Claim No: CFI 057/2018

IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

BASIN SUPPLY CORPORATION

Claimant/Respondent

and

(1) ROUGE LLC
(2) CLAUDE BARRET

Defendants/Appellants

ORDER WITH REASONS OF THE REGISTRAR NOUR HINEIDI

UPON the Application filed by the Defendants on 11 February 2021 (the **"Application"**)

AND UPON the Claimant's evidence in response filed on 25 February 2021

AND UPON the Defendants' evidence in reply filed on 3 March 2021

AND UPON reviewing the relevant documents on the Court's file

IT IS HEREBY ORDERED:

1. The Application is dismissed.

2. The Defendants must pay the Claimant its costs of the Application on the standard basis, to be assessed by a Registrar if not agreed.

Issued by:
Nour Hineidi
Registrar
Date of Issue: 8 April 2021
Time: 1pm

SCHEDULE OF REASONS

1. This is a retrospective extension of time application filed by the Defendants on 11 February 2021, for a second round of permission to appeal the Judgment of H.E. Justice Ali Al Madhani handed down on 6 September 2020 (defined as "Application" in the recitals of this order).

2. The first application for permission to appeal was made on 28 September 2020 and the order rejecting permission was made by Justice Ali Al Madhani on 20 December 2021 (the **"20 December Order"**)

3. Approximately 6.5 weeks and some 53 days after that decision was handed down, the Defendants decided to file the current Application.

4. The Application was made grossly out of time. The Defendants claim that this was the case because the Second Defendant (the person also in control of the First Defendant company), *inter alia:*

> .could not read email [sic] as he as suffering from mental trauma due to pandemic.

5. I suspect the email being referred to by the Defendants here is the email from the Registry or the Defendants' solicitors, attaching the 20 December Order.

6. No evidence was filed by the Defendants to demonstrate that the Defendant was suffering from any significant medical condition during the entire period from 20 December 2020 until 11 February 2021.

7. Furthermore, had it really been the case that the Second Defendant was very ill and unable to instruct his solicitors, there would be some expectation on the Defendants solicitors at that stage, to inform the Court and the Claimant about the Second Defendant's situation and flag the possibility of incoming instructions on a prospective second right of appeal.

8. The Defendants' story is frankly implausible and to a degree, insulting.

9. On the basis of the above, my view is that the Defendants' Application is made without merit and should be dismissed.