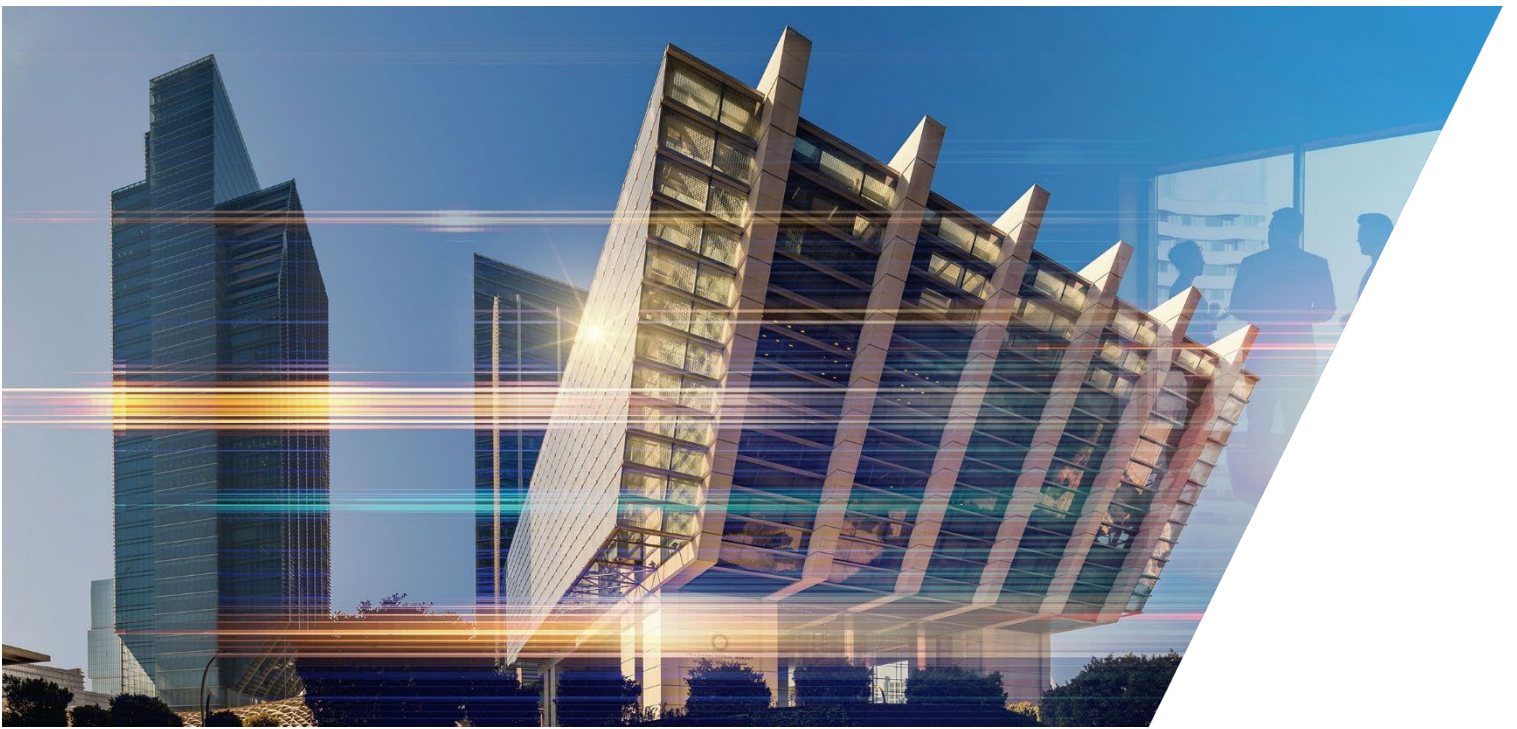




ADGM COURTS
محاكم سوق أبوظبي العالمي



ADGM COURTS

PRACTICE DIRECTION 7

APPLICATIONS

PRACTICE DIRECTION 7

APPLICATIONS

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PRACTICE DIRECTION 7

APPLICATIONS

Date re-issued: 30 November 2023

This Practice Direction is to be read with, and subject to, the ADGM Court Procedure Rules 2016 ("CPR"). Except as provided otherwise in this Practice Direction, terms have the meanings set out in the CPR and a reference to a Rule is a reference to the CPR.

This Practice Direction does not relate to any applications made in respect of insolvency proceedings. Any such applications are to be made in accordance with **Practice Direction 14**. Applications made in the Small Claims Division are dealt with in **Practice Direction 3**. Applications made in the Employment Division are dealt with in **Practice Direction 4**.

This Practice Direction must be read in conjunction with the following Practice Directions:

- **Practice Direction 1 - General**
- **Practice Direction 6 - Service of Documents**
- **Practice Direction 9 - Costs**

Unless the Court orders otherwise, the following provisions shall apply.

A. **PRE-CLAIM APPLICATIONS (r.64(3))**

- 7.1 An application for an urgent interim remedy may be made prior to the filing of a claim on condition that an undertaking is given to the Court to file such a claim within a period of 2 days after the application is filed.
- 7.2 An applicant who wishes to apply to the Court for an urgent interim remedy prior to a claim being filed must file an application notice in accordance with **Form CFI 12A**, supported by witness statement evidence in accordance with **Form CFI 15**.
- 7.3 The application notice must include or attach:
 - (a) the order or orders that the applicant seeks from the Court;
 - (b) all witness statements that the applicant relies on in support of the application;
 - (c) an undertaking by the applicant to file a claim within 2 days of the issuing of the application notice by the Court; and
 - (d) a statement as to whether the applicant requests a without notice hearing of the application and the reasons for the request.

Applications made without notice (r.64 and 65)

- 7.4 Applications made without notice are to be submitted on the eCourts Platform. It is the responsibility of the party submitting the application to select the without notice filing option on the eCourts Platform.

- 7.5 An application may be made without notice if this is permitted by a Rule, a Practice Direction or otherwise is with the Court's permission. The Court's permission will be granted only where:
- (a) there is exceptional urgency;
 - (b) it is otherwise desirable to do so in the interests of justice; or
 - (c) there are good reasons for making the application without notice, for example, because the notice would or might defeat the object of the application.
- 7.6 Where the Court is asked to make an order on an application without notice, the applicant must bring to the Court's attention any matter which, if the respondent was represented, the respondent would wish the Court to be aware of. This includes any matters which might tend to undermine the application.
- 7.7 Further to Rule 65(1), where the Court makes an order on an application without notice, whether granting or dismissing an application, the Court may make orders that the applicant serve on every person against whom an order was sought or made:
- (a) the application notice;
 - (b) all written material on which the applicant sought to rely in support of his application;
 - (c) a transcript of the hearing of the application;
 - (d) a copy of the order; and
 - (e) notice that any person against whom an order was sought or made may apply to have the order set aside or varied.

