



**ADGM COURTS**  
**PRACTICE DIRECTION 2**  
**COMMERCIAL AND CIVIL CLAIMS**

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**Table of Contents**

<b>A. MAKING A CLAIM [r.27] .....</b>	<b>1</b>
<i>Requirements .....</i>	<i>1</i>
<i>Service of the claim form.....</i>	<i>2</i>
<b>B. ANSWERING A CLAIM [r.35, r.36, r.37, r.38, r.42, r.43 r.44, r.48, r.49, r.326 and r. 328] .....</b>	<b>2</b>
<i>Admission and request for time to pay [r.42 and r.43] .....</i>	<i>3</i>
<i>Response to admission and request for time to pay [r.43] .....</i>	<i>3</i>
<i>Disputing jurisdiction [r.38].....</i>	<i>4</i>
<b>C. FILING A DEFENCE AND MAKING A COUNTERCLAIM [r.44, r.49 and r.50] .....</b>	<b>4</b>
<b>D. REPLY TO A DEFENCE [r.45, r.329] .....</b>	<b>5</b>
<b>E. DEFENCE TO ANY COUNTERCLAIM AND SUBSEQUENT REPLY [r.44-45, r.49, r.328, r.329] .....</b>	<b>5</b>
<b>F. EXTENSION OF TIME TO RESPOND TO A CLAIM OR FILE A PLEADING .....</b>	<b>6</b>
<b>G. CASE MANAGEMENT [r.8, r.306 and Part 12] .....</b>	<b>7</b>
<i>Introduction .....</i>	<i>7</i>
<i>General Provisions .....</i>	<i>7</i>
<i>Case Management Conferences.....</i>	<i>9</i>
<i>Court-ordered mediation .....</i>	<i>10</i>
<i>Progress Monitoring.....</i>	<i>11</i>
<i>Pre-trial Review .....</i>	<i>11</i>
<i>Timetables .....</i>	<i>12</i>
<i>Hearing and trial dates .....</i>	<i>13</i>
<b>H. DISCLOSURE [Part 13 CPR].....</b>	<b>13</b>
<i>Definitions .....</i>	<i>13</i>
<i>Disclosure by parties [r.86] .....</i>	<i>13</i>
<i>Standard disclosure [r.86].....</i>	<i>14</i>
<i>When standard disclosure not required .....</i>	<i>14</i>
<i>Cooperation between the parties .....</i>	<i>14</i>
<i>Applications for further or specific disclosure [r. 86 and r.87] .....</i>	<i>15</i>
<i>Further or specific disclosure .....</i>	<i>15</i>
<i>Disclosure of copies .....</i>	<i>15</i>
<i>Making disclosure – Redfern Schedule and disclosure statement.....</i>	<i>16</i>
<i>Inspection of documents referred to in statements of case and other documents [r.90] .....</i>	<i>16</i>

<i>Inspection of documents mentioned in an expert's report [r.90]</i> .....	16
<i>Disputing a claim to withhold from inspection [r.90]</i> .....	17
<i>Failure to disclose or permit inspection [r.91]</i> .....	17
<i>Order for disclosure against non-party [r.88]</i> .....	17
<i>Application for permission to disclose and/ or inspect documents containing confidential information of a non-party</i> .....	18
<b>I. PAPERS FOR TRIAL</b> .....	18
<b>J. BUNDLES OTHER THAN IN RELATION TO A TRIAL</b> .....	19
<b>K. INTEREST [r.179]</b> .....	20
<b>L. THE FAST TRACK</b> .....	20
<i>Cases suitable for the Fast Track [r.324]</i> .....	20
<i>The claim form [r. 27, r. 325]</i> .....	21
<i>The acknowledgment of service [r.326]</i> .....	21
<i>Answering a claim [r. 327, r.328]</i> .....	22
<i>Reply to a defence [r.329]</i> .....	23
<i>Defence to any counterclaim and subsequent reply [r.328, r.329]</i> .....	23
<i>Disclosure on the Fast Track [r.85 to r.91 and r.330]</i> .....	23
<i>Witness statements [r.333]</i> .....	24
<i>Hearings [r.334]</i> .....	24
<b>Appendix A - Directions Questionnaire for all cases other than a case placed on the Fast Track</b>	
25	
<b>Appendix B - Directions Questionnaire for cases placed on the Fast Track</b> .....	29
<b>Appendix C - Proposed Directions Guidance Note for all cases other than a case placed on the Fast Track</b> .....	33
<b>Appendix D - Proposed Directions Guidance Note for a case placed on the Fast Track</b> .....	37
<b>Appendix E - Procedural Compliance Statement</b> .....	41
<b>Appendix F - Pre-Trial Checklist</b> .....	43
<b>Appendix G – Hearing Bundle Index</b> .....	48

## PRACTICE DIRECTION 2

### COMMERCIAL AND CIVIL CLAIMS

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

This Practice Direction must be read in conjunction with:

- **Practice Direction 1 - General**
- **Practice Direction 5 - Particular Claims**
- **Practice Direction 6 - Service of Documents**
- **Practice Direction 7 - Applications**
- **Practice Direction 8 - Evidence**
- **Practice Direction 9 – Costs**
- **Practice Direction 10 - Enforcement**
- **Practice Direction 11 - Appeals**
- **Practice Direction 13 - Court-Annexed Mediation**

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

#### A. **MAKING A CLAIM [r.27]**

2.1 A claim form which commences proceedings in the Commercial and Civil Division shall be in accordance with **Form CFI 1**.

##### ***Requirements***

2.2 The claim form must:

- (a) state what final orders the claimant seeks;
- (b) include particulars of the claimant’s case in numbered paragraphs within the form, which shall include:
  - (i) particulars of the factual matters relevant to the claim;
  - (ii) any relevant calculations for the amount or amounts claimed;
  - (iii) particulars of any sum sought by way of interest from a date earlier than the date of judgment (including: (i) the interest rate claimed; (ii) the date from which interest is claimed; and (ii) any relevant calculations); and

- (iv) the propositions of law which entitle the claimant to the final orders sought;
- (c) include the name and address for service of the defendant together with the defendant's email address and mobile phone number (if known)<sup>1</sup>;
- (d) state whether the claimant is self-represented or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone number and email address of the claimant's representative;
- (e) attach a copy of any document (other than any ADGM enactment) referred to in the claim form;
- (f) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant.

2.3 Where a claimant proposes that a proceeding be commenced under the Fast Track<sup>2</sup>, paragraph 2.128 sets out additional matters that must be set out in the claim form.

#### ***Service of the claim form***

2.4 Rule 15(2) provides that the Registry will serve the claim form on the defendant, unless:

- (a) a defendant is to be served outside the United Arab Emirates, in which case the claim form must be served on the defendant by the claimant in accordance with Rule 15(7); or
- (b) any rule, practice direction, ADGM enactment or Court order provides otherwise.

2.5 Part 4 of the CPR prescribes how a claim form may be served.

2.6 Where the claim form has not been served on a defendant by the Registry in accordance with paragraph 2.4, the claimant must file a certificate of service in accordance with Rule 21.

#### **B. ANSWERING A CLAIM [r.35, r.36, r.37, r.38, r.42, r.43 r.44, r.48, r.49, r.326 and r. 328]**

2.7 Subject to paragraph 2.10 below, the Rules require that a defendant must file and serve an acknowledgement of service within 14 days after service of the claim form.

2.8 An acknowledgment of service shall be in accordance with **Form CFI 7**.

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<sup>1</sup> Where the defendant is a company, partnership or other entity, the claimant must include the defendant's registered office or any place of business of the defendant which has a real connection with the claim together with an email address and mobile phone number (if known) of a person who meets the description set out in Practice Direction 6, paragraph 6.13.

<sup>2</sup> See Part 40 of the CPR and Section L below.

2.9 Subject to paragraph 2.11 below, within 28 days after a defendant is served with the claim, the defendant must file and serve:

- (a) an admission and any request for time to pay in accordance with Rules 42 and 43;
- (b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;
- (c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or
- (d) an application to dispute the Court's jurisdiction to try the claim.

2.10 In relation to a case that is proposed by a claimant in the claim form to be allocated to the Fast Track, the relevant time period for a defendant to file and serve his acknowledgment of service is within 7 days after service of the claim form as set out in Rule 326(1) and at paragraph 2.130 below.

2.11 In relation to a case that has been placed on the Fast Track, the relevant time period for a defendant to file and serve his response to the claim (see the options for responding to a claim in paragraph 2.9 above) is within 21 days after service of the claim form as set out in Rule 328 and at paragraph 2.134 below.

***Admission and request for time to pay [r.42 and r.43]***

2.12 The defendant may file an admission, together with any request for time to pay, in accordance with **Form CFI 34** which must include:

- (a) whether the admission is for the whole or part of the claim;
- (b) details of the timing, amounts and frequency of payments proposed (with any payment plan not to exceed 3 years from the date the first payment is to be made);
- (c) reasons for the request for time to pay, and the reasonableness of the request; and
- (d) information about the employment (if applicable) and financial circumstances of the defendant.

***Response to admission and request for time to pay [r.43]***

2.13 A claimant must respond to a defendant's admission and request for time to pay in accordance with **Form CFI 45** within 14 days after the admission and request for time to pay is served on him.

***Disputing jurisdiction [r.38]***

2.14 An application to dispute the Court's jurisdiction to decide the claim must be made by filing an application notice in accordance with **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15**.

2.15 If a defendant makes an application to dispute the Courts' jurisdiction, he need not, before the hearing of the application, file a defence.

**C. FILING A DEFENCE AND MAKING A COUNTERCLAIM [r.44, r.49 and r.50]**

2.16 A defence shall be in accordance with **Form CFI 8** and must:

- (a) set out, in numbered paragraphs, the defendant's answer to the particulars of the claim and the propositions of law advanced by the claimant; and
- (b) attach a copy of any document (other than any ADGM enactment) referred to in the defence, unless the document has previously been filed on the eCourts Platform.

2.17 A defendant who wishes to make a counterclaim must:

- (a) state what final orders the counterclaimant seeks by counterclaim;
- (b) include particulars of the counterclaim in numbered paragraphs within the form, which shall include:
  - (i) particulars of the factual matters relevant to the counterclaim;
  - (ii) any relevant calculations for the amount or amounts claimed;
  - (iii) particulars of any sum sought by way of interest from a date earlier than the date of judgment (including: (i) the interest rate claimed; (ii) the date from which interest is claimed; and (ii) any relevant calculations); and
  - (iv) the propositions of law advanced by the counterclaimant;
- (c) if a counterdefendant is not a party to the claim<sup>3</sup>, include the name and address for service of the counterdefendant together with the counterdefendant's email address and mobile phone number (if known).<sup>4</sup>
- (d) state whether the counterclaimant is self-represented or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone number and email address of the counterclaimant's representative;

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<sup>3</sup> Where a counterclaimant wishes to join a new party to the proceedings as a counterdefendant, the counterclaimant must first make an application that that person be added as an additional party in accordance with CPR 50(3).

