THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) AMERICAN INTERNATIONAL GROUP UK LIMITED (AS TRANSFEREE OF AIG EUROPE LIMITED)
(2) MARKEL SYNDICATE MANAGEMENT LIMITED
(3) TALBOT UNDERWRITING LIMITED
(4) BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LTD
(5) LIBERTY MUTUAL INSURANCE EUROPE SE
(6) ANV CORPORATE NAME LIMITED
(7) ARCH INSURANCE (UK) LIMITED

Claimants

and

QATAR INSURANCE CO. (BRANCH OF A FOREIGN COMPANY)

Defendant

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

UPON reviewing the Court file

AND UPON reading the Case Management Bundle

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

AND UPON hearing Counsel for the Claimants and Counsel for the Defendant at the Case Management Conference held before H.E Justice Nassir Al Nasser on 7 March 2023

IT IS HEREBY ORDERED THAT:

Determination of Preliminary Issue (RDC Part 4)

1. The Court shall determine, on the papers and as a preliminary issue, whether DIFC laws or Federal UAE laws apply as the governing law of the Reinsurance Contracts.

2. As to the matter of the governing law of the Reinsurance Contracts:

a. The Claimants shall file a RDC Part 23 application seeking an order that DIFC laws apply as the governing law of the Reinsurance Contracts by no later than **4pm on 28 March 2023;**

b. Written submissions in answer shall be filed by the Defendant by no later than **4pm on 18 April 2023** (and accordingly, RDC 23.41(2) is varied by consent);

c. Written submissions in reply shall be filed by the Claimants by no later than **4pm on 2 May 2023** (and accordingly, RDC 23.41(3) is varied by consent); and

d. The Court shall determine the matter on the papers and issue an Order.

Production of Documents (RDC Part 28)

3. The Parties have agreed to dispense with the production of document and accordingly, there will be no production of documents in these proceedings.

Witness Statements (RDC Part 29)

4. The Claimants and the Defendant shall file and exchange witness statements of fact (if any), and hearsay notices where required by the RDC, within 28 days from the issue of the Order referred to in paragraph 2(d) above, or, if it is determined by the Court that no such Order is necessary, by **4pm on 6 June 2023.**

5. Any witness statements in reply shall be filed and exchanged within 28 days thereafter.

6. Unless otherwise ordered, witness statements shall stand as evidence in chief of the witness at trial.

Expert Reports (RDC Part 31)

7. The Claimants and the Defendant are granted permission to rely on the expert evidence of a legal expert on the application of the US sanctions regime.

8. The Claimants and the Defendant shall file and exchange expert reports no later than **4pm on 8 August 2023.**

9. Experts are to meet (virtually) within 7 days of exchange of reports, and to produce a joint expert report 14 days thereafter and in any event by no later than **4pm on 29 August 2023.**

10. Supplemental expert reports, if any, shall be filed and served within 14 days from the issue of the joint report and in any event by no later than **4pm on 12 September 2023.**

Pre-Trial Review (RDC Part 26)

11. The Claimants shall circulate a draft trial bundle index at least 28 days before trial and the Defendant shall provide any comments thereon within 7 days.

12. A Pre-Trial Review shall be listed on a date to be fixed at least 8 weeks before trial.

Trial Bundles (RDC Part 35)

13. Agreed trial bundles shall be filed and served no later than 14 days before trial.

Reading List and Trial Timetable (RDC Part 35)

14. The Claimants shall circulate a draft reading list for trial and draft timetable for trial no later than 14 days before trial and the Defendant shall provide any comments thereon within 7 days.

15. 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 Claimants no later than 2 clear days before trial.

Skeleton Argument and Chronology (RDC Part 35)

16. Skeleton arguments shall be lodged and exchanged 2 clear days before the start of trial.

Trial (RDC Part 35)

17. The trial of this matter shall be listed on a date to be fixed with an estimated duration of 1.5-3 days.

18. Within 14 days of this Order, the parties shall confer and notify the Registry of convenient dates for the listing of the Pre-Trial Review and the trial of this matter.

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

20. The parties shall have liberty to apply.

Issued by:
Delvin Sumo
Assistant Registrar
Date of Issue: 8 March 2023
At: 3pm