Applications made with notice

- 7.8 Where the application is to be made *upon* notice, the application notice, the witness statement evidence and any other written material on which the applicant may seek to rely at the hearing of the application must be served on each respondent within 7 days after the filing of such documents, and thereafter:
- (a) the applicant must file a certificate of service in accordance with **Form CFI 31** within a further 7 days;
 - (b) a respondent to an application notice must file a notice of appearance in accordance with **Form CFI 23** within 7 days of being served with the application notice, if the respondent wishes to raise any matter before the Court in response to the application or in relation to the order(s) sought by the applicant; and
 - (c) the Court may give directions regarding the hearing of the application, including the filing of any evidence in response by the respondent, as the Court considers appropriate.

Proceeding in the absence of a party

- 7.9 If an applicant or respondent to an application does not attend the hearing of the application, the Court may proceed in his absence.

Proceeding without a hearing

- 7.10 The Court may deal with any application without a hearing:
- (a) if the parties agree as to the terms of the order or orders that the applicant seeks from the Court;
 - (b) if the parties agree that the Court should dispose of the application without a hearing; or
 - (c) where the Court considers that the application can be fairly determined on the papers without an oral hearing and, in all of the circumstances, it would be appropriate to do so.

B. POST-CLAIM APPLICATIONS***Application notice (r.64)***

- 7.11 A party wishing to make an application to the Court before the trial commences, or after judgment has been given, must file an application notice in accordance with **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15**.
- 7.12 The application notice must include or attach:
- (a) the order or orders that the applicant seeks from the Court;
 - (b) all witness statements that the applicant relies on in support of the application; and
 - (c) whether the applicant requests a hearing of the application and, if so, whether the hearing is to be conducted on a without notice or on an expedited basis including any reasons supporting the request.

Service of application notice and material in support

- 7.13 The applicant must serve the following on each respondent to the application:
- (a) the application notice;
 - (b) the witness statement evidence in support;
 - (c) notice of any written material previously served on that respondent and on which the applicant may seek to rely at the hearing of the application; and
 - (d) any other written material on which the applicant may seek to rely at the hearing of the application.

Applications made without notice (r.64 and 65)

- 7.14 Applications made without notice are to be submitted on the eCourts Platform. It is the responsibility of the party submitting the application to select the without notice filing option on the eCourts Platform.
- 7.15 An application may be made without notice if this is permitted by a Rule, a Practice Direction or otherwise is with the Court's permission. The Court's permission will be granted only where:
- (a) there is exceptional urgency;
 - (b) it is otherwise desirable to do so in the interests of justice; or
 - (c) there are good reasons for making the application without notice, for example, because the notice would or might defeat the object of the application.
- 7.16 Where the Court is asked to make an order on an application without notice, the applicant must bring to the Court's attention any matter which, if the respondent was represented, the respondent would wish the Court to be aware of. This includes any matters which might tend to undermine the application.
- 7.17 Further to Rule 65(1), where the Court makes an order on an application without notice, whether granting or dismissing an application, the Court may make orders that the applicant serve on every person against whom an order was sought or made:
- (a) the application notice;
 - (b) all written material on which the applicant sought to rely in support of his application;
 - (c) a transcript of the hearing of the application;
 - (d) a copy of the order; and
 - (e) written notice that any person against whom an order was sought or made may apply to have the order set aside or varied.

Proceeding in the absence of a party

- 7.18 If an applicant or respondent to an application does not attend the hearing of the application, the Court may proceed in his absence.

Proceeding without a hearing

- 7.19 The Court may deal with any application without a hearing:
- (a) if the parties agree as to the terms of the order or orders that the applicant seeks from the Court;
 - (b) if the parties agree that the Court should dispose of the application without a hearing; or

- (c) where the Court considers that the application can be fairly determined on the papers without an oral hearing and, in all of the circumstances, it would be appropriate to do so.

C. PARTICULAR APPLICATIONS

General

- 7.20 The following directions (relating to some particular applications that may be made before trial) are to be read as supplementing and varying the general directions about applications before trial.

Application for default judgments [r.39 and 40A]

- 7.21 Subject to paragraph 7.23, an application for default judgment must be made by application notice in accordance with **Form CFI 12**, supported by witness statement evidence addressing the following:
 - (a) the occurrence of the default relied on; and
 - (b) that the default has not been remedied.

All witness statements must be in accordance with **Form CFI 15**.

- 7.22 The application must contain sufficient detail of any claim for costs having regard to Practice Direction 9.
- 7.23 An application for default judgment may be made without notice if the defendant has failed to file an acknowledgment of service. Any evidence relied on by a claimant in support of his application need not be served on a party who has failed to file an acknowledgment of service.
- 7.24 Subject to Rule 40A, a default judgment on a money claim may include interest at the rate agreed between the parties or, if there is no agreed rate, at the rate of 5 per cent from the date the money was due.

Application for further information [r.54]

- 7.25 The Court may exercise its powers to order a party to clarify any matter which is in dispute in a proceeding and to give additional information in relation to any such matter having regard to the overriding objective of the Rules: to secure that the ADGM Courts are accessible, fair and efficient.
- 7.26 An application for further information must be made by application notice in accordance with **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15**.
- 7.27 A party seeking an order that another party clarify any matter in dispute or give additional information in relation to any such matter should state in the witness statement how and why the provision of the further information sought is necessary to dispose fairly of the claim.

Applications for security for costs [r.75 and r.76]

- 7.28 An application for security for costs must be made by application notice in accordance with **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15**.
- 7.29 The Court may order that security for costs be provided where an ADGM enactment permits the Court to require security for costs or if the Court is satisfied that having regard to all the circumstances of the case, it is just to do so.
- 7.30 Without limiting paragraph 7.29, the Court may (but is not obliged to) conclude that it would be just to order security for costs if it is satisfied that:
- (a) the claimant is resident out of the UAE;
 - (b) the claimant is a company or other body (whether incorporated inside or outside ADGM) and there is reason to believe that it will be unable to pay the defendant's costs if ordered to do so;
 - (c) the claimant has changed his address since the claim was commenced with a view to evading the consequences of the litigation;
 - (d) the claimant gave an incorrect address in the claim form;
 - (e) the claimant is acting as a nominal claimant, other than as a representative claimant under Rule 57, and there is reason to believe that he will be unable to pay the defendant's costs if ordered to do so; or
 - (f) the claimant has taken steps in relation to his assets that would make it difficult to enforce an order for costs against him.
- 7.31 Where an order for security for costs is made, security shall be given in such manner and at the time the Court directs.
- 7.32 The Court may also order security for costs of an appeal as it may order security for costs in the circumstances set out in paragraphs 7.29 and 7.30.

Applications to set aside a notice of discontinuance [r.171]

- 7.33 An application to set aside a notice of discontinuance must be made by application notice in accordance with **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15**.
- 7.34 The defendant may not make an application under Rule 171 to set aside a notice of discontinuance more than 28 days after the date when the notice of discontinuance was served on him.

D. INTERIM REMEDIES

- 7.35 This section is to be read together with Sections A and B as applicable.
- 7.36 Rule 108(2) sets out the circumstances in which affidavit evidence is required.
- 7.37 The Court may give directions immediately after an application for an interim remedy is made, whether on the application of a party or on its own initiative.

