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/ CFI 015/2017 Diversified ACL Group v Diversified Drilling Holdings Limited

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DECEMBER 30, 2018 COURT OF FIRST INSTANCE - ORDERS

Claim No: CFI-015-2017

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS ([/glossary/court/](#))

IN THE COURT ([/glossary/court/](#)) OF FIRST INSTANCE

BETWEEN

DIVERSIFIED ACL GROUP

[Claimant](#) ([/glossary/claimant/](#))

and

DIVERSIFIED DRILLING HOLDINGS LIMITED

[Defendant](#) ([/glossary/defendant/](#))

ORDER OF JUDICIAL OFFICER MAHA AL MEHAIRI

UPON reviewing the Court ([/glossary/court/](#)) file

AND UPON reading the Case Management Bundle

AND UPON reviewing the Rules of the DIFC Courts ([/glossary/difc-courts/](#)) ("RDC")

AND UPON hearing Counsel for the Claimant and Counsel for the Defendant at the Case Management Conference held before Judicial Officer Maha Al Mehairi on 17 December 2018

AND UPON the decision of Judicial Officer Maha Al Mehairi that assessment of the Defendant's reasonable costs of and occasioned by amendments to the Claim Form and Particulars of Claim is to take place at the conclusion of the proceedings

IT IS HEREBY ORDERED THAT:

Agreed List of Issues

1. 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. Defendant will provide comments to the Claimant on the latest proposed draft list of issues by noon on 20 December 2018. The Agreed List of Issues is to be lodged with the Court by the parties by 27 December 2018.

Pro' on of Documents (RDC Part 28)

2. Standard production of documents shall be made by each party by no later than 4pm on 14 February 2019.

3. The parties shall file and serve a Request to Produce in the form of a Redfern Schedule, if any, by no later than 4pm on 28 February 2019.
4. Objections to Requests to Produce, if any, shall be filed and served within 14 days thereafter and in any event by no later than 4pm on 14 March 2019.
5. Where objections to any Requests to Produce have been made, the Court shall determine those objections and shall make any disclosure order within the following 14 days and in any event by no later than 28 March 2019.
6. The parties shall comply with the terms of any Disclosure Order and file a Document Production Statement within 14 days thereafter and in any event by no later than 4pm on 11 April 2019.
7. 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 14 March 2019.

Witness Statements (RDC Part 29)

8. Signed statements of witnesses of fact, and hearsay notices where required by the RDC shall be exchanged by no later than 4pm on 9 May 2019.
9. 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 23 May 2019.
10. Unless otherwise ordered, Witness Statements shall stand as **evidence in chief** (/glossary/evidence-in-chief/) of the witness at trial.

Expert Reports (RDC Part 31)

11. The Claimant and the Defendant shall have permission to file and serve any Expert Report by no later than 4pm on 30 May 2019 in respect of the following issues:

- a. Whether the 2013 Accounts gave a true and fair view of **the state** (/glossary/the-state/) of affairs of the Group.
12. The experts shall hold a joint meeting and serve any Supplemental Expert Reports by 13 June 2019.

Pre-Trial Review (RDC Part 26)

13. A pre-trial review shall be listed to take place on a date no less than 2 weeks before trial. The need for oral evidence by the Experts at the Trial shall be reviewed at the pre-trial review.
14. The parties agree that there shall be no need for a Progress Monitoring Date.

Trial Bundles (RDC Part 35)

15. Agreed trial bundles shall be filed and served no later than 2 weeks before trial.

Reading List and Trial Timetable (RDC Part 35)

16. 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 seven days before trial.

Skeleton Argument and Chronology (RDC Part 35)

17. Skeleton Arguments and Written Opening Statements shall be filed and served two clear days before the start.
18. 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 one week before trial. 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)

19. The trial of this matter shall be listed at 10.30 am on the first available date after 1 July 2019 with an estimated duration of 4 days.
20. Costs of the Case Management Conference shall be costs in the case.
21. The parties shall have liberty to apply.

Issued by:

Ayesha Bin Kalban

Assistant Registrar ([/glossary/registrar/](#))

Date of issue: 30 December 2018

At: 4pm



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DIFC Laws and Regulations Legal Database (<https://www.difc.ae/business/laws-and-regulations/legal-database>) ,
Dubai Courts (<https://www.dc.gov.ae/PublicServices/Home.aspx?lang=en>)