<sup>4</sup> Above n1.

- (e) attach a copy of any document referred to in the claim form except for any ADGM enactment, unless the document has previously been filed on the eCourts Platform; and
- (f) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant.

2.18 A counterclaim shall be in accordance with **Form CFI 9**.

2.19 Rule 15(3)(f) provides that a counterclaim may be served through the eCourts platform where the person to be served has access (including through a legal representative) to the eCourts Platform.

**D. REPLY TO A DEFENCE [r.45, r.329]**

- 2.20 Subject to paragraph 2.23, a claimant who seeks to reply to a defence must file and serve the reply within 21 days after service of the defence and must set out the claimant's reply to the particulars of the defence and the propositions of law advanced by the defendant.
- 2.21 The reply must attach a copy of any document (other than any ADGM enactment) referred to in the reply, unless the document has previously been filed on the eCourts Platform.
- 2.22 The reply shall be in accordance with **Form CFI 10**.
- 2.23 In relation to a case that has been placed on the Fast Track, the relevant time period for a claimant to file and serve his reply to defence is within 14 days after service of the defence as set out in Rule 329 and at paragraph 2.138 below.

**E. DEFENCE TO ANY COUNTERCLAIM AND SUBSEQUENT REPLY [r.44-45, r.49, r.328, r.329]**

- 2.24 Subject to paragraph 2.30(a), a party who wishes to defend all or part of any counterclaim must file and serve the defence within 28 days after service of the counterclaim and must set out that party's answer to the particulars of the counterclaim and the propositions of law advanced by the defendant.
- 2.25 A defence to counterclaim must attach a copy of any document (other than any ADGM enactment) referred to in the defence to counterclaim, unless the document has previously been filed on the eCourts Platform.
- 2.26 A defence to counterclaim shall be in accordance with **Form CFI 8**.
- 2.27 Subject to paragraph 2.30(b), a party who seeks to reply to the defence to counterclaim must file and serve a reply within 21 days after service of the defence to counterclaim and must set out the party's reply to the particulars of the defence and the propositions of law advanced by that party.

2.28 A reply to a defence to counterclaim must attach a copy of any document (other than any ADGM enactment) referred to in the reply, unless the document has previously been filed on the eCourts Platform.

2.29 A reply to a defence to counterclaim shall be in accordance with **Form CFI 10**.

2.30 In relation to a case that has been placed on the Fast Track, the relevant time period for a party who wishes to file and serve:

- (a) a defence to counterclaim is within 21 days after service of the counterclaim as set out in Rule 328 and at paragraph 2.140 below; or
- (b) a reply to a defence is within 14 days after service of the counterclaim as set out in Rule 329 and at paragraph 2.142 below.

#### **F. EXTENSION OF TIME TO RESPOND TO A CLAIM OR FILE A PLEADING**

2.31 An application for an extension of time to file:

- (a) a defence, reply to defence, counterclaim, defence to counterclaim or reply to defence to counterclaim (each referred to for the purpose of this section as a “pleading”); or
- (b) a response to a claim (other than a defence as to which see sub-paragraph (a) above),

must be made by application notice in accordance with **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15**.

2.32 An application made pursuant to paragraph 2.31 must:

- (a) be made at least 2 clear days before the deadline for the filing of the pleading or response unless it is not practicable to do so;
- (b) attach or set out an outline of the pleading or response proposed to be filed (or a draft of the pleading or response if the application is made after the due date unless it is not possible to do so);
- (c) provide an explanation for why the pleading or response is/was not able to be filed within the relevant time period;
- (d) state the time by which the applicant proposes to file the pleading or response; and
- (e) attach the applicant’s written request to the other parties to the proceedings seeking their consent to an extension of time to file the pleading or response and any response(s) received to that request.

## G. CASE MANAGEMENT [r.8, r.306 and Part 12]

### *Introduction*

2.33 The aim of case management is to further the overriding objective of the Rules: to ensure that the ADGM Courts are accessible, fair and efficient. To that end, case management is directed to identifying, as soon as reasonably practicable, the real issues in dispute between the parties and trying those issues fairly and expeditiously.

2.34 The Court will manage cases proportionately, having regard to the amounts at stake and the complexity of the issues.

2.35 In managing a case, the Court may make any order, give any direction or take any step it considers appropriate having regard to the nature of the claim, the circumstances of the case and the overriding objective.

### **General Provisions**

2.36 The Court may, upon the request of a party or on its own initiative, convene a case management conference at any time during the proceedings to facilitate the effective management of the case. A case management conference will ordinarily be conducted by video conference as arranged by the Court. For the purposes of this Practice Direction, a case management conference shall be taken to include (as the context requires) the initial case management conference, a progress monitoring hearing, a pre-trial review or any similar hearing or arrangement.

2.37 The parties must endeavour to agree appropriate directions for the management of the proceedings, and in accordance with this Practice Direction to submit agreed directions or their respective proposals to the Court prior to any case management conference.

2.38 At any case management conference, the Court may:

- (a) review the steps which the parties have taken in preparation of the case, and in particular their compliance with any directions that the Court may have given;
- (b) decide and give directions about the steps which are to be taken to ensure the progress of the claim in accordance with the overriding objective;
- (c) ensure, as far as it can, that all agreements that can be reached between the parties about the matters in issue and the conduct of the claim are made and recorded;
- (d) discuss the issues in the case and the requirements of the case; and
- (e) in the case of the initial case management conference, fix a timetable for the conduct of the case, including if possible the appointment of trial dates or provisional trial dates, or, if that is not practicable, to fix as much of the pre-trial timetable as is possible.

2.39 The topics the Court will consider at a case management conference are likely to include:<sup>5</sup>

- (a) whether the parties have attempted to settle the dispute and/or would like a further opportunity to do so;
- (b) whether the claimant has made clear the claim he is bringing, in particular the amount he is claiming, so that the other party can understand the case he has to meet (similar considerations will apply in relation to any counterclaim);
- (c) whether any amendments are required to the claim, a statement of case or any other document;
- (d) what disclosure of documents, if any, is necessary;
- (e) what expert evidence, if any, is reasonably required and how and when that evidence should be obtained and disclosed;
- (f) what factual evidence should be obtained and disclosed;
- (g) whether it will be just and will save costs to order a split trial or the trial of one or more preliminary issues; and
- (h) what, if any, pre-trial applications do the parties intend to bring and the impact that this is likely to have on the timetable.

2.40 Where a party has a legal representative, such representative must attend the case management conference, must be familiar with the case and must possess sufficient authority to deal with any issues that are likely to arise. That person should be someone who personally is involved in the conduct of the case, and who has authority to deal with any matter which may reasonably be expected to be dealt with at such hearing, including the fixing of the timetable, the identification of issues and matters of evidence. Where the inadequacy of the person attending or of his instructions leads to the adjournment of a hearing, a wasted costs order may be considered appropriate.

2.41 The parties will be required to provide the Court with an agreed list of issues that are to be litigated. In this respect, the parties are reminded that:

- (a) a list of issues is not intended to supersede the parties' statements of case;
- (b) a list of issues should identify the issues neutrally in a way that will best reflect the expected structure of the case. It is a case management tool, not an opportunity for advocacy; and
- (c) as a case progresses, the list of issues may be susceptible to change.

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<sup>5</sup> Special provisions apply in relation to a case that has been placed on the Fast Track as to which see Part 40 of the CPR and Section L below. Accordingly, not all of the matters set out in paragraph 2.39 may be considered in a Fast Track case management conference.

2.42 Wherever relevant, the parties are to consult and co-operate with the aim of providing the documents required to be submitted to the Court within the time limits prescribed.

2.43 If any party fails to comply with this Practice Direction or any order or direction made in connection with this Practice Direction, the Court may:

- (a) impose such sanction as it sees fit, which may include the making of an adverse costs order against the defaulting party;
- (b) proceed with or adjourn any scheduled case management conference;
- (c) proceed to make such orders as it considers appropriate for the future conduct of the proceedings having regard to the overriding objective;
- (d) in appropriate circumstances, strike out any claim or defence.

### ***Case Management Conferences***

2.44 The Court will convene an initial case management conference:

- (a) for all claims filed in the Commercial and Civil Division (other than any case which has been placed on the Fast Track) within 14 days of the close of pleadings (which in normal course will be after the filing of a Reply); and
- (b) where a case has been placed on the Fast Track, the Court will convene an initial case management conference within 10 days of the close of pleadings (which in normal course will be after the filing of a Reply).

2.45 Not less than 3 clear days before the initial case management conference:

- (a) each party must file and serve on all other parties completed copies of the directions questionnaire;
- (b) the claimant is to file with the Court and provide to all other parties a copy of any proposed directions that are agreed;
- (c) in the event that there is no agreement between the parties on the proposed directions, each party must file with the Court and serve on all other parties a copy of its proposed directions;
- (d) the claimant is to file with the Court and provide to all other parties a copy of an agreed list of the significant issues in the case; and
- (e) in the event that there is no agreement between the parties as to the list of significant issues, each party must file with the Court and serve on all other parties a copy of its proposed list of issues.

2.46 The directions questionnaire form:

- (a) for a case (other than a case that is on the Fast Track) is set out in **Appendix A** to this Practice Direction; and

(b) for a case that is on the Fast Track is set out at **Appendix B**.

2.47 A proposed directions guidance note which the parties are encouraged to consider when providing the Court with proposed directions:

- (a) for a case (other than a case that is on the Fast Track) is set out in **Appendix C**; and
- (b) for a case that is on the Fast Track is set out at **Appendix D**.

2.48 At the initial case management conference, the parties' legal representatives (or any party appearing in person) should be in a position fully to inform the Court of the following:

- (a) the issues likely to arise in the proceedings;
- (b) the directions which each party seeks, including any agreement reached between the parties in regard to those directions;
- (c) whether it is proposed to file any application notices in respect of pre-trial issues and the nature of those pre-trial issues;
- (d) the volume of material likely to comprise standard disclosure between the parties, save for any case which has been placed on the Fast Track (as to which paragraph 2.144 applies); and
- (e) any other matter dealt with in the directions questionnaire or which the legal representatives may wish to bring to the Court's attention to achieve the efficient management of the case to trial.