Order for an injunction (r.71(1)(a))

- 7.38 Any order for an injunction must contain:
- (a) (save where the applicant is a Global Market Authority) an undertaking by the applicant to the Court to pay any damages which the respondent sustains as a consequence of the order which the Court considers the applicant should pay;
 - (b) if made without notice to any other party, an undertaking by the applicant to the Court to serve on the respondent the prescribed documents pursuant to Rule 65(1) and (as applicable) paragraphs 7.7 or 7.17, as soon as practicable; and
 - (c) if made without notice to any other party, a return date for a further hearing at which the other party can be present.
- 7.39 When the Court makes an order for an injunction, it should consider whether to require an undertaking by the applicant to pay any damages sustained by a person other than the respondent, including another party to the proceedings or any other person who may suffer loss as a consequence of the order.
- 7.40 Any order for an injunction must set out clearly what the respondent must do or not do.
- 7.41 An order for an interim remedy should normally include a proviso which permits acts which would otherwise be a breach of the order to be done with the written consent of the claimant's legal representatives. This enables the parties to agree in effect to variations (or the discharge) of the order without the necessity of coming back to the Court.
- 7.42 If the parties agree, the return date may be postponed to a later date on which all parties will be ready to deal with any substantive issues. In this event, an agreed form of order continuing the injunction to the postponed return date should be submitted using **Form CFI 37** for consideration by the Judge. If the order is made in the terms submitted there will be no need for the parties to attend on the day originally fixed as the return date. In such a case the respondent and any other interested party will continue to have liberty to apply to vary or set aside the order.

Application for a freezing injunction [r.71(1)(f)]

- 7.43 An application for a freezing injunction (also referred to as a "freezing order") must be made as follows:
- (a) in relation to an application made prior to the filing of a claim, in accordance with **Form CFI 12A**, supported by affidavit evidence in accordance with **Form CFI 14**;
 - (b) in relation to an application made after a claim has been filed, in accordance with **Form CFI 12**, supported by affidavit evidence in accordance with **Form CFI 14**; or
 - (c) in relation to an application made in relation to proceedings which are taking place, will take place, or have taken place outside the jurisdiction, in accordance with the Rule 30 procedure (as modified by this section D)

using **Form CFI 6**, supported by affidavit evidence in accordance with **Form CFI 14**.

- 7.44 An example of an order for a freezing injunction is set out in Schedule A to this Practice Direction. It may be modified as appropriate in any particular case, but any modification to the standard form by an applicant should be expressly brought to the Judge's attention at the application hearing. In particular, the Court may, if it considers it appropriate, require the applicant's legal representatives, as well as the applicant, to give undertakings.
- 7.45 A freezing injunction in respect of assets outside the jurisdiction should normally include wording to allow overseas branches of banks or similar institutions which have offices within the jurisdiction to comply with what they reasonably believe to be their obligations under the laws of the country where the assets are located or under any other applicable law.
- 7.46 The Court will not, except in exceptional circumstances, make a freezing injunction without a hearing.

Application to vary or discharge freezing injunction

- 7.47 An application to vary or discharge a freezing injunction must be made by application notice in accordance with **Form CFI 12**, and any evidence in support of the application must be by way of affidavit evidence in accordance with **Form CFI 14**.
- 7.48 Applications to discharge or vary freezing injunctions are treated as matters of urgency for listing purposes. Those representing applicants for discharge or variation should ascertain before a date is fixed for the hearing whether, having regard to the evidence which they wish to adduce, the claimant would wish to adduce further evidence in opposition. If so, all reasonable steps must be taken by all parties to agree upon the earliest practicable date at which they can be ready for the hearing, so as to avoid the last minute need to vacate a fixed date.
- 7.49 Any bank or third party served with, notified of or affected by a freezing injunction may apply to the Court without notice to any party for directions, or notify the Court in writing without notice to any party, in the event that the order affects or may affect the position of the bank or third party under legislation, regulations or procedures aimed to prevent money laundering.
- 7.50 If a freezing injunction is discharged or varied, the Judge will consider whether it is appropriate to hear immediately any application under a cross-undertaking for compensation and whether it is appropriate to direct immediate payment of such compensation by the applicant.

Application for a search order [r.71(1)(h)]

- 7.51 An application for a search order must be made as follows:
- (a) in relation to an application made prior to the filing of a claim, in accordance with **Form CFI 12A**, supported by affidavit evidence in accordance with **Form CFI 14**;

- (b) in relation to an application made after a claim has been filed, in accordance with **Form CFI 12**, supported by affidavit evidence in accordance with **Form CFI 14**; or
- (c) in relation to an application made in relation to proceedings which are taking place, will take place, or have taken place outside the jurisdiction, in accordance with the Rule 30 procedure (as modified by this section D) using **Form CFI 6**, supported by affidavit evidence in accordance with **Form CFI 14**.

7.52 An example of a search order is set out in Schedule B. It may be modified as appropriate in any particular case but any modification to the standard form by an applicant should be expressly brought to the Judge's attention at the application hearing. In particular, the Court may, if it considers it appropriate, require the applicant's legal representatives, as well as the applicant and any other relevant persons, to give undertakings.

7.53 The following provisions apply to search orders in addition to those listed above.

The Supervising Legal Representative

7.54 The Supervising Legal Representative must be experienced in the operation of search orders (whether in ADGM or in any other jurisdiction) and must not be an employee or member of the applicant's firm of legal representatives.

Evidence

7.55 The affidavit must:

- (a) state the name, firm and its address, and experience of the Supervising Legal Representative, also the address of the premises to be searched and whether it is a private or business address; and
- (b) set out very fully the reason the order is sought, including as to the probability that relevant material would disappear if the order were not made.

7.56 For the avoidance of doubt, it is the applicant's responsibility to undertake all such enquiries as may be required to identify the Supervising Legal Representative for the purpose of paragraph 7.54.

Service

7.57 The order must be served personally by the Supervising Legal Representative and must be accompanied by the evidence in support and any documents capable of being copied. If the Court orders that the order need not be served by the Supervising Legal Representative, the reason for so ordering must be set out in the order.

7.58 Confidential exhibits need not be served but they must be made available for inspection by the respondent in the presence of the applicant's legal representatives while the order is carried out, and must afterwards be retained by the respondent's legal representatives on their undertaking not to permit the respondent:

- (a) to see them or copies of them except in their presence; and

- (b) to make or take away any note or record of them.
- 7.59 The Supervising Legal Representative may be accompanied only by the persons mentioned in the order. If one of those persons is a police officer, the order need not name the police officer. It is sufficient for the order to refer to an Abu Dhabi police officer.
- 7.60 The Supervising Legal Representative must explain the terms and effect of the order to the respondent in everyday language (with the assistance of an interpreter if necessary) and advise him:
- (a) of his right to take legal advice and to apply to vary or discharge the order; and
 - (b) that he may be entitled to avail himself of:
 - (c) legal professional privilege; and
 - (d) the privilege against self-incrimination.
- 7.61 Where the Supervising Legal Representative is a man and the respondent is likely to be an unaccompanied woman, at least one other person named in the order must be a woman and must accompany the Supervising Legal Representative.
- 7.62 The order may only be served between 9.30 a.m. and 5.30 p.m. Monday to Friday.

