an extension of time to the Defendant to file an expert report for several reasons.

10. First, the Defendant's challenges to the Deloitte Report are unfounded. I have already considered that issue and allowed the Defendant to file an expert report in limited terms.

11. Secondly, the Defendant failed to adhere to agreed-upon timelines. The parties' unsuccessful attempt to resolve the case has overtaken that, and the previously agreed- upon timelines are no longer relevant.

12. Thirdly, the Defendant is engaging in delay. That point has lost its force since the trial dates were vacated by consent, and a new timetable must be scheduled.

13. Fourthly, the Defendant has had ample time to appoint an expert and gather necessary documentation, but has failed. The Defendant has explained the reasons for his delay. A new schedule must be directed, and the Defendant must comply with it.

14. The Court should allow the parties to present expert evidence when the evidence is relevant and assists the court in making informed decisions. In granting the parties permission to adduce expert evidence, I determined on 24 December 2024 that it was appropriate to admit expert evidence.

15. Extending the time for filing expert evidence does not prejudice the Claimant because, as a result of the parties' agreement to try and settle the case, the trial schedule has been vacated, and a new timetable must be scheduled.

16. I will grant the extension of time.

17. The Defendant applied to extend the time by approximately 14 days from the date of its Application. I will extend the time by approximately 14 days from the issue of this Order, to 26 May 2025.

18. The parties agreed that the Claimant would file his expert report in response four weeks after the Defendant's report, and that the parties would file a joint expert report three weeks later. I will maintain those timelines for the Claimant's report and the joint report.

Costs

19. The Defendant is deemed the successful party since the Claimant has been unsuccessful in opposing the Application, and the Application has been granted. Conversely, the Application was necessary due to the Defendant's failure to comply with the agreed timetable.

20. The appropriate order is that the costs be the Claimant's costs in the case.