2.49 At the initial case management conference:

- (a) the Court will decide a timetable for the pre-trial steps necessary to be taken, which may include the holding of a further case management conference, a progress monitoring hearing and/or a pre-trial review;
- (b) if and insofar as it is not possible to fix trial dates or provisional trial dates, the Court will endeavour to manage the case so as to fix such dates at the first available opportunity; and
- (c) if there is no agreement between the parties as to the list of significant issues in the case, the Court itself may state the significant issues in the case and from time to time thereafter the Court may state or restate those issues as it sees fit.

#### ***Court-ordered mediation***

2.50 The Court may, if it considers it appropriate, refer the parties to mediation at any stage of the proceedings whether on the request of a party or parties, or on its own initiative.

2.51 The Court's power to refer a dispute to mediation does not depend on the consent of the parties.

2.52 Where the Court has ordered mediation, the mediation shall be conducted in accordance with Parts D to N of **Practice Direction 13**.

#### ***Progress Monitoring***

2.53 Where appropriate, a progress monitoring date will be fixed at the initial case management conference; such date will normally be after the date fixed in the pre-trial timetable for the exchange of any witness statements and (if applicable) any expert reports.

2.54 At least 2 clear days before the progress monitoring date, the parties must file and serve a procedural compliance statement to inform the Court:

- (a) whether, as at that date, they have complied with the pre-trial timetable, and if they have not, the respects in which they have not; and
- (b) whether they will be ready for trial commencing on the trial dates or provisional trial dates fixed in the pre-trial timetable, and if they will not be ready, why they will not be ready.

2.55 The form of the procedural compliance statement is set out in **Appendix E** to this Practice Direction.

2.56 The Court may direct that a further case management conference be convened if, in its view, the information in the procedural compliance statement reasonably requires such action. The Court may make such orders and give such directions as it considers appropriate whether at a case management conference or at any time on its own initiative with the primary objective of preserving the trial dates or provisional trial dates.

2.57 In appropriate cases, the Court may decide to consolidate the progress monitoring of the case with the pre-trial review.

#### ***Pre-trial Review***

2.58 Subject to the following provisions, the pre-trial review normally will take place between 4 to 8 weeks before the date fixed for trial (this time period may be modified for a Fast Track case).

2.59 In all appropriate cases, no later than 5 clear days before the pre-trial review, or by the date specified by the Court:

- (a) each party must file and serve on all other parties a completed copy of the pre-trial checklist in the form set out in **Appendix F**;
- (b) the claimant is to file with the Court and provide to all other parties an agreed timetable for the trial providing for (as necessary) oral submissions, witnesses of fact and expert evidence; in the event the trial timetable is not agreed, any differences of view should be identified with clarity;
- (c) in the event that there are any outstanding matters in relation to the trial requiring directions from the Court, the claimant is to file with the Court and

provide to all other parties a copy of any proposed directions that are agreed; and

(d) in the event that there is no agreement between the parties on the proposed directions, each party must file with the Court, and serve on all other parties, a copy of its proposed directions.

2.60 Upon receipt of the required documents, the Court may, on the papers, approve, modify or set the trial timetable and give such other directions for the conduct of the trial as it considers appropriate. If, upon receipt of the required documents, the Court decides to hold a pre-trial review hearing or to cancel a pre-trial review hearing which previously has been fixed, it will notify the parties of its decision.

2.61 In any event, as soon as practicable after each party has filed a completed pre-trial checklist or the Court has held a pre-trial review, the Court may:

(a) set a timetable for the trial, unless a timetable has already been fixed or the Court considers that it would be inappropriate to do so;

(b) confirm the date for trial.

### ***Timetables***

2.62 The parties must comply with the Court's procedural timetable.

2.63 If a party seeks an adjustment to the timetable for the taking of a procedural step, they must:

(a) first seek the written consent of the other party or parties to the case; and

(b) in any correspondence with the Court, provide evidence that they have sought the written consent of the other party or parties to the case together with any response received.

2.64 If the parties agree that the timetable should be adjusted, the party who first sought the adjustment must file a consent order to the adjusted timetable in accordance with **Form CFI 22**. The consent order must also be sent to the Registry by email in Word format.

2.65 If the parties cannot agree to make an adjustment to the timetable which is sought by a party, and:

(a) the due time has not passed for carrying out the step in respect of which an adjustment is sought and the adjustment sought will not affect or have a consequential impact on the dates fixed for a hearing or a trial:

(i) the party seeking the adjustment must file and serve, at least 4 days before the due time for carrying out the step in respect of which an adjustment is sought, a statement in accordance with **Form CFI 36** setting out its justification for the adjustment it seeks; and

(ii) the other party or parties must file and serve any response in accordance with **Form CFI 36** within 2 days of receipt of such statement. (The Court will ordinarily resolve that dispute on the papers);

or

(b) the due time has passed for carrying out the step in respect of which an adjustment is sought or the adjustment sought will affect or have a consequential impact on the dates fixed for a hearing or a trial, the party seeking the adjustment must make an application for an extension of time in accordance with **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15**.

### ***Hearing and trial dates***

2.66 When the Court fixes the date for a hearing or a trial, it expects the application or the case to be ready to proceed on that day and at the appointed time.

## **H. DISCLOSURE [Part 13 CPR]**

2.67 Section L contains special provisions for disclosure in relation to a case that has been placed on the Fast Track.

### ***Definitions***

2.68 In this Section:

- (a) “document” means anything in which information of any description is recorded and includes an electronic document;
- (b) “copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly; and
- (c) “electronic document” means any document held in electronic form and includes, for example, email and other electronic communications such as text messages and voicemail, word-processed documents and databases, and documents stored on portable devices such as memory sticks and mobile phones. In addition to documents that are readily accessible from computer systems and other electronic devices and media, it includes documents that are stored on servers and back-up systems and documents that have been deleted. It also includes metadata and other embedded data which is not typically visible on screen or a printout.

### ***Disclosure by parties [r.86]***

2.69 Rarely, if at all, will the Court direct general disclosure of documents or disclosure by interrogation.

***Standard disclosure [r.86]***

- 2.70 Other than a case on the Fast Track<sup>6</sup>, the Court will ordinarily provide directions relating to the time by which standard disclosure is to be made at the initial case management conference.
- 2.71 “Standard disclosure” is defined by the Rules and requires a party to disclose all documents on which he will rely at trial, except for documents that have already been submitted by a party.

***When standard disclosure not required***

- 2.72 The obligation to give standard disclosure of documents does not apply to judicial review proceedings.

***Cooperation between the parties***

- 2.73 Before the initial case management conference, the parties should discuss any issues that may arise regarding searches for and the preservation of electronic documents. This may involve the parties seeking and providing information about the categories of electronic documents within their control, the computer systems, electronic devices and media on which any relevant documents may be held, the storage systems maintained by the parties, their document retention policies and the anticipated time and cost of carrying out any searches which might be requested.
- 2.74 The parties should, where possible, seek to exchange preliminary production requests for specific disclosure in draft form before the initial case management conference.
- 2.75 Documents (regardless of their original form) are to be disclosed in electronic format capable of being searched.
- 2.76 For the purpose of paragraph 2.73, the parties should cooperate at an early stage as to the format in which electronic copy documents are to be provided on inspection of documents.
- 2.77 If the physical structure of a file is, or is claimed to be, of evidential value:
  - (a) any such claim should be raised at the earliest opportunity; and
  - (b) the legal representatives of the party holding the file should make one complete copy of the file in the form in which they received it before any documents are removed for the purpose of inspecting documents.
- 2.78 In the case of difficulty or disagreement on any of the matters referred to in this section of the Practice Direction, the matter should be referred to the Court for directions at the earliest practical date and, if possible, at the initial case management conference.

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<sup>6</sup> For Fast Track cases, see paragraphs 2.144 and 2.145 below. For a case on the Fast Track, the Court will expect the parties to have already provided standard disclosure by the time of the initial case management conference.

***Applications for further or specific disclosure [r. 86 and r.87]***

- 2.79 The Court discourages unfocused or disproportionate requests for further disclosure of documents.
- 2.80 If a party seeks further or specific disclosure of documents, that party must identify what documents or classes of documents are sought and state why their provision would assist the fair and effective trial of the proceedings.
- 2.81 An application for further or specific disclosure must be made by application notice in accordance with **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15**.

***Further or specific disclosure***

- 2.82 When giving further or specific disclosure, a party is required to make a reasonable search for documents.
- 2.83 The factors relevant in deciding the reasonableness of a party's search include the following –
  - (a) the number of documents involved;
  - (b) the nature and complexity of the proceedings;
  - (c) the ease and expense of retrieval of any particular document; and
  - (d) the significance of any document which is likely to be located during the search.
- 2.84 A search undertaken by a party shall not be considered to be unreasonable solely because that party has used artificial intelligence (such as predictive coding or some other form of technology) in conducting the search.
- 2.85 Where a party intends to use artificial intelligence in conducting a search for documents, that party must inform all other parties of that intention and provide sufficient details of the parameters of the search.
- 2.86 Where a party has not searched for a category or class of document on the grounds that to do so would be unreasonable, he must state this in his disclosure statement and identify the category or class of document.

***Disclosure of copies***

- 2.87 A party need not disclose more than one copy of a document.
- 2.88 A copy of a document must conform fully to the original. The Court may order that the original of a document be presented for inspection. A copy of a document that contains a modification, obliteration or other marking or feature shall be treated as a separate document.

***Making disclosure – Redfern Schedule and disclosure statement***

2.89 Other than a case on the Fast Track<sup>7</sup>, a party giving further or specific disclosure must do so in the form of a Redfern Schedule, supported by a disclosure statement in accordance with **Form CFI 13**.

2.90 A party must state in his Redfern Schedule whether he has a right or duty to withhold from inspection any document, or part of a document, or categories of documents and the grounds on which he claims that right or duty.

2.91 The disclosure statement must –

- (a) expressly state that the disclosing party believes the extent of the search to have been reasonable in all the circumstances; and
- (b) draw attention to any particular limitations to the extent of the search and give the reasons for such limitations.

2.92 Attention is drawn to Rule 91(2) in regard to false disclosure statements.

2.93 Every additional disclosure which a party makes must be made by adding to his Redfern Schedule so that there is at all times a single complete record of each party's disclosure.