Search and custody of materials

- 7.63 No material shall be removed unless clearly covered by the terms of the order.
- 7.64 The premises must not be searched and no items shall be removed from them except in the presence of the respondent or a person who appears to be a director, officer, partner or responsible employee of the respondent.
- 7.65 Where documents are removed from the premises for the purpose of making copies, the documents removed from the premises should be retained for no more than 2 days before being return to the owner.
- 7.66 Where material in dispute is removed pending trial, the applicant's legal representatives should place it in the custody of the respondent's legal representatives on their undertaking to retain it in safekeeping and to produce it to the Court when required.
- 7.67 In appropriate cases the applicant should insure the material retained in the respondent's legal representatives' custody.
- 7.68 The Supervising Legal Representative must make a list of all material removed from the premises and supply a copy of the list to the respondent.
- 7.69 No material shall be removed from the premises until the respondent has had reasonable time to check the list.
- 7.70 If any of the listed items exists only in computer readable form, the respondent must immediately give the applicant's legal representatives effective access to the computers, with all necessary passwords, to enable them to be searched, and cause the listed items to be printed out.

- 7.71 The applicant must take all reasonable steps to ensure that no damage is done to any computer or data.
- 7.72 The applicant and his representatives may not themselves search the respondent's computers unless they have sufficient expertise to do so without damaging the respondent's system.
- 7.73 The Supervising Legal Representative shall provide a report on the carrying out of the order to the applicant's legal representatives.
- 7.74 As soon as the report is received the applicant's legal representatives shall:
- (a) serve a copy of it on the respondent; and
 - (b) file a copy of it with the Court.
- 7.75 Where the Supervising Legal Representative is satisfied that full compliance with paragraphs 7.72 and 7.73 above is impracticable, he may permit the search to proceed and items to be removed without compliance with the impracticable requirements.
- 7.76 The search order must not be carried out at the same time as a search under a police search warrant (or such similar process undertaken by the police independent from the search order).

Application to vary or discharge search order

- 7.77 An application to vary or discharge a search order must be made by application notice in accordance with **Form CFI 12**, and any evidence in support of the application must be by way of affidavit evidence in accordance with **Form CFI 14**.
- 7.78 Applications to discharge or vary search orders are treated as matters of urgency for listing purposes. Those representing applicants for discharge or variation should ascertain before a date is fixed for the hearing whether, having regard to the evidence which they wish to adduce, the applicant would wish to adduce further evidence in opposition. If so, all reasonable steps must be taken by all parties to agree upon the earliest practicable date at which they can be ready for the hearing, so as to avoid the last minute need to vacate a fixed date.

Delivery up orders

- 7.79 Where orders, other than search orders, have been made for delivery up or preservation of evidence or property and where it is likely that such an order will be executed at the premises of the respondent or a third party, the Court shall consider whether to include in the order for the benefit or protection of the parties similar provisions to those specified above in relation to injunctions and search orders.

Application where remedy is sought in relation to proceedings which are taking place, will take place, or have taken place outside the jurisdiction [r.72(7)(a)]

- 7.80 An application for an interim remedy in relation to proceedings which are taking place, will take place or have taken place outside the jurisdiction must be made in accordance with the Rule 30 procedure (as modified by this section D) using **Form CFI 6**, supported by:

- (a) witness statement evidence in accordance with **Form CFI 15**; unless
- (b) an ADGM enactment, Rule or Practice Direction requires the written evidence to be by way of affidavit in which case it must be made in accordance with **Form CFI 14**.

Application for an interim remedy under section 36 of the Regulations [r.72(7)(b)]

7.81 An application for an interim remedy made under section 36 of the Regulations must be made in accordance with the Rule 30 procedure (as modified by this section D) using **Form CFI 6**, supported by:

- (a) witness statement evidence in accordance with **Form CFI 15**; unless
- (b) an ADGM enactment, Rule or Practice Direction requires the written evidence to be by way of affidavit in which case it must be made in accordance with **Form CFI 14**.

Injunctions against third parties

7.82 The following provisions apply to orders which will affect a person other than the applicant or respondent who:

- (a) did not attend the hearing at which the order was made; and
- (b) is served with the order.

7.83 Where such a person served with the order requests:

- (a) a copy of any materials read by the Judge, including material prepared after the hearing at the direction of the Judge or in compliance with the order; or
- (b) a transcript of the hearing;

the applicant, or his legal representative, must comply promptly with the request.

Application in connection with, or to support, a power granted to a Global Market Authority under an ADGM enactment [r.72(7)(c)]

7.84 The provisions in this Practice Direction apply to any application or order made in connection with, or to support, a power granted to a Global Market Authority under an ADGM enactment unless any Rule, Practice Direction, ADGM enactment or court order provides otherwise.

7.85 Notwithstanding any other paragraph in this Practice Direction, an application for an interim remedy or any other remedy before a claim has been commenced made in connection with, or to support, a power granted to a Global Market Authority under an ADGM enactment must be made in accordance with **Form CFI 6** supported by:

- (a) witness statement evidence in accordance with **Form CFI 15**; unless

- (b) an ADGM enactment, Rule or Practice Direction requires the written evidence to be on oath, in which case the written evidence must be by way of affidavit in accordance with **Form CFI 14**.

7.86 If a Global Market Authority is satisfied that compliance with any provision or requirement in this Practice Direction is impracticable in the context of the exercise of the powers granted to it under an ADGM enactment, it may bring this matter to the Court's attention and request that it be discharged from complying with such provision or requirement.

SCHEDULE A

In the name of

His Highness Sheikh Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates/ Ruler of the Emirate of Abu Dhabi

COURT OF FIRST INSTANCE

COMMERCIAL AND CIVIL DIVISION

BETWEEN

[]

Applicant

and

[Individual]

First Respondent

[Corporation]

Second Respondent

[Corporation]

Third Respondent

ORDER

PENAL NOTICE

IF YOU, THE WITHIN NAMED (1) []; (2) []; (3) [], DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE SUBJECT TO A PENALTY.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE SUBJECT TO A PENALTY.

JUDGE: Justice []
DATE OF ORDER: []
CASE NUMBER: ADGMCFI-[]

UPON the Applicant's Application by notice dated [] ("**the Application**")

[**AND UPON** the Application being made without notice to the Respondents]

AND UPON considering the documents on the Court file

AND UPON conducting a hearing [remotely] on []

AND UPON hearing ... for the Applicant

ORDER

1. This order made on [] by Justice [] is:
 - (a) a Domestic Freezing Injunction made against the First Respondent, being []; and
 - (b) a Worldwide Freezing Injunction made against the Second and Third Respondents, being respectively [].
2. [This order was made at a hearing without notice to the Respondents. The Respondents have a right to apply to the Court to vary or discharge the order – see paragraph 14 below.]
3. There will be a further hearing in respect of this order on [] ('the return date').
4. As there is more than one Respondent:
 - (a) unless otherwise stated, references in this order to "the Respondent" mean all of them;
 - (b) unless otherwise stated, references in this order to "the Corporate Respondents" mean the Second and Third Respondents; and
 - (c) this order is effective against any Respondent on whom it is served or who is given notice of it.

