JUDGMENT SUMMARY

Neutral Citation	[2026] ADGMCFI 0008
Case Number	ADGMCFI-2024-322 and ADGMCFI-2024-323
Name of Case	A17 v. B17 & Others and A18 v. B18 & Others
Judge	Justice Sir Andrew Smith
Date Issued	23 February 2026 (Re-Issued 23 March 2026)
Catchwords	Application for stay pending determination of prospective foreign proceedings. Second application to set aside order. Post-award freezing order. Undertaking not to use information otherwise than for "this claim": use in enforcement proceedings. Third party debt order.
Cases Cited	Hulley Enterprises Ltd & ors v Russian Federation [2021] EWHC 894 (Comm) Lachesis v Lacrosse [2021] DIFC CA 005 Tibbles v SIG plc [2012] EWCA Civ Gidrxslme Shipping Co Ltd v Tantomar-Transportes Maritimos LDA [1995] 1 WLR 299 Vitol SA v Capri Marine Ltd & ors [2010] EWHC 458 JSC BTA Bank v Ablaylov [2015] UKSC 64 Taurus Petroleum Ltd v State Oil Marketing Co of the Ministry of Oil, Republic of Iraq [2017] UKSC 64 Hardy Exploration and Production (India) Inc v Govt of India [2018] EWHC Charterbridge Corp Ltd v Lloyds Bank Ltd [1970]
Executive Summary	This judgment of the ADGM Court of First Instance (the "**Court**"), resolves four applications arising from an unpaid US$140 million arbitration award won by the Claimant against the First and Second Defendants. The Court dismissed all three applications brought by the Defendant Companies, which sought to stay proceedings and set aside previous court orders. Conversely, the Court granted the Claimant's

	application for a Third-Party Debt Order ("**TPDO**") to aid in the enforcement of the award.
Overall Summary	**Background** In August 2024, the Claimant (A17) obtained an LCIA arbitration award of over US$140 million, plus interest and costs, against the First Defendant (B17) and Second Defendant (C17). To aid in the enforcement of this unsatisfied award, the Claimant obtained a Worldwide Freezing Order ("**WFO**") against B17, C17, and the Third Defendant (D17)—collectively the "Respondent Companies"—as well as a Recognition and Enforcement ("**R & E**") Order on the award in December 2024. The Respondent Companies unsuccessfully challenged these orders in early 2025. In this judgment, the Court heard four new applications: the Claimant's TPDO Application, and the Respondent Companies' applications to: (i) set aside a prior Permission Order permitting (subject to certain restrictions) the use of asset information obtained via the WFO for global enforcement proceedings; (ii) set aside the R & E Order; and (iii) stay the proceedings pending an intended challenge to the arbitral award in the English High Court. The Respondent Companies' applications relied heavily on a new affidavit from Dr B, a "forensic analyst". Dr B alleged that the Claimant and associated state entities executed a coordinated campaign to poach skilled employees and misappropriate defence intellectual property from the Respondents' Group. **Analysis** • ***Evaluation of Dr B's Affidavit:*** The judge found the affidavit unpersuasive and unsatisfactory, noting it was filled with hearsay and opinion evidence, lacked documentary support, and was not directly filed by the Respondent Companies. Crucially, the judge found that the core allegations of poaching and intellectual property theft were not new information. The Respondent Companies had already raised these exact allegations in their August 2023 arbitration defence but made a deliberate decision not to pursue them as a defence to the arbitral claims. • ***The English Proceedings Application:*** The Respondent Companies sought a stay to challenge the award in English courts on fraud and public policy grounds, based on Dr B's affidavit. The judge refused the stay, concluding there was no real prospect that the English High Court would grant an extension of time or allow a

	successful challenge, given that the underlying arguments were known to the Respondents during the arbitration. • ***The R & E Applications:*** The Respondent Companies sought to set aside the R & E Order together with a stay pending its determination, arguing that enforcement violated UAE public policy. The judge dismissed this application due to the lack of necessary expert evidence on UAE public policy. Furthermore, the Court had already rejected a previous challenge to the R & E Order, and Dr B's affidavit did not constitute a material change in circumstances to justify a second challenge. • ***The Permission Application:*** The Claimant had previously been granted permission to use asset information obtained via the WFO for global enforcement proceedings (subject to certain restrictions). The Respondents attempted to set this Permission Order aside. Adopting English legal precedents, the judge affirmed that information undertakings in a post-judgment freezing order do not prohibit the use of that information to enforce the award. The judge maintained that the original order correctly balanced the Claimant's enforcement rights against the Respondents' confidentiality interests. • **The TPDO Application**: The Claimant sought a TPDO to intercept a debt that D17 owed to C17. The judge noted that an inter-company balance of US$7,859,178 was confirmed in the Respondents' accounting records and verified under penalty of perjury by D17's former Group CEO. The Respondents argued that the debt was only payable upon mutual agreement. The judge rejected this argument as uncorroborated and lacking documentary evidence, applying the legal principle that such expenditure gives rise to an immediate right to reimbursement. **Conclusion** The judge dismissed the Permission Application, the R & E Applications, and the English Proceedings Application brought by the Respondent Companies. The judge granted the Claimant's TPDO Application, ordering D17 to pay the Claimant the sum of US$7,859,178 by 9 March 2026. This payment will (subject to certain adjustments) correspondingly reduce the debt D17 owes to C17, as well as the amount owed to the Claimant.