***Inspection of documents referred to in statements of case and other documents [r.90]***

2.94 Nothing in this Practice Direction affects a party's right under the Rules to inspect any document which is referred to in:

- (a) an opposing party's statement of case;
- (b) a witness statement;
- (c) a witness summary; or
- (d) an affidavit.

***Inspection of documents mentioned in an expert's report [r.90]***

2.95 If a party wishes to inspect documents referred to in the expert report of another party he should first request inspection of the documents informally and inspection should be provided by agreement unless the request is unreasonable.

2.96 Where an expert report refers to a large number or volume of documents and it would be burdensome to provide them in electronic format or copy or collate them, the Court will only order inspection of such documents if it is satisfied that it is necessary for the just disposal of the proceedings and the party cannot reasonably obtain the documents from another source.

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<sup>7</sup> For Fast Track cases, see paragraphs 2.146 and 2.147. For the avoidance of doubt, the requirement to use a Redfern Schedule does not apply to a case on the Fast Track.

***Disputing a claim to withhold from inspection [r.90]***

- 2.97 If a party seeks to inspect a document, or part of a document, which the disclosing party claims he has a right or duty to withhold from inspection, the requesting party must complete the relevant part of the disclosing party's Redfern Schedule and serve it on the disclosing party.
- 2.98 If the disclosing party presses his claim to withhold the document, or part of a document, from inspection, he must:
  - (a) complete the relevant part of his Redfern Schedule;
  - (b) file and serve the completed Redfern Schedule through the eCourts Platform; and
  - (c) identify those items in the Redfern Schedule in respect of which he seeks the determination of the Court.
- 2.99 The Court may determine any objection to production, without receiving any further submission by any party, by recording its decision in the Redfern Schedule.

***Failure to disclose or permit inspection [r.91]***

- 2.100 The Rules provide that a party may not rely on any document which he fails to disclose or in respect of which he fails to permit inspection unless the Court gives permission. Any application for that permission must be made by filing an application notice in accordance with **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15** and:
  - (a) should be made at the earliest opportunity; and
  - (b) be supported by material explaining why the party concerned did not disclose or permit inspection of the document earlier.

***Order for disclosure against non-party [r.88]***

- 2.101 Any application made to the Court for disclosure by a person who is not a party to the proceedings must be made by filing an application notice in accordance with **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15**.
- 2.102 The supporting evidence for an application for disclosure by a non-party must be contained in a witness statement detailing the specific facts, matters or circumstances relied upon to demonstrate that –
  - (a) the documents of which disclosure is sought are likely to support the case of the applicant or adversely affect the case of one of the other parties to the proceedings; and
  - (b) that disclosure is necessary in order to dispose fairly of the claim or to save costs.
- 2.103 An order for disclosure by a non-party must –

- (a) specify the documents or the classes of documents which the non-party must disclose; and
- (b) require the non-party, when making disclosure, to specify any of those documents –
  - (i) which are no longer in his control; or
  - (ii) in respect of which he claims a right or duty to withhold inspection.

2.104 Such an order may –

- (a) require the non-party to indicate what has happened to any documents which are no longer in his control; and
- (b) specify the time and place for disclosure and inspection.

2.105 A non-party need not disclose more than one copy of a document.

2.106 A copy of a document must conform fully to the original.

***Application for permission to disclose and/ or inspect documents containing confidential information of a non-party***

2.107 Any application made to the Court seeking permission for a party to disclose and/or inspect documents containing confidential information of a non-party must be made in accordance with **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15** and must include:

- (a) a written request made of the non-party seeking their consent to disclose and/ or inspect the documents containing the confidential information of that non-party; and
- (b) the non-party's response to the written request (if any).

2.108 Any application must be served by the applicant on the non-party to whom the written request was made in accordance with paragraph 2.107(a) within 7 days of the application being made.

2.109 The applicant must file a certificate of service in accordance with **Form CFI 31** within 7 days of service of the application on the non-party.

**I. PAPERS FOR TRIAL**

2.110 The Court will make directions, as appropriate, for the filing and serving of papers for the trial. Depending on the circumstances of the case and the nature of the issues in dispute, these papers may include an updated list of issues, a chronology of relevant events, a dramatis personae, an index of the hearing bundle and such other documents as the Court may direct. These papers should be prepared in neutral terms and the Court expects the parties to consult and agree on their contents so that agreed papers can be provided to the Court.

2.111 If it is not possible for the parties to reach agreement on any document or documents, this fact must be notified to the Court, which will resolve the issue upon hearing representations from the parties.

2.112 The Court may also make directions relating to the form of opening and closing submissions (whether written, oral, or both) as is appropriate for the case.

2.113 Where relevant, the papers to be used at the trial should be cross-referenced to relevant documents contained within the hearing bundle.

2.114 The hearing bundle shall be:

- (a) in electronic form;
- (b) filed by the claimant based upon the index agreed with the other parties on the eCourts Platform;
- (c) allocated into the following categories: (i) pleadings (including application notices); (ii) orders; (iii) witness statements of fact (including exhibits); and (iv) any other relevant documents; and
- (d) prepared in such manner as to avoid the duplication of exhibits and supporting documents.<sup>8</sup>

2.115 A template for a hearing bundle index is set out in **Appendix G**. Any hearing bundle must be filed in accordance with **Form CFI 36**.

2.116 When providing any authorities, the parties should only include the relevant part or section of any legislation or rule relied upon.

2.117 Any supplementary hearing bundle must only contain additional documents not already included in the hearing bundle. The supplementary hearing bundle must also contain an index, and the pagination numbering should run consecutively from the last paginated page number in the hearing bundle.

#### **J. BUNDLES OTHER THAN IN RELATION TO A TRIAL**

2.118 Unless otherwise directed, in relation to any:

- (a) case management conference, a case management conference bundle shall be filed by the claimant on the eCourts Platform not less than 3 clear days before the case management conference containing, as applicable, those documents that are required for the case management conference by reference to the categories of documents referred to in paragraph 2.114(c) above.
- (b) hearing (including the hearing of any application), a hearing bundle shall be filed by the applicant on the eCourts Platform not less than 3 clear days

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<sup>8</sup> When preparing the hearing bundle, every effort should be made to avoid the duplication of documents. The purpose of this provision is to reduce the size of the hearing bundle by removing multiple copies of the same document from the bundle. Appropriate placeholders and cross-references should be included in the index and hearing bundle to accommodate the removal of duplicate copies of the same document.

before the hearing containing, as applicable, those documents that are required for the hearing by reference to the categories of documents referred to in paragraph 2.114(c) above.

2.119 The parties are referred to **Appendix G** which may be modified (as appropriate) for a bundle to be filed in relation to a case management conference or hearing other than in relation to a trial. The provisions in paragraphs 2.116 and 2.117 also apply.

#### **K. INTEREST [r.179]**

2.120 Where interest is payable on a judgment debt and there is no agreed rate, it shall be at the rate of 5 per cent per annum from the date that judgment is given until payment.

2.121 Subject to any ADGM enactment, where interest is payable on all or any part of a debt or damages in relation to a period prior to, or as at, the date of judgment and there is no agreed rate, it shall be at the rate of 5 per cent per annum.

#### **L. THE FAST TRACK**

2.122 Part 40 of the CPR contains special provisions dealing with cases allocated to the Fast Track in the Commercial and Civil Division. Except as otherwise provided for in Part 40 of the CPR or this Practice Direction, all other Rules, Practice Directions, and court forms pertaining to the Commercial and Civil Division shall apply to proceedings in the Fast Track. Section L of this Practice Direction is to be read subject to any other Rule or Practice Direction that deals with particular types of claims or applications.

2.123 It is the intention of the Court that all Fast Track cases be determined within 6 months of being allocated to the Fast Track.

##### ***Cases suitable for the Fast Track [r.324]***

2.124 Before a claimant files a claim form, or a defendant files an acknowledgement of service, the relevant party should consider whether the case is suitable for the Fast Track.

2.125 A case may be suitable for the Fast Track where, in the opinion of the party proposing the Fast Track, the case will require:

- (a) a hearing of two days or fewer;
- (b) no expert evidence;
- (c) two fact witnesses or fewer per party;
- (d) limited disclosure; and
- (e) limited, if any, interlocutory applications.

2.126 A case that is suitable for the Fast Track may also have one or more of the following features:

- (a) the case has a financial value of between US\$100,000 and US\$500,000, excluding interest;
- (b) the case is straightforward, does not involve a substantial dispute of fact, and does not fall under the Small Claims, Employment or Real Property Divisions;
- (c) the case is urgent.

2.127 A case is also likely to be suitable for the Fast Track where it is or involves:

- (a) a liquidated debt claim;
- (b) an arbitration claim;
- (c) a claim for declaratory or other relief which is unlikely to involve a substantial dispute of fact;
- (d) an application for contempt of court
- (e) an application for extension of period for delivery of a charge under s. 789(3) of the Companies Regulations 2020;
- (f) an application for a freezing injunction, search order or interim remedy made in relation to proceedings which are taking place, will take place, or have taken place outside the jurisdiction;
- (g) an application for an interim remedy made under section 36 of the Regulations;

***The claim form [r. 27, r. 325]***

2.128 Where a claimant proposes that a case be allocated to the Fast Track, the claim form must (in addition to the requirements at paragraph 2.2 above):

- (a) state that the claimant wishes for the case to be allocated to the Fast Track, together with concise reasons (by reference to the matters listed in paragraphs 2.125 to 2.127); and
- (b) list and attach a copy of all documents on which the claimant will rely at trial.

2.129 A claim form which commences proceedings and proposes the Fast Track shall be in accordance with **Form CFI 1**.

***The acknowledgment of service [r.326]***

2.130 Where the claimant has proposed in his claim form that the case be allocated to the Fast Track, the Rules require that a defendant must file an acknowledgment of service within 7 days after service of the claim form. This time limit applies regardless of whether the defendant accepts or disputes the proposed allocation to the Fast Track.

2.131 An acknowledgment of service shall be in accordance with **Form CFI 7**.

2.132 A defendant:

- (a) shall include his response to the claimant's proposal for the case to be allocated to the Fast Track in his acknowledgment of service; or
- (b) may propose in his acknowledgment of service that the case be allocated to the Fast Track if the claimant has not included this proposal in his claim form.

2.133 Where the defendant either objects to the case being allocated to the Fast Track in accordance with paragraph 2.132(a) above or proposes that the case be allocated to the Fast Track in accordance with paragraph 2.132(b) above, he must state his concise reasons (by reference to the indicia listed in paragraphs 2.125 to 2.127) when he files his acknowledgment of service.