FREEZING INJUNCTIONS

The First Respondent

5. Until the return date or further order of the Court, the First Respondent must not remove from the ADGM or in any way dispose of, deal with or diminish the value of any of his assets which are in the ADGM up to the value of [AED ...]/[US\$...].

6. Paragraph 5 applies to all the First Respondent's assets whether or not they are in his own name, whether they are solely or jointly owned and whether the First Respondent is interested in them legally, beneficially or otherwise, including any asset which he has the power, directly or indirectly, to dispose of or deal with as if it were his own. The First Respondent is to be regarded as having such power if a third party holds or controls the asset in accordance with his direct or indirect instructions.
7.
 - (1) If the total value free of charges or other securities ("unencumbered value") of the First Respondent's assets in the ADGM exceeds [AED...]/[US\$...], the First Respondent may remove any of those assets from the ADGM or may dispose of or deal with them so long as the total unencumbered value of the First Respondent's assets still in the ADGM remains above [AED ...]/[US\$...].
 - (2) If the total unencumbered value of the First Respondent's assets in the ADGM does not exceed [AED ...]/[US\$...], the First Respondent must not remove any of those assets from the ADGM and must not dispose of or deal with any of them.

The Corporate Respondents

8. Until the return date or further order of the Court, each of the Corporate Respondents must not—
 - (1) remove from the ADGM any of its assets which are in the ADGM up to the value of [AED ...]/[US\$...]; or
 - (2) in any way dispose of, deal with or diminish the value of any of its assets whether they are in or outside the ADGM up to the same value.
9. Paragraph 8 applies to each Corporate Respondent's assets whether or not they are in its own name, whether they are solely or jointly owned and whether the relevant Respondent is interested in them legally, beneficially or otherwise, including any asset which it has the power, directly or indirectly, to dispose of or deal with as if it were its own. A Corporate Respondent is to be regarded as having such power if a third party holds or controls the asset in accordance with its direct or indirect instructions.
10.
 - (1) If the total value free of charges or other securities ("unencumbered value") of any Corporate Respondent's assets in the ADGM exceeds [AED ...]/[US\$...], the Corporate Respondent may remove any of those assets from the ADGM or may dispose of or deal with them so long as the total unencumbered value of that Corporate Respondent's assets still in the ADGM remains above [AED...]/[US\$...].
 - (2) If the total unencumbered value of a Corporate Respondent's assets in the ADGM does not exceed [AED ...]/[US\$...], that Respondent must not remove any of those assets from the ADGM and must not dispose of or deal with any of them. If any Corporate Respondent has other assets outside the ADGM, it may dispose of or deal with those assets outside the ADGM so long as the total unencumbered value of all its assets whether in or outside the ADGM remains above [AED ...]/[US\$...].

PROVISION OF INFORMATION

11.

- (1) Each Respondent must by [] on [] swear and serve on the Applicant's solicitors an affidavit setting out its assets worldwide exceeding [AED...]/[US\$...] in value whether in its own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.
- (2) If the provision of this information is likely to incriminate a Respondent, it may be entitled to refuse to provide it, but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information is contempt of Court and may render the Respondent liable to a penalty.

EXCEPTIONS TO THIS ORDER

12.

- (1) This order does not prohibit the First Respondent from spending [AED ...]/[US\$....] a week towards his ordinary living expenses. The First Respondent may agree with the Applicant's legal representatives that the above spending limit should be increased or that this order should be varied in any other respect, but any agreement must be in writing.
- (2) This order does not prohibit any of the Respondents from spending a reasonable sum on legal advice and representation.
- (3) This order does not prohibit any Respondent from dealing with or disposing of any of his or its assets in the ordinary and proper course of business [but before doing so the relevant Respondent must tell the Applicant's legal representatives].
- (4) The order will cease to have effect in respect of a Respondent—
 - (a) if that Respondent provides security by paying the sum of [AED...]/[US\$...] into Court, to be held to the order of the Court; or
 - (b) if that Respondent makes provision for security in that sum by another method agreed in writing with the Applicant's legal representatives.

COSTS

13. Costs of the Application are reserved to the Judge hearing the application on the return date.

VARIATION OR DISCHARGE OF THIS ORDER

14. Anyone served with, notified of, or affected by this order may apply to the Court at any time for directions or to vary or discharge this order (or so much of it as affects that person).

INTERPRETATION OF THIS ORDER

15. Where the First Respondent is ordered not to do something he must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
16. Where either of the Corporate Respondents is ordered not to do something it must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

PARTIES OTHER THAN THE APPLICANT AND RESPONDENTS

17. Effect of this order

It is a contempt of Court for any person knowingly to assist in or permit a breach of this order. Any person doing so may be subject to a penalty.

18. Set off by banks

This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the Respondent before it was notified of this order.

19. Withdrawals by the Respondent

No bank need enquire as to the application or proposed application of any money withdrawn by the Respondent if the withdrawal appears to be permitted by this order.

20. Persons outside the ADGM

- (1) Except as provided in sub-paragraph (2) below, the terms of this order do not affect or concern anyone outside the jurisdiction of this Court.
- (2) The terms of this order will affect the following persons in a country or state outside the jurisdiction of this Court:
 - (a) the Respondent or the Corporate Respondents' officers or his, her or its agents appointed by power of attorney;
 - (b) any person who—
 - (i) is subject to the jurisdiction of this Court;
 - (ii) has been given written notice of this order at its, her or his residence or place of business within the jurisdiction of this Court; and
 - (iii) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this order; and
 - (c) any other person, only to the extent that this order is declared enforceable by or is enforced by a Court in that country or state.

21. Assets located outside the ADGM

Nothing in this order shall, in respect of assets located outside the ADGM, prevent any third party from complying with:

- (1) what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the country or state in which those assets are situated or under the proper law of any contract between itself and the Respondent; and
- (2) any orders of the Courts of that country or state, provided that reasonable notice of any application for such an order is given to the Applicant's solicitors.

COMMUNICATIONS WITH THE COURT

22. All communications to the Court about this order should be sent to Abu Dhabi Global Market Authorities Building, ADGM Square, Al Maryah Island, PO Box 111999, Abu Dhabi, UAE quoting the case number. The telephone number is T +971 2 333 8976; registry@adgmcourts.com. The offices are open between 8.30am and 4:30pm Monday to Friday except public holidays.

SCHEDULE A—AFFIDAVITS

The Applicant relied on the following affidavits—

- (1) First Affidavit of [] sworn on [].
- (2) First Affidavit of [] sworn on [].

