Claim No: CFI 107/2021
CFI 108/2021

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) MR. ALEXANDER REUTER
(2) MR. CARLO PIANESE
(3) MR. ANDRE BLEDJIAN

Claimants in CFI 107/2021

and

(1) WELLNESS UNITED INC.
(2) MR. JACOB LOGOTHETIS
(3) MS. ANGELA TUROVSKAYA

Defendants in CFI 107/2021

(1) MR. ALEXANDER REUTER
(2) MR. ANDRE BLEDJIAN

Claimants in CFI 108/2021

and

(1) WELLNESS UNITED INC.
(2) MR. JACOB LOGOTHETIS
(3) MS. ANGELA TUROVSKAYA

Defendants in CFI 108/2021

CASE MANAGEMENT ORDER OF H.E. JUSTICE NASSIR AL NASSER

UPON reviewing the Court file

AND UPON the Case Management Conference listed before me on 1 June 2023

IT IS HEREBY ORDERED THAT:

Consolidation (RDC Part 4)

1. Pursuant to Rule 4.2(7) of the Rules of the DIFC Courts (the "RDC"), claim CFI-108-2021 is to be consolidated, managed and tried with claim CFI-107-2021.

2. CFI-107-2021 shall be the active case moving forward.

Pleadings

3. The Claimants have permission to amend the Reply to Defence in CFI-107-2021, limited to responding to paragraphs 17A and 17B of the Amended Defence.

4. The Claimants have permission to amend the Reply to Defence in CFI-108-2021, limited to responding to paragraphs 11A and 11B of the Amended Defence.

5. The Claimants are to file and serve the Amended Reply to Defence referred to at paragraphs 2 and 3 above by no later than **4pm on 2 June 2023.**

Agreed List of Issues

6. Adjacent to each paragraph of each witness statement, reply witness statement (if any) and skeleton argument shall be inserted the issue or issues to which that paragraph relates as numbered in the Agreed List of Issues, in order for the Court to understand to which of the agreed issues that paragraph relates.

Production of Documents (RDC Part 28)

7. Standard production of documents shall be made by each party by no later than **4pm on 20 July 2023.**

8. The parties shall file and serve a Request to Produce, if any, by no later than **4pm on 6 July 2023.**

9. Where there are no objections to a particular Request contained in a Request to Produce, documents responsive to that request shall be produced within 14 days from the date of the Request to Produce, and in any event by no later than **4pm on 20 July 2023.**

10. Objections to Requests to Produce, if any, may be filed and served by **4pm on 17 July 2023.**

11. If a party is not satisfied with the objections to any Requests to Produce it may apply to the Court for a Document Production Order immediately using the Part 23 Form (the "Document Production Application"). The usual timelines under RDC 23, for progression of such an application, will apply.

12. Once the Document Production Application is fully progressed, the matter will be put before the Court for determination.

13. The parties shall comply with the terms of any Disclosure Order and file a Document Production Statement within 7 days from the date of the Order.

Witness Statements (RDC Part 29)

14. Signed statements of witnesses of fact, and hearsay notices where required by the RDC shall be exchanged 6 weeks following the close of the disclosure stage, and in any event by no later than **4pm on 31 August 2023.**

15. Any Witness Statement evidence in reply shall be filed and served within 2 weeks thereafter and in any event by no later than **4pm on 14 September 2023.**

16. Unless otherwise ordered, Witness Statements shall stand as evidence in chief of the witness at trial.

Expert Reports (RDC Part 31)

17. Expert Reports shall be filed and served no later than **4pm on 31 July 2023** in respect of the following issues:

(1) Is the transaction recorded in the Convertible Loan Agreement dated 15 February 2018 unenforceable as a matter of UAE law for being illegal?

(2) Is the transaction recorded in the Bridging Loan Agreement dated 24 October 2018 unenforceable as a matter of UAE law for being illegal?

(3) Insofar as the answer to (1) and (2) is yes, would the principal debt owed under the Convertible Loan Agreement and the Bridging Loan Agreement be irrecoverable as a matter of UAE law or would only the interest component of the Convertible Loan Agreement and Bridging Loan Agreement be irrecoverable?

(4) Insofar as the Convertible Loan Agreement and Bridging Loan Agreement are unenforceable, does this render the 107 Guarantee and 108 Guarantee unenforceable as a matter of UAE law?

18. Supplement Expert Reports, if any, shall be filed and served by no later than 4pm on 4 September 2023.

19. The DIFC Courts shall, at the Pre-Trial Review, consider what directions to give concerning a meeting and discussion between the experts.

Progress Monitoring Date (RDC Part 26)

20. The Progress Monitoring Date shall be listed no earlier than **22 August 2023.**

21. The parties shall file and serve a Progress Monitoring Information Sheet at least three clear days before progress monitoring date.

Pre-Trial Review (RDC Part 26)

22. A pre-trial review shall be listed on **29 August 2023 at 1pm.**

Trial Bundles (RDC Part 35)

23. Agreed trial bundles shall be filed and served no later than 2 weeks before trial and in any event by no later than **4pm on 11 September 2023.**

Reading List and Trial Timetable (RDC Part 35)

24. An agreed reading list for trial along with an estimate of time required for reading and an estimated timetable for trial shall be filed with the Court by the Claimant no later than two clear days before trial and in any event by no later than **4pm on 20 September 2023.**

Skeleton Argument and Chronology (RDC Part 35)

25. Skeleton Arguments and Written Opening Statements shall be filed and served two clear days before the start of trial for the Claimant and in any event by no later than 4pm on 20 September 2023 and one clear day before the start of trial for the Defendant and in any event by no later than **4pm on 21 September 2023.**

26. The parties shall prepare an agreed Chronology of significant events cross-referenced to significant documents, pleadings and witness

statements which shall be filed with the Court by the Claimant by no later than **4pm on 20 September 2023.**

27. In the event that there are areas of disagreement, the Chronology shall include an agreed Chronology and a Chronology of events which are disputed, with the parties' respective positions outlined therein.

Trial (RDC Part 35)

28. The trial of this matter shall be listed to be heard on **25, 27, 28 and 29 September 2023** with an estimated duration of 4 days.

29. Costs of the Case Management Conference shall be costs in the case.

30. The parties shall have liberty to apply.

Issued by:
Delvin Sumo
Assistant Registrar
Date of issue: 2 June 2023
At: 2pm