***Answering a claim [r. 327, r.328]***

2.134 In a case that has been placed on the Fast Track, a defendant must file and serve within 21 days of the claim being served on him either:

- (a) an admission and any request for time to pay in accordance with Rules 42 and 43;
- (b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;
- (c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or
- (d) an application to dispute the Court's jurisdiction to try the claim.

2.135 Where a defendant files and serves:

- (a) an admission, together with any request for time to pay, it shall be in accordance with **Form CFI 34**;
- (b) a defence to all or part of the claim, it shall be in accordance with **Form CFI 8**;
- (c) any counterclaim, it shall be in accordance with **Form CFI 9**;
- (d) an application to dispute the Court's jurisdiction, it shall be in accordance with **Form CFI 12** supported by witness statement evidence in accordance with **Form CFI 15**.

2.136 Where a party has proposed that a case be allocated to the Fast Track, within 3 days of the acknowledgment of service being filed, or the last acknowledgment of service being filed where there is more than one defendant, the Court may give directions or make an order in relation to the allocation of the case to the Fast Track. The Court may confirm whether the case is allocated to the Fast Track in accordance with Rule 324(3), or reserve its decision on the allocation of the case to the Fast Track until the defendant or defendants have answered the claim.

2.137 Where the Court reserves its decision on allocation until after receipt of the defendant's answer to the claim, the defendant shall file his answer to the claim within 28 days of being served with the claim.

***Reply to a defence [r.329]***

2.138 In a case that has been placed on the Fast Track, a claimant who wishes to reply to a defence must file and serve his reply within 14 days after service of the defence.

2.139 A reply shall be in accordance with **Form CFI 10**.

***Defence to any counterclaim and subsequent reply [r.328, r.329]***

2.140 A counterdefendant who wishes to defend all or part of any counterclaim must file and serve his defence to counterclaim within 21 days after service of the counterclaim.

2.141 A defence to counterclaim shall be in accordance with **Form CFI 8**.

2.142 A party may file a reply to the defence to counterclaim within 14 days after service of the defence to counterclaim.

2.143 A reply to a defence to counterclaim shall be in accordance with **Form CFI 10**.

***Disclosure on the Fast Track [r.85 to r.91 and r.330]***

2.144 Where the Court has allocated a case to the Fast Track, the parties shall provide standard disclosure when filing their pleadings. Where the claimant proposes the Fast Track, it must provide standard disclosure with its claim form in accordance with paragraph 2.128(b).

2.145 Where a case is allocated to the Fast Track after any party to the case has served a pleading and standard disclosure was not given with that party's pleading, that party must provide standard disclosure in accordance with Rules 330(b).

2.146 An application for further or specific disclosure will only be granted on the Fast Track where the Court considers that such disclosure is appropriate having regard to the circumstances of the case. An application for further or specific disclosure must be made by application notice in accordance **Form CFI 12**, supported by witness statement evidence in accordance with **Form CFI 15** and must:

- (a) be made within 7 days of the close of pleadings or where the time period for the close of pleadings has lapsed, whichever is earlier;
- (b) identify the document or documents sought to be disclosed; and
- (c) set out reason(s) why such disclosure would assist the fair and effective trial of the proceedings.

2.147 If a party makes an application for further or specific disclosure, the Court will make such directions as it considers appropriate in relation to the application, which will usually include:

- (a) response(s) to the application to be filed and served within 7 days of the application being made;
- (b) where any objection is made to a document or documents sought to be disclosed, the applicant is to file and serve any reply within 3 days of the response; and
- (c) the Court will determine any disputed requests on the papers.

***Witness statements [r.333]***

- 2.148 The parties shall file and serve witness statements of fact in accordance with **Form CFI 15** and within the time limits set out in Rule 333.
- 2.149 Expert evidence is not permitted in a case allocated to the Fast Track unless the Court orders otherwise.

***Hearings [r.334]***

- 2.150 For all cases allocated to the Fast Track, the Court may decide the case on the papers without a hearing:
  - (a) if the parties agree as to the terms of any order or direction to be made or given by the Court;
  - (b) if the parties agree that the Court should dispose of the claim without a hearing; or
  - (c) where the Court considers that the case can be fairly determined on the papers and in all of the circumstances of the case it would be appropriate to do so.

**Appendix A - Directions Questionnaire for all cases other than a case placed on the Fast Track**

<b>Case Details</b>	
<b>Division</b>	Commercial and Civil
<b>Case number</b>	

<b>Title of Proceedings</b>	
<b>[First] Claimant</b>	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
<b>[First] Defendant</b>	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

<b>Filing Details</b>	
<b>Filed for</b>	[name of party(ies)]
<b>Legal representative</b>	[name]
<b>Firm</b>	[name of firm]
<b>Firm reference</b>	[reference number]
<b>Contact name</b>	[name]
<b>Contact telephone</b>	[telephone]
<b>Contact email</b>	[email address]

*Please read the **Notes** section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the most fair, proportionate and efficient manner having regard to the circumstances of the case.*

*Although it may be difficult to accurately answer any question due to the early stage of the proceedings, the parties are required to answer all questions on a “best efforts” basis. A failure by any party to do so, including a failure by a party to answer a question, may be considered by the Court when it deals with the question of costs, or may result in some other sanction being imposed on the defaulting party.*

*Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.*

*You should note the date by which this questionnaire must be returned.*

*If you have settled this claim (or you settle it on a future date) and do not need to have it heard or tried, you must let the Court know immediately.*

A: Nature of dispute	Notes
<ol style="list-style-type: none"> <li>What amount of the claim (and any counterclaim) is in dispute?</li> <li>Are there any non-pecuniary remedies sought which are relevant to how this case should be managed?</li> </ol>	<p><i>The parties are encouraged to consider the nature of the dispute when providing their answers to the questions below (having regard to the principles of fairness, proportionality and efficiency).</i></p>
B: Settlement	
<ol style="list-style-type: none"> <li>Do you wish to attempt to settle the claim by court annexed mediation?</li> <li>If you answered 'No' to question 3, please state below the reasons why you consider it inappropriate to try and settle the claim at this stage.</li> </ol>	<p><i>If you think that you and the other party may be able to negotiate a settlement, you should answer 'Yes' to Q3.</i></p> <p><i>The parties are encouraged to read Practice Direction 13 (Court-annexed Mediation) and Court Procedure Rules 2016 ("CPR") Part 36 (Court-annexed Mediation) before completing this section.</i></p> <p><i>The Court may order that the parties go to court-annexed mediation, whether or not all the other parties to the claim agree. <u>You should still complete the whole of the form, even if you are requesting a referral to mediation.</u></i></p>
C: Pre-trial Applications	
<ol style="list-style-type: none"> <li>Do you intend to make, or foreshadow making, any future application(s) in this proceeding? If Yes: <ul style="list-style-type: none"> <li>Provide details of all such applications including the Rule or provision pursuant to which each application will be made.</li> <li>For each application, set out how the application will assist the Court with its determination of the issues in the proceeding.</li> <li>If the application will not assist the Court with its determination of the issues in the proceeding, set out the reason why the application is proposed to be made.</li> </ul> </li> <li>Are any of the issues in the case suitable for trial as preliminary issues?</li> </ol>	<p><i>It is important for the Court to know if you intend to make any applications, what they will be for and when you wish them to be heard. The parties are encouraged to read Practice Direction 7 (Applications), the relevant sections of the CPR before completing this section.</i></p>
D: Statements of Case	
<ol style="list-style-type: none"> <li>Do you wish to file any further statements of case (including by way of amendment)? If Yes, please specify.</li> <li>Is any further information about any statement of case required? If yes, please give brief details of what is required.</li> </ol>	<p><i>The parties are encouraged to read CPR 52 to 54 in relation to amendments to statements of case and requests for further information before completing this section.</i></p>

<b>E: Disclosure of Documents</b>	<p>9. Approximately how many documents and how many pages of documents do you intend to produce on standard disclosure of documents?</p> <p>10. By what date can you provide standard disclosure of documents?</p> <p>11. Have the parties discussed standard disclosure of documents and how they will be exchanged? If so, please provide a summary of material areas of agreement and disagreement between the parties.</p> <p>12. Is production of specific documents likely to be required on any issue? If so, please give as much detail as is currently available.</p> <p>13. Have the parties discussed likely or potential requests for production of specific documents and how they will be exchanged? If so, please provide a summary of material areas of agreement and disagreement between the parties.</p>
<b>F: Witnesses of Fact</b>	<p>14. So far as you know at this stage, how many witnesses of fact do you intend to rely on at the trial?</p> <p>15. Do you wish to seek any orders from the Court as to the maximum length or format of any witness statements? If so, please specify.</p> <p>16. By what date can you serve signed witness statements?</p>
<b>G: Experts</b>	<p>17. Do you wish to use expert evidence at the trial? If yes, please specify:</p> <ul style="list-style-type: none"> <li>• the discipline of each proposed expert; and</li> <li>• broadly what issue(s) they will likely address which will help to resolve the issues in the proceedings.</li> </ul> <p>18. Do you consider the case suitable for a single joint expert (see Rule 144) or an assessor (see Rule 148) in any field?</p> <p>19. By what date can you serve signed expert reports?</p>

<b>H: Translation of Documents</b>	
20. Are you relying upon any translated document? If yes, please indicate whether the parties have agreed the translation of the document. If no, please indicate whether the parties have discussed a regime for the resolution of disputed translations.	
<b>I: List of Issues</b>	
21. Have the parties provided the Court with an agreed list of issues that are to be litigated?  22. If there is no agreement between the parties as to the list of issues, have you filed with the Court and served on all other parties a copy of your proposed list of issues?	<i>The parties are reminded of the importance that the Court places on the list of issues, as set out in Practice Direction 2.41. The parties are also encouraged to review Practice Direction 2.45, which contains further provisions relating to the list of issues to be provided for the purposes of the initial case management conference.</i>
<b>J: Trial</b>	
23. What are your present provisional estimates of the minimum and maximum lengths of the trial?  24. What is the earliest date by which you believe you can be ready for trial?  25. Is this a case in which the fixing of a progress monitoring date and/or pre-trial review is likely to be helpful?  26. Are there likely to be any special requirements at trial (i.e. use of an interpreter for any witness, evidence of a witness by video-link, disability of any witness or party)?  27. What is your present provisional estimate of the volume of the trial hearing bundle? Is this a case where any additional technological requirements (outside of the eCourts Platform capabilities provided by the ADGM Courts) are likely to be required for the hearing bundle?	
<b>K: Other</b>	
28. Set out any other information you consider will help the judge manage the claim.	
<b>L: Directions</b>	
29. You must attempt to agree proposed directions with all other parties. Whether agreed or not, a draft of the order for directions you seek must accompany this form.	