SCHEDULE B—UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

- (1) If the Court later finds that this order has caused loss to any of the Respondents, and decides that the Respondent should be compensated for that loss, the Applicant will comply with any order the Court may make.
- [(2) The Applicant will on or before
 - (a) cause a written guarantee in a form acceptable to the Court in the sum of [AED ...]/[US\$...] to be issued from a bank with a place of business within the ADGM in respect of any order that the Court may make pursuant to the undertaking in paragraph (1) above/pursuant to the undertakings in paragraph (1) above and paragraph (6) below, and
 - (b) cause a copy of such guarantee to be served on the Respondents
- (3) By [] on [] the Applicant shall file and serve on each of the Respondents a claim form claiming the appropriate relief.
- (4) Pursuant to ADGM CPR 65(1) the Applicant shall serve on the Respondents as soon as practicable:
 - (a) this order;

- (b) the Application including the Affidavits in support set out in Schedule A; and
 - (c) an application notice for continuation of this order
- (5) Anyone notified of this order by the Applicant will be given a copy of it by the Applicant's legal representatives.
 - (6) The Applicant will pay the reasonable costs of anyone, other than (i) a Respondent; or (ii) directors, officers, partners, employees or agents of a Respondent, which have been incurred as a result of this order including the costs of finding out whether that person holds any of the Respondent's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the Applicant will comply with any order the Court may make.
 - (7) If this order ceases to have effect (for example, if a Respondent provides security as provided for above) the Applicant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who it has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
 - (8) The Applicant will notify the Court as soon as reasonably practicable if substantial sums are recovered by the Applicant such that the limits of [AED...]/[US\$...] in paragraphs 5, 7, 8 and 10 above (or any of them) may be affected.
 - (9) The Applicant will not without the permission of the Court use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in the ADGM or in any other jurisdiction, other than this claim.
 - (10) The Applicant will not without the permission of the Court seek to enforce this order in any jurisdiction outside the ADGM.

NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

The Applicant's legal representatives are:

[]

SCHEDULE B

In the name of

His Highness Sheikh Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates/ Ruler of the Emirate of Abu Dhabi

COURT OF FIRST INSTANCE

COMMERCIAL AND CIVIL DIVISION

BETWEEN

[]

Applicant

and

[Corporation/ Individual]

Respondent

ORDER

PENAL NOTICE

IF YOU, THE WITHIN NAMED RESPONDENT, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE SUBJECT TO A PENALTY.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF

**THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY
BE SUBJECT TO A PENALTY.**

JUDGE: Justice []
DATE OF ORDER: []
CASE NUMBER: ADGMCFI-[]

UPON the Applicant's Application by notice dated [] ("**the Application**")

[**AND UPON** the Application being made without notice to the Respondent]

AND UPON considering the documents on the Court file

AND UPON conducting a hearing [remotely] on []

AND UPON hearing ... for the Applicant

ORDER

1. This is a Search Order made against [] ('the Respondent') on [] by Justice [].
2. [This order was made at a hearing without notice to the Respondent. The Respondent has a right to apply to the Court to vary or discharge the order — see paragraph 27 below.]
3. There will be a further hearing in respect of this order on [] ('the return date').
4. If there is more than one Respondent:
 - (a) unless otherwise stated, references in this order to 'the Respondent' mean both or all of them; and
 - (b) this order is effective against any Respondent on whom it is served or who is given notice of it.
5. This order must be complied with:
 - (a) by the Respondent;
 - (b) if the Respondent is a company, partnership or other entity, by any director, officer, partner or responsible employee of the Respondent; and
 - (c) if the Respondent is an individual, by any other person having responsible control of the premises to be searched.

THE SEARCH

6. The Respondent must permit the following persons¹:

- (a) [] ('the Supervising Legal Representative');
- (b) [], a legal representative in the firm of [], the Applicant's legal representatives; and
- (c) up to [] other persons² being [their identity or capacity] accompanying them,

(together 'the search party'), to enter the premises mentioned in Schedule A to this order and any other premises of the Respondent set out under paragraph 18 below and any vehicles under the Respondent's control on or around the premises ('the premises') so that they can search for, inspect, photograph or photocopy, and deliver into the safekeeping of the Applicant's legal representatives all the documents and articles which are listed in Schedule B to this order ('the listed items').

7. Having permitted the search party to enter the premises, the Respondent must allow the search party to remain on the premises until the search is complete. In the event that it becomes necessary for any of those persons to leave the premises before the search is complete, the Respondent must allow them to re-enter the premises immediately upon their seeking re-entry on the same or the following day in order to complete the search.

RESTRICTIONS ON SEARCH

8. This order may not be carried out at the same time as a search under a police search warrant (or such similar process undertaken by the police independent from the search order).

9. Before the Respondent allows anybody onto the premises to carry out this order, he is entitled to have the Supervising Legal Representative explain to him what it means in everyday language.

10. The Respondent is entitled to seek legal advice and to ask the Court to vary or discharge this order. Whilst doing so, he may ask the Supervising Legal Representative to delay starting the search for up to two hours or such other longer period as the Supervising Legal Representative may permit. However, the Respondent must:

- (a) comply with the terms of paragraph 27 below;
- (b) not disturb or remove any listed items; and
- (c) permit the Supervising Legal Representative to enter, but not start to search.

11. Before permitting entry to the premises by any person other than the Supervising Legal Representative, the Respondent may, for a short time (not to exceed two hours, unless the Supervising Legal Representative agrees to a longer period) gather together any documents he believes may [be incriminating or] privileged; and hand them to the Supervising Legal Representative for him to assess whether they are [incriminating or] privileged as claimed. If the Supervising Legal Representative decides that of any of the documents may be incriminating or privileged or is in any doubt as to their status, he will exclude them from the search and retain them in his possession pending further Order of the Court.

¹ Where the premises are likely to be occupied by an unaccompanied woman and the Supervising Solicitor is a man, at least one of the persons accompanying him should be a woman.

² None of these persons should be people who could gain personally or commercially from anything they might read or see on the premises, unless their presence is essential.

12. If the Respondent wishes to take legal advice and gather documents as permitted, he must first inform the Supervising Legal Representative and keep him informed of the steps being taken.
13. No item may be removed from the premises until a list of the items to be removed has been prepared, and a copy of the list has been supplied to the Respondent, and he has been given a reasonable opportunity to check the list.
14. The premises must not be searched, and items must not be removed from them, except in the presence of the Respondent.
15. If the Supervising Legal Representative is satisfied that full compliance with paragraphs 13 or 14 is not practicable, he may permit the search to proceed and items to be removed without fully complying with them.

DELIVERY UP OF ARTICLES/ DOCUMENTS

16. The Respondent must immediately hand over to the Applicant's legal representatives any of the listed items, which are in his possession or under his control, save for any computer or hard disk integral to any computer. Any items the subject of a dispute as to whether they are listed items must immediately be handed over to the Supervising Legal Representative for safe keeping pending resolution of the dispute or further order of the Court.
17. The Respondent must immediately give the search party effective access to the computers on the premises, with all necessary passwords, to enable the computers to be searched. If they contain any listed items the Respondent must cause the listed items to be displayed so that they can be read and copied³. The Respondent must provide the Applicant's legal representatives with copies of all listed items contained in the computers. All reasonable steps shall be taken by the Applicant and the Applicant's legal representatives to ensure that no damage is done to any computer or data. The Applicant and his representatives may not themselves search the Respondent's computers unless they have sufficient expertise to do so without damaging the Respondent's system.