**Appendix B - Directions Questionnaire for cases placed on the Fast Track**

<b>Case Details</b>	
<b>Division</b>	Commercial and Civil
<b>Case number</b>	

<b>Title of Proceedings</b>	
<b>[First] Claimant</b>	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
<b>[First] Defendant</b>	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

<b>Filing Details</b>	
<b>Filed for</b>	[name of party(ies)]
<b>Legal representative</b>	[name]
<b>Firm</b>	[name of firm]
<b>Firm reference</b>	[reference number]
<b>Contact name</b>	[name]
<b>Contact telephone</b>	[telephone]
<b>Contact email</b>	[email address]

*Please read the **Notes** section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the most fair, proportionate and efficient manner having regard to the circumstances of the case.*

*Although it may be difficult to accurately answer any question due to the early stage of the proceedings, the parties are required to answer all questions on a “best efforts” basis. A failure by any party to do so, including a failure by a party to answer a question, may be considered by the Court when it deals with the question of costs, or may result in some other sanction being imposed on the defaulting party.*

*Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.*

*You should note the date by which this questionnaire must be returned.*

*If you have settled this claim (or you settle it on a future date) and do not need to have it heard or tried, you must let the Court know immediately.*

A: Nature of dispute	Notes
<ol style="list-style-type: none"> <li>What amount of the claim (and any counterclaim) is in dispute?</li> <li>Are there any non-pecuniary remedies sought which are relevant to how this case should be managed?</li> </ol>	<p><i>The parties are encouraged to consider the nature of the dispute when providing their answers to the questions below (having regard to the principles of fairness, proportionality and efficiency).</i></p>
B: Settlement	
<ol style="list-style-type: none"> <li>Do you wish to attempt to settle the claim by court annexed mediation?</li> <li>If you answered 'No' to question 3, please state below the reasons why you consider it inappropriate to try and settle the claim at this stage.</li> </ol>	<p><i>If you think that you and the other party may be able to negotiate a settlement, you should answer 'Yes' to Q3.</i></p> <p><i>The parties are encouraged to read Practice Direction 13 (Court-annexed Mediation) and Court Procedure Rules 2016 ("CPR") Part 36 (Court-annexed Mediation) before completing this section.</i></p> <p><i>The Court may order that the parties go to court-annexed mediation, whether or not all the other parties to the claim agree. <u>You should still complete the whole of the form, even if you are requesting a referral to mediation.</u></i></p>
C: Pre-trial Applications	
<ol style="list-style-type: none"> <li>Do you intend to make, or foreshadow making, any future application(s) in this proceeding? If Yes: <ul style="list-style-type: none"> <li>Provide details of all such applications including the Rule or provision pursuant to which each application will be made.</li> <li>For each application, set out how the application will assist the Court with its determination of the issues in the proceeding and how the application will impact on the timetable for the determination of the case.</li> </ul> </li> </ol>	<p><i>It is important for the Court to know if you intend to make any applications, what they will be for and when you wish them to be heard. The parties are encouraged to read Practice Direction 7 (Applications) and the relevant sections of the CPR before completing this section, together with Practice Direction 2.125(e).</i></p>

<b>E: Disclosure of Documents</b>	
<p>6. Have you made standard disclosure of all documents on which you will rely at trial in accordance with Rule 330? If not, why not, and what further standard disclosure do you seek permission to make?</p> <p>7. Is production of specific documents likely to be required on any issue? If so, have you made an application for specific disclosure in accordance with Rule 328? If not, why not and please give as much detail as possible on the specific disclosure application that you seek permission to make.</p>	<p><i>Where a claim has been allocated to the Fast Track, the parties are encouraged to read Practice Direction CPR 330 and Practice Direction 2.125(d) and 2.144 to 2.147.</i></p>
<b>F: Witnesses of Fact</b>	
<p>8. So far as you know at this stage, how many witnesses of fact do you intend to rely on at the trial?</p> <p>9. Do you wish to seek any orders from the Court as to the maximum length or format of any witness statements? If so, please specify.</p> <p>10. By what date can you serve signed witness statements?</p>	<p><i>The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 14 (Evidence) before completing this section.</i></p> <p><i>Where a claim has been allocated to the Fast Track the parties are also encouraged to read Practice CPR 333 and Practice Direction 2.125(c).</i></p>
<b>H: Translation of Documents</b>	
11. Are you relying upon any translated document? If yes, please indicate whether the parties have agreed the translation of the document. If no, please indicate whether the parties have discussed a regime for the resolution of disputed translations.	
<b>I: List of Issues</b>	
<p>12. Have the parties provided the Court with an agreed list of issues that are to be litigated?</p> <p>13. If there is no agreement between the parties as to the list of issues, have you filed with the Court and served on all other parties a copy of your proposed list of issues?</p>	<p><i>The parties are reminded of the importance that the Court places on the list of issues, as set out in Practice Direction 2.41. The parties are also encouraged to review Practice Direction 2.45, which contains further provisions relating to the list of issues to be provided for the purposes of the initial case management conference.</i></p>

<b>J: Trial</b> <ol style="list-style-type: none"> <li>14. Is this case suitable to be determined on the papers?</li> <li>15. What are your provisional estimate for the length of any trial?</li> <li>16. What is the earliest date by which you believe you can be ready for trial?</li> <li>17. Is this a case in which the fixing of a progress monitoring date and/or pre-trial review is likely to be helpful?</li> <li>18. What is your provisional estimate of the volume of the trial hearing bundle?</li> <li>19. Are there likely to be any special requirements at trial (i.e. use of an interpreter for any witness, evidence of a witness by video-link, disability of any witness or party, any additional technological requirements outside of the eCourts Platform for the hearing bundle)?</li> </ol>	<i>Where a claim has been allocated to the Fast Track the parties are encouraged to read Practice Direction 2.125(a).</i>
<b>L: Directions</b>	
20. You must attempt to agree proposed directions with all other parties. Whether agreed or not, a draft of the order for directions you seek must accompany this form.	

## Appendix C - Proposed Directions Guidance Note for all cases other than a case placed on the Fast Track

*This document is provided as a guidance note to assist the parties when considering what procedural directions to seek from the Court. It is not intended to be prescriptive on either the parties or the Court. The parties are reminded that in accordance with CPR 8(1), the Court may make any order, give any direction or take any steps it considers appropriate for the purpose of managing the proceedings and furthering the overriding objective of the Rules.*

*Nor is the guidance note intended to cover every scenario which might arise during the course of a matter which requires a direction or order from the Court. To that end, the parties will need to consider the specific circumstances of their case and what directions they should seek from the Court against the overriding objective of the Court to manage cases proportionally through a process that is accessible, fair and efficient having regard to the amounts at stake and the complexity of the issues in dispute.*

*This guidance note deals with some of the more common procedural steps in the pre-trial timetable, along with the trial itself. In more complex cases, it may be desirable for the Court to issue directions in stages. However, the parties are encouraged, for the purposes of the first case management conference, to submit proposed directions which deal with as many of the procedural steps in the proceedings as possible having regard to the circumstances of their particular case. Further, the parties are reminded that the Court is alert to performing its duty to fix a trial date as soon as practicable and to establish a pre-trial timetable which provides for the timely carrying out of the procedural steps in the proceedings.*

*The parties are to submit their proposed directions by the due date in accordance with Form CFI 37.*

<b>Proposed Order</b>
<b>Terms of draft Order (delete, amend or supplement as appropriate)</b>
<b>Applications for Further Information<sup>9</sup></b>
1. By no later than 4.00 pm on [ ], the Parties may make any application(s) for further information, in accordance with CPR 54 and Practice Direction 7.
<b>List of Issues<sup>10</sup></b>
2. An updated list of issues shall be compiled and agreed between the Parties, with cross-references to paragraphs of the pleadings, and filed with the Court by 4.00 pm on [ ].
<b>Disclosure – Standard Disclosure, Further or Specific Disclosure and Inspection of Documents<sup>11</sup></b>
<b>Standard Disclosure</b>
3. By no later than 4.00 pm on [ ], each party shall submit to the other, by way of standard disclosure in accordance with CPR 86, all documents upon which it will rely at trial, except for any documents that have already been submitted by a party.

<sup>9</sup> In relation to applications for further information, the parties are encouraged to read CPR 54 and Practice Direction 7.

<sup>10</sup> The parties are reminded of the importance that the Court places on the list of issues, as set out in Practice Direction 2.41. With this in mind, the Court will ordinarily expect the parties to deal with the list of issues in the proposed directions.

<sup>11</sup> In relation to disclosure and inspection of documents, the Parties are encouraged to read Practice Direction 2 and Part 13 of CPR.

#### **Further or Specific Disclosure**

4. By no later than 4:00 pm on [ ], the Parties may make any application(s) for further or specific disclosure, in accordance with Practice Direction 2.80-2.81.
5. A party giving further or specific disclosure must do so by no later than 4:00 pm on [ ], in accordance with Practice Direction 2.89-2.93, in the form of a Redfern Schedule supported by a disclosure statement.
6. If the requesting party seeks to inspect a document, or part of a document, which the disclosing party claims it has a right or duty to withhold from inspection, the requesting party must complete the relevant part of the disclosing party's Redfern Schedule and serve it on the disclosing party by no later than 4:00 pm on [ ].
7. If the disclosing party presses its claim to withhold the document, or part of a document, from inspection, the disclosing party must comply with Practice Direction 2.98 by no later than 4.00 pm on [ ].
8. The Court will determine any objection to production, without receiving any further submission by any party, by recording its decision in the Redfern Schedule within a timeframe to be determined by the Court.

#### **Witness Statements<sup>12</sup>**

9. Any witness statements of fact in accordance with CPR 94 and Practice Direction 8 shall be filed and served by [both/all] Parties by no later than 4.00 pm on [ ].
10. Any reply witness statements of fact shall be filed and served by [both/all] Parties by no later than 4.00 pm on [ ].
11. Unless otherwise ordered, witness statements of fact shall stand as evidence in chief of the witness at trial.

#### **Expert Evidence<sup>13</sup>**

12. In accordance with CPR 142(2), the Court grants its permission for the Parties to file and serve by no later than 4.00 pm on [ ], expert reports which meet the requirements of CPR 141 and Practice Direction 8 in relation to the following issues (the "identified expert issues"):
  - [ ]
  - [ ]
13. Any reply expert reports which deal with the identified expert issues shall be filed and served by no later than 4.00 pm on [ ].
14. Experts of common disciplines are to meet to discuss (as relevant) the identified expert issues and shall file a joint report by no later than 4.00 pm on [ ] setting out those issues which are agreed and those which are in dispute.
15. The Parties may make any application(s) to add to the list of identified expert issues by no later than 4.00 pm on [ ].

<sup>12</sup> In relation to witness statements of fact, the Parties are encouraged to read Practice Direction 8 and Part 14 of the CPR.

<sup>13</sup> In relation to expert evidence, the parties are encouraged to read Practice Direction 8 and Part 17 of the CPR.

16. In accordance with CPR 142(2), the Parties may apply to the Court for permission to call an expert by no later than 4.00 pm on [ ].

#### **Disputed Translation of Documents**

17. Within [ ] days from the service of (i) witness statements; (ii) reply witness statements; (iii) expert reports; and (iv) reply expert reports pursuant to paragraphs 9, 10, 12 and 13 above, the parties shall each notify the other of any translations in dispute referred to and/or exhibited to each of (i) – (iv) above (the Disputed Translation(s)).

18. In respect of each Disputed Translation the disputing party shall identify which portions of the translation are agreed (and therefore not in dispute).

19. The Parties jointly engage [ ] (XX) as an independent translation service provider for the purposes of translating the disputed portions of the Disputed Translations. The Parties shall agree which team members of XX shall undertake these translations, such team members being either those with a legal background or extensive experience in legal translation. No party shall engage XX in relation to these proceedings except for the purposes of providing a third-party translation of the Disputed Translation(s).

20. The parties shall equally bear the costs of commissioning XX as and when they fall due with such costs to be costs in the case.

21. Unless a party objects to a translation within 14 days of the translation being provided to it, the translation will be treated as authoritative. Liberty to any party to apply in respect of any Disputed Translation to which objection is raised.

22. The Parties shall seek to reach agreement about translations of other documents which either party proposes to include in the hearing bundle and by no later than 4.00 pm on [ ] (i) the Claimant shall inform the Court of any agreement that has been reached and (ii) if and to the extent that agreement has not been reached the parties are to inform the Court of their respective positions with regard thereto.

#### **Progress Monitoring**

23. The progress monitoring date in this matter is fixed for [ ].

24. The Parties shall file and serve a procedural compliance statement in the form set out at Appendix C at least 2 clear days before the progress monitoring date.

25. If, upon receipt of the Parties procedural compliance statements, the Court decides to hold a case management conference, it will liaise with the Parties and notify the Parties of the date on which it is to occur.

#### **Hearing Bundle**

26. By no later than 4.00 pm on [ ], the Claimant shall provide the [Defendant/other Parties] with a draft index of the hearing bundle to be used at the hearing.

27. By no later than 4.00 pm on [ ], the [Defendant/other Parties] shall provide the Claimant with its comments in relation to the draft index of the hearing bundle to be used at the hearing.

28. By no later than 4.00 pm on [ ], the Claimant shall file the index of the hearing bundle with the Court.

29. By no later than 4.00 pm on [ ], the Claimant shall confirm that the hearing bundle has been compiled in accordance with the agreed index, has been duly paginated and is available to the

<p>Parties through the eCourts Platform. By this direction, the Court grants permission for an additional electronic folder to be added to the hearing bundle for expert reports (and accompanying exhibits).</p>
<b>Pre-Trial Checklist</b>
<p>30. In accordance with CPR82(2) and Practice Direction 2.59, the Parties shall file and serve the pre-trial checklist by 4.00 pm on [ ].</p> <p>31. In accordance with Practice Direction 2.59, at the same time as providing the pre-trial checklist, the Claimant shall provide the Court with an agreed trial timetable; in the event that the timetable is not agreed, any differences of view should be clearly identified. Similarly, proposed directions dealing with any outstanding issues shall be provided to the Court at this time.</p> <p>32. If the Court decides to hold a pre-trial review in accordance with CPR82(3) and Practice Direction 2.60, it will liaise with the Parties and notify the Parties of the date on which it is to occur.</p>
<b>Papers for Trial</b>
<p>33. By no later than 4.00 pm on [ ], the Claimant in consultation with the [Defendant/other Parties] shall file and serve an agreed:</p> <ul style="list-style-type: none"> <li>• [ ]</li> <li>• [ ]</li> </ul> <p>34. By no later than 4.00 pm on [ ], the Parties shall file and serve skeleton arguments of fact and law.</p>
<b>Trial</b>
<p>35. The trial of this matter is to take place on a day not before [ ], with a time estimate of [ ] days. The Court and the Parties have indicated a possible potential date for trial as being for [ ] days from [ ]. The Parties shall inform the Court as soon as possible if the provisional date for trial is suitable and, if not, shall liaise with the Court to arrange a listing appointment by telephone.</p>
<b>Closing submissions</b>
<p>36. By no later than 4.00 pm on [ ], the Parties shall file and serve their written closing submissions of fact and law. The written closings are to include any submissions which the Parties may wish to make as to costs.</p>
<b>General</b>
<p>37. Costs in the case.</p> <p>38. Liberty to apply.</p>

## Appendix D - Proposed Directions Guidance Note for a case placed on the Fast Track

*This document is provided as a guidance note to assist the parties when considering what procedural directions to seek from the Court. It is not intended to be prescriptive on either the parties or the Court. The parties are reminded that in accordance with CPR 8(1), the Court may make any order, give any direction or take any steps it considers appropriate for the purpose of managing the proceedings and furthering the overriding objective of the Rules.*

*Nor is the guidance note intended to cover every scenario which might arise during the course of a matter which requires a direction or order from the Court. To that end, the parties will need to consider the specific circumstances of their case and what directions they should seek from the Court against the overriding objective of the Court to manage cases proportionally through a process that is accessible, fair and efficient having regard to the amounts at stake and the complexity of the issues in dispute.*

*This guidance note deals with some of the more common procedural steps in the pre-trial timetable, along with the trial itself. However, the parties are encouraged, for the purposes of the first case management conference, to submit proposed directions which deal with as many of the procedural steps in the proceedings as possible having regard to the circumstances of their particular case. Further, the parties are reminded that the Court is alert to performing its duty to fix a trial date as soon as practicable and to establish a pre-trial timetable which provides for the timely carrying out of the procedural steps in the proceedings.*

*The parties are to submit their proposed directions by the due date in accordance with Form CFI 37.*

Proposed Order
<b>Terms of draft Order (delete, amend or supplement as appropriate)</b>
<b>List of Issues<sup>14</sup></b>
1. An updated list of issues shall be compiled and agreed between the Parties, with cross-references to paragraphs of the pleadings, and filed with the Court by 4.00 pm on [ ].
<b>Disclosure – Standard Disclosure, Further or Specific Disclosure<sup>15</sup></b>
<b>Standard Disclosure (if applicable)<sup>16</sup></b>
2. By 4.00 pm on [ ], each party shall submit to the other, by way of standard disclosure in accordance with CPR 86, any further documents upon which it will rely at trial.

<sup>14</sup> The parties are reminded of the importance that the Court places on the list of issues, as set out in Practice Direction 2.41. With this in mind, the Court will ordinarily expect the parties to deal with the list of issues in the proposed directions.

<sup>15</sup> In relation to disclosure of documents, the Parties are encouraged to read Practice Direction 2 (Section L) and Parts 13 and 40 of CPR.

<sup>16</sup> Where a case has been allocated to the Fast Track, the parties are reminded of the provisions of Practice Direction 2.144 to 2.147 and CPR 330. With this in mind, the Court will expect the parties to have already provided standard disclosure by the time of the first case management conference.

### **Further or Specific Disclosure**

3. [By 4:00 pm on [ ], the Parties may make any application for further or specific disclosure].<sup>17</sup>
4. By 4.00 pm on [ ], a responding party shall file and serve its response to the application.
5. Where any objection is made by a responding party a document or documents sought to be disclosed, the applicant is to file and serve any reply by 4.00 pm on [ ].
6. The Court will determine any disputed requests on the papers.

### **Witness Statements<sup>18</sup>**

7. Any witness statements of fact in accordance with CPR 94 and Practice Direction 8 shall be filed and served by [both/all] Parties by no later than 4.00 pm on [ ].
8. Any reply witness statements of fact shall be filed and served by [both/all] Parties by no later than 4.00 pm on [ ].
9. Unless otherwise ordered, witness statements of fact shall stand as evidence in chief of the witness at trial.

### **Disputed Translation of Documents**

10. Within [ ] days from the service of (i) witness statements; (ii) reply witness statements; (iii) pursuant to paragraphs 7 and 8 above, the parties shall each notify the other of any translations in dispute referred to and/or exhibited to each of (i) and (ii) above (the Disputed Translation(s)).
11. In respect of each Disputed Translation the disputing party shall identify which portions of the translation are agreed (and therefore not in dispute).
12. The Parties jointly engage [ ] (XX) as an independent translation service provider for the purposes of translating the disputed portions of the Disputed Translations. The Parties shall agree which team members of XX shall undertake these translations, such team members being either those with a legal background or extensive experience in legal translation. No party shall engage XX in relation to these proceedings except for the purposes of providing a third-party translation of the Disputed Translation(s).
13. The parties shall equally bear the costs of commissioning XX as and when they fall due with such costs to be costs in the case.
14. Unless a party objects to a translation within 7 days of the translation being provided to it, the translation will be treated as authoritative. Liberty to any party to apply in respect of any Disputed Translation to which objection is raised.
15. The Parties shall seek to reach agreement about translations of other documents which either party proposes to include in the hearing bundle and by no later than 4.00 pm on [ ] (i) the Claimant shall inform the Court of any agreement that has been reached and (ii) if and to the extent that agreement

<sup>17</sup> Where a case has been allocated to the Fast Track, the parties are reminded of the provisions of Practice Direction 2.144 to 2.147 and CPR 330. With this in mind, the Court will expect the parties to have made any application for specific disclosure by the time of the first case management conference.

<sup>18</sup> In relation to witness statements of fact, the Parties are encouraged to read Practice Direction 8 and Part 14 of the CPR. Where a case has been allocated to the Fast Track the parties are also encouraged to read Practice Direction 2.125(c) and CPR 333.