PROVISION OF INFORMATION

18. The Respondent must immediately inform the Applicant's legal representatives (in the presence of the Supervising Legal Representative) so far as he is aware:
 - (a) where all the listed items are;
 - (b) the name and address of everyone who has supplied him, or offered to supply him, with listed items;
 - (c) the name and address of everyone to whom he has supplied, or offered to supply, listed items; and
 - (d) full details of the dates and quantities of every such supply and offer.

³ If it is envisaged that the Respondent's computers are to be imaged (i.e. the hard drives are to be copied wholesale, thereby reproducing listed items and other items indiscriminately), special provision needs to be made and an independent computer specialist needs to be appointed by the Applicant ('the Independent Computer Specialist'), who should be required to give undertakings to the Court. An example of an Imaging Order is set out in **Annexure A**.

19. Within [] working days after being served with this order the Respondent must swear and serve an affidavit setting out the above information.⁴

PROHIBITED ACTS

20. Except for the purpose of obtaining legal advice, the Respondent must not directly or indirectly inform anyone of these proceedings or of the contents of this order, or warn anyone that proceedings have been or may be brought against him by the Applicant until 4.30 p.m. on the return date or further order of the Court.
21. Until 4.30 p.m. on the return date the Respondent must not destroy, tamper with, cancel or part with possession, power, custody or control of the listed items otherwise than in accordance with the terms of this order.
22. [Insert any negative injunctions.]
23. [Insert any further order.]

COSTS

24. The costs of this application are reserved to the Judge hearing the application on the return date.

RESTRICTIONS ON SERVICE

25. This order may only be served between [] am/pm and [] am/pm [and on a weekday].⁵
26. This order must be served by the Supervising Legal Representative, and paragraph 6 of the order must be carried out in his presence and under his supervision.

VARIATION AND DISCHARGE OF THIS ORDER

27. Anyone served with or notified of this order may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the Applicant's legal representatives. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicant's legal representatives in advance.

INTERPRETATION OF THIS ORDER

28. Any requirement that something shall be done to or in the presence of the Respondent means:
- (a) if there is more than one Respondent, to or in the presence of any one of them; and
 - (b) if a Respondent is not an individual, to or in the presence of a director, officer, partner or responsible employee.
29. A Respondent who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

⁴ The period should ordinarily be longer than the period in paragraph (4) of Schedule D, if any of the information is likely to be included in listed items taken away of which the Respondent does not have copies.

⁵ Normally, the order should be served in the morning (not before 9.30 a.m.) and on a weekday to enable the Respondent more readily to obtain legal advice.

30. A Respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

COMMUNICATIONS WITH THE COURT

31. All communications to the Court about this order should be sent to: Abu Dhabi Global Market Authorities Building, ADGM Square, Al Maryah Island, PO Box 111999, Abu Dhabi, UAE quoting the case number. The telephone number is T +971 2 333 8976; registry@adgmcourts.com. The offices are open between 8.30am and 4:30pm Monday to Friday except public holidays.

SCHEDULE A - THE PREMISES

□

SCHEDULE B – THE LISTED ITEMS

□

SCHEDULE C - UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

1. If the Court later finds that this order or carrying it out has caused loss to the Respondent, and decides that the Respondent should be compensated for that loss, the Applicant will comply with any order the Court may make. Further if the carrying out of this order has been in breach of the terms of this order or otherwise in a manner inconsistent with the Applicant's legal representatives' duties as officers of the Court, the Applicant will comply with any order for damages the Court may make.
2. As soon as practicable the Applicant will issue a claim form [in the form of the draft produced to the Court] [claiming the appropriate relief].
3. The Applicant will not, without the permission of the Court, use any information or documents obtained as a result of carrying out this order nor inform anyone else of these proceedings except for the purposes of these proceedings (including adding further Respondents) or commencing civil proceedings in relation to the same or related subject matter to these proceedings until after the return date.
4. [The Applicant will on or before
 - (a) cause a written guarantee in a form acceptable to the Court in the sum of [AED ...]/[US\$...] to be issued from a bank with a place of business within the ADGM in respect of any order that the Court may make pursuant to the undertaking in paragraph (1) above, and
 - (b) cause a copy of such guarantee to be served on the Respondent].
5. [The Applicant will insure the items removed from the premises.]

SCHEDULE D - UNDERTAKINGS GIVEN BY THE APPLICANT'S LEGAL REPRESENTATIVES

1. The Applicant's legal representatives will provide to the Supervising Legal Representative for service on the Respondent:
 - (c) this order;
 - (d) the application including the affidavits in support set out in Schedule F;;
 - (e) an application notice for continuation of this order (as required)

2. The Applicants' legal representatives will answer at once to the best of their ability any question whether a particular item is a listed item.
3. Subject as provided below the Applicant's legal representatives will retain in their own safe keeping all items obtained as a result of this order until the Court directs otherwise.
4. The Applicant's legal representatives will return the originals of all documents obtained as a result of this order (except original documents which belong to the Applicant) as soon as possible and in any event within [two] working days of their removal.

SCHEDULE E - UNDERTAKINGS GIVEN BY THE SUPERVISING LEGAL REPRESENTATIVE

1. The Supervising Legal Representative will use his best endeavours to serve this order upon the Respondent and at the same time to serve upon the Respondent the other documents required to be served and referred to in paragraph (1) of Schedule D.
2. The Supervising Legal Representative will offer to explain to the person served with the order its meaning and effect fairly and in everyday language, and to inform him of his right to take legal advice (including an explanation that the Respondent may be entitled to avail himself of the privilege against self-incrimination and legal professional privilege) and to apply to vary or discharge this order as mentioned in paragraph 27 above.
3. The Supervising Legal Representative will retain in the safe keeping of his firm all items retained by him as a result of this order until the Court directs otherwise.
4. Unless and until the Court otherwise orders, or unless otherwise necessary to comply with any duty to the Court pursuant to this order, the Supervising Legal Representative shall not reveal to any person any information relating to those items, and shall keep the existence of such items confidential.
5. Within 48 hours of completion of the search the Supervising Legal Representative will make and provide to the Applicant's legal representatives and the Respondent or his legal representatives a written report on the carrying out of the order, and the Applicant's legal representatives shall file the report on the eCourts Platform as soon as practicable after receipt.

SCHEDULE F - AFFIDAVITS

The Applicant relied on the following affidavits:

- (1) First Affidavit of [] sworn on []
- (2) Second Affidavit of [] sworn on []

NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

The Applicant's legal representatives are:

[]

ANNEXURE A

In the name of

His Highness Sheikh Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates/ Ruler of the Emirate of Abu Dhabi

COURT OF FIRST INSTANCE

COMMERCIAL AND CIVIL DIVISION

BETWEEN

[]

Applicant

and

[Corporation/ Individual]

Respondent

ORDER

PENAL NOTICE

IF YOU, THE WITHIN NAMED RESPONDENT, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE SUBJECT TO A PENALTY.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE SUBJECT TO A PENALTY.