<p>has not been reached the parties are to inform the Court of their respective positions with regard thereto.</p>
<b>Progress Monitoring</b>
<p>16. The progress monitoring date in this matter is fixed for [ ].</p> <p>17. The Parties shall file and serve a procedural compliance statement in the form set out at Appendix C at least 2 clear days before the progress monitoring date.</p> <p>18. If, upon receipt of the Parties procedural compliance statements, the Court decides to hold a case management conference, it will liaise with the Parties and notify the Parties of the date on which it is to occur.</p>
<b>Hearing Bundle</b>
<p>19. By no later than 4.00 pm on [ ], the Claimant shall provide the [Defendant/other Parties] with a draft index of the hearing bundle to be used at the hearing.</p> <p>20. By no later than 4.00 pm on [ ], the [Defendant/other Parties] shall provide the Claimant with its comments in relation to the draft index of the hearing bundle to be used at the hearing.</p> <p>21. By no later than 4.00 pm on [ ], the Claimant shall file the index of the hearing bundle with the Court.</p> <p>22. By no later than 4.00 pm on [ ], the Claimant shall confirm that the hearing bundle has been compiled in accordance with the agreed index, has been duly paginated and is available to the Parties through the eCourts Platform. By this direction, the Court grants permission for an additional electronic folder to be added to the hearing bundle for expert reports (and accompanying exhibits).</p>
<b>Pre-Trial Checklist</b>
<p>23. In accordance with CPR82(2) and Practice Direction 2.59, the Parties shall file and serve the pre-trial checklist by 4.00 pm on [ ].</p> <p>24. In accordance with Practice Direction 2.59, at the same time as providing the pre-trial checklist, the Claimant shall provide the Court with an agreed trial timetable; in the event that the timetable is not agreed, any differences of view should be clearly identified. Similarly, proposed directions dealing with any outstanding issues shall be provided to the Court at this time.</p> <p>25. If the Court decides to hold a pre-trial review in accordance with CPR82(3) and Practice Direction 2.60, it will liaise with the Parties and notify the Parties of the date on which it is to occur.</p>
<b>Papers for Trial</b>
<p>26. By no later than 4.00 pm on [ ], the Claimant in consultation with the [Defendant/other Parties] shall file and serve an agreed:</p> <ul style="list-style-type: none"> <li>• [ ]</li> <li>• [ ]</li> </ul> <p>27. By no later than 4.00 pm on [ ], the Parties shall file and serve skeleton arguments of fact and law.</p>
<b>Trial</b>

28. The trial of this matter is to take place on a day not before [ ], with a time estimate of [ ] days. The Court and the Parties have indicated a possible potential date for trial as being for [ ] days from [ ]. The Parties shall inform the Court as soon as possible if the provisional date for trial is suitable and, if not, shall liaise with the Court to arrange a listing appointment by telephone.

**Closing submissions**

29. By no later than 4.00 pm on [ ], the Parties shall file and serve their written closing submissions of fact and law. The written closings are to include any submissions which the Parties may wish to make as to costs.

**General**

30. Costs in the case.

31. Liberty to apply.

## Appendix E - Procedural Compliance Statement

Case Details	
Division	Commercial and Civil
Case number	

Title of Proceedings	
[First] Claimant	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
[First] Defendant	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

Filing Details	
Filed for	[name of party(ies)]
Legal representative	[name]
Firm	[name of firm]
Firm reference	[reference number]
Contact name	[name]
Contact telephone	[telephone]
Contact email	[email address]

*This form must be completed by each party and filed with the Registry (with a copy to all other parties) at least 2 clear days before the progress monitoring date.*

*The Court may direct that a case management conference be convened if, in the Court's view, the information provided in the procedural compliance statement by any party reasonably requires such action.*

**Procedural compliance questions**

1. As at the date of signing this form, have you complied with the pre-trial timetable in all respects?
2. If you have not complied, in what respects have you not complied and why?
3. Will you be ready for a trial commencing on the fixed trial date (or, where applicable, on the provisional trial dates) specified in the pre-trial timetable?
4. If you will not be ready, why will you not be ready and have you made an application to the Court for a change to the timetable?

**Signature****Signature of legal representative** \_\_\_\_\_**Signature of party if not legally represented** \_\_\_\_\_**Capacity (if not legal representative or party)**

[e.g. authorised officer]

**Date of signature** \_\_\_\_\_**Notice to filing party**

Your answers to these questions may be considered by the Court when it deals with the question of costs: see ADGM Court Procedure Rules 2016 Part 24 and Practice Direction 9.

**Rule 82**
**Appendix F - Pre-Trial Checklist**

<b>Case Details</b>	
<b>Division</b>	Commercial and Civil
<b>Case Number</b>	

<b>Title of Proceedings</b>	
<b>[First] Claimant</b>	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
<b>[First] Defendant</b>	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

<b>Filing Details</b>	
<b>Filed for</b>	[name of party(ies)]
<b>Legal representative</b>	[name]
<b>Firm</b>	[name of firm]
<b>Firm reference</b>	[reference number]
<b>Contact name</b>	[name]
<b>Contact telephone</b>	[telephone]
<b>Contact email</b>	[email address]

<b>Trial Details</b>	
<b>Trial date</b>	[include start and end date of trial]
<b>Counsel appearing at trial</b>	[include name and chambers (as appropriate)]
<b>Counsel instructed by</b>	[include name of firm (as appropriate)]

*Please read the **Notes** section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the lead up to, and during the trial of this matter.*

*All questions must be answered by a party. A failure by a party to answer a question may be considered by the Court when it deals with the question of costs, or may result in some other sanction being imposed on the defaulting party.*

*Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.*

*You should note the date by which this checklist must be returned.*

<b>A: Procedural compliance / future directions</b>	<b>Notes</b>
<ol style="list-style-type: none"> <li>1. Have you previously completed a procedural compliance statement in this matter?</li> <li>2. If no, or if there is any material change to the answers previously provided, please address here.</li> <li>3. Are any further directions required to prepare this case for trial?</li> <li>4. If yes, you must attempt to agree proposed directions with all other parties. Whether agreed or not, a draft of the order for directions you seek must accompany this form.</li> </ol>	<p><i>The procedural compliance statement is found at Appendix C to Practice Direction 2.</i></p>
<b>B: Witnesses</b>	
<ol style="list-style-type: none"> <li>5. Which witnesses of fact do you intend to call to give evidence on your behalf at trial?</li> <li>6. Are all witnesses of fact available to attend the hearing in person? If not, please specify with reasons.</li> <li>7. Which witnesses of fact from the other parties do you intend to cross-examine at trial?</li> </ol>	<p><i>It is important for the Court and the other parties to know whether you intend to call all witnesses of fact in respect of which you have submitted a witness statement. Similarly, it is important for the Court and the other parties to know what witness of fact you intend to cross-examine at trial. Each party is also responsible for confirming the availability of its witnesses of fact to attend the trial in person.</i></p> <p><i>Where a case has been allocated to the Fast Track the parties are reminded of the provisions of Practice Direction 2.125(c) and CPR 333 in respect of witness statements.</i></p>

<b>C: Experts</b>	
<p>8. Please provide the following information for any expert evidence you intend to rely on at trial:</p> <p>(a) Name.          (b) Field of Expertise.          (c) Whether the expert is (i) a party-appointed expert, (ii) a single joint expert, (iii) an assessor.          (d) Whether permission has been given for use of written expert evidence?          (e) Whether permission has been given for oral evidence?</p> <p>9. If permission has been granted for oral evidence, are the experts available to attend the hearing in person? If not, please specify with reasons.</p> <p>10. If applicable, has there been a discussion between experts of common discipline and have they filed a joint expert report?</p> <p>11. How is it intended to deal with the expert evidence at trial?</p>	<p><i>You are reminded that you may not use an expert's report or have your expert give oral evidence unless the Court has given permission (CPR 142(2)). If you do not have permission, you must make an application.</i></p> <p><i>If permission has been granted for expert evidence to be given at trial, the parties ought to consider how that expert evidence is best dealt with at the trial. For example:</i></p> <ul style="list-style-type: none"> <li>• <i>The order and/or manner in which the experts should be called to give evidence.</i></li> <li>• <i>Should one party call all of its expert evidence, followed by each other party calling all of its expert evidence?</i></li> <li>• <i>Should one party call its expert in a particular discipline, followed by the other parties calling their experts in that discipline?</i></li> </ul> <p><i>Where a case has been allocated to the Fast Track the parties are not ordinarily required to complete this section in accordance with Practice Direction 2.125(b) and 2.149.</i></p>
<b>D: Special arrangements</b>	
<p>12. Are there any special facilities or arrangements needed at Court for any of the witnesses of fact, experts or parties, or for the trial itself (e.g. anyone with a disability, use of an interpreter, evidence by video-link, real-time transcript)?</p> <p>13. Please confirm that appropriate arrangements have been made and whether any directions are required in relation to these matters.</p>	
<b>E: Trial Bundle</b>	
<p>14. What is the likely volume of documents for the trial bundle?</p> <p>15. Are any additional technological requirements (outside of the eCourts Platform hearing bundle capabilities provided by the Court) required for the trial? If yes, please specify.</p>	
<b>F: The Trial</b>	
<p>16. What is the confirmed estimate of the time needed for the trial? Is this consistent with the dates allocated for the trial?</p>	<p><i>The trial timetable should (as applicable) deal with the following matters:</i></p> <ul style="list-style-type: none"> <li>• <i>opening submissions;</i></li> </ul>

<p>17. Should the trial proceed on a chess-clock basis?</p> <p>18. What is the recommended reading time for the Judge?</p> <p>19. You must attempt to agree a proposed trial timetable with all other parties. Whether agreed or not, a draft of the proposed trial timetable must accompany this form.</p>	<ul style="list-style-type: none"> <li>• <i>sequence of oral evidence; (for example, whether all the factual evidence should be called before the expert evidence);</i></li> <li>• <i>timetabling of oral evidence making allowances for evidence-in-chief, cross-examination and re-examination;</i></li> <li>• <i>the manner in which expert evidence is to be presented or dealt with at trial;</i></li> <li>• <i>closing submissions.</i></li> </ul> <p><i>If there is any day within the trial period that a witness of fact or expert is not available to give oral evidence, this should be noted in the trial timetable (with reasons).</i></p> <p><i>Where a case has been allocated to the Fast Track the parties are reminded of the provisions of Practice Direction 2.125(a) in respect of the estimate of time needed for the trial.</i></p>
<b>H: Other</b>	
<p>20. Set out any other information which you consider will help the Judge manage the claim.</p>	

**Signature****Signature of legal representative**

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**Signature of party if not legally represented**