JUDGE: Justice []

DATE OF ORDER: []

CASE NUMBER: ADGMCFI-[]

UPON the Applicant's Application by notice dated [] ("**the Application**")

[**AND UPON** the Application being made without notice to the Respondent]

AND UPON considering the documents on the Court file

AND UPON conducting a hearing [remotely] on []

AND UPON hearing ... for the Applicant

1. This is an Imaging Order made against [] ('the Respondent') on [] by Justice [].
2. [This order was made at a hearing without notice to the Respondent. The Respondent has a right to apply to the Court to vary or discharge the order — see paragraph 14 below.]
3. There will be a further hearing in respect of this order on [] ('the return date').
4. If there is more than one Respondent:
 - (a) unless otherwise stated, references in this order to 'the Respondent' mean both or all of them; and
 - (b) this order is effective against any Respondent on whom it is served or who is given notice of it.
5. This order must be complied with:
 - (a) by the Respondent;
 - (b) if the Respondent is a company, partnership or other entity, by any director, officer, partner or responsible employee of the Respondent; and
 - (c) if the Respondent is an individual, by any other person having responsible control of the Electronic Storage Devices or Relevant Online Accounts as defined below.

IMAGING

6. The respondent must immediately give, ['the Independent Computer Specialist'] (insert name of Independent Computer Specialist)⁶:
 - (a) effective access to any electronic data storage devices, including but not limited to USBs, mobile telephones, PDAs, tablets, computers, laptops, internal or external hard disks,

⁶ For the avoidance of doubt, it is the applicant's responsibility to undertake all such enquires as may be required to identify the Independent Computer Specialist.

compact discs, magnetic tapes, electronic files, back-ups and servers ('Electronic Data Storage Devices') in the control of the respondent which contain the information defined in Schedule A at the end of this Order 'the Information'; and

- (b) effective access to any online accounts in the control of the Respondent, including but not limited to email accounts, online accounting or payment systems, online storage platforms or cloud services, online message services and online bank accounts which contain the Information ('the Relevant Online Accounts'). The Relevant Accounts include without limitation [modify as appropriate]:

- i. `firstname.surname@webmail.com` ;
- ii. the Dropbox associated with `firstname.surname@webmail.com`;
- iii. the online bank account:

[insert relevant details]
- iv. [other – complete as appropriate].

- (c) without limitation to (a) and (b), all relevant account information, user-names, PIN numbers, passwords, combinations, keys, codes, security tokens, software, permissions and/or devices associated with any two factor or other authentication in the knowledge, possession or control of the respondent relevant to achieving such effective access to the Electronic Data Storage Devices and/or the Relevant Online Accounts.

7. The Independent Computer Specialist shall make two (2) electronic copies of the contents of the Electronic Data Storage Devices and of the Relevant Accounts.
8. The Electronic Copies will be held by the Independent Computer Specialist who will keep them safely in their custody to the order of the Court.
9. The applicant is not allowed to access or inspect or use the Electronic Copies without the permission of the Court.

IMAGING

10. Until informed by the Independent Computer Specialist that the exercise of making the copies referred to in paragraph 7 above is complete, the respondent must not access, use, change the password or prompt or otherwise obstruct access to, disturb, remove, conceal, erase, amend, destroy, or tamper with any Electronic Data Storage Device or Relevant Online Account or any information or documents contained in it; provided that once so informed, the respondent is permitted to make use of any of the Electronic Storage Devices and Relevant Online Accounts in the ordinary course of business or personal use.

COSTS

11. The costs of this application are reserved to the judge hearing the application on the return date.

RESTRICTIONS ON SERVICE

12. This order may only be served between [] am/pm and [] am/pm [and on a weekday].
13. This order must be served by the Supervising Legal Representative, and paragraph 6 of the order must be carried out in his presence and under his supervision.

VARIATION AND DISCHARGE OF THIS ORDER

14. Anyone served with or notified of this order may apply to the court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the applicant's solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the applicant's solicitors in advance.

INTERPRETATION OF THIS ORDER

15. Any requirement that something shall be done to or in the presence of the respondent means:
 - (a) if there is more than one respondent, to or in the presence of any one of them; and
 - (b) if a respondent is not an individual, to or in the presence of a director, officer, partner or responsible employee.
16. A respondent who is an individual who is ordered not to do something must not do it themselves or in any other way. They must not do it through others acting on their behalf or on their instructions or with their encouragement.
17. A respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

COMMUNICATIONS WITH COURT

18. All communications to the Court about this order should be sent to Abu Dhabi Global Market Authorities Building, ADGM Square, Al Maryah Island, PO Box 111999, Abu Dhabi, UAE quoting the case number. The telephone number is T +971 2 333 8976; registry@adgmcourts.com. The offices are open between 8.30am and 4:30pm Monday to Friday except public holidays.

SCHEDULE A - THE INFORMATION

[]

SCHEDULE B – UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

1. If the Court later finds that this order or carrying it out has caused loss to the Respondent, and decides that the Respondent should be compensated for that loss, the Applicant will comply with any order the Court may make. Further if the carrying out of this order has been in breach of the terms of this order or otherwise in a manner inconsistent with the Applicant's legal representatives' duties as officers of the Court, the Applicant will comply with any order for damages the Court may make.
2. As soon as practicable the Applicant will issue a claim form [in the form of the draft produced to the Court] [claiming the appropriate relief].
3. The Applicant will not, without the permission of the Court, use any information obtained as a result of carrying out this order or access, inspect or use the Electronic Copies until after the return date.
4. [The Applicant will on or before
 - (a) cause a written guarantee in a form acceptable to the Court in the sum of [AED ...]/[US\$...] to be issued from a bank with a place of business within the ADGM in respect of any order that the Court may make pursuant to the undertaking in paragraph (1) above, and

- (b) cause a copy of such guarantee to be served on the Respondent].

SCHEDULE C – UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT’S SOLICITORS

The Applicant’s legal representatives will provide to the Supervising Legal Representative for service on the Respondent:

- (a) this order;
- (b) the application including the affidavits in support set out in Schedule F;
- (c) an application notice for continuation of this order (as required)

SCHEDULE D – UNDERTAKINGS GIVEN BY THE INDEPENDENT COMPUTER EXPERT

1. The Independent Computer Specialist will make two electronic copies of the contents of the Electronic Data Storage Devices and the Relevant Online Accounts in accordance with paragraphs 6 to 8 of this order.
2. As soon as reasonably practical after completing the making of the said two electronic copies the Independent Computer Specialist will tell the applicant’s Solicitors and the respondent that that has been completed.
3. The Independent Computer Specialist will take all reasonable steps to ensure that no damage is done to any Electronic Data Storage Device or Relevant Online Account or the data contained therein.
4. The Independent Computer Specialist will not use, deal with or dispose of any information obtained pursuant to this order for any purpose other than for the purposes of carrying out or complying with this order.
5. The Independent Computer Specialist will keep confidential any information learned about the respondents as a consequence of performing the actions required by this order.

SCHEDULE F - AFFIDAVITS

The Applicant relied on the following affidavits:

- (1) First Affidavit of [] sworn on []
- (2) Second Affidavit of [] sworn on []

NAME AND ADDRESS OF APPLICANT’S LEGAL REPRESENTATIVES

The Applicant’s legal representatives are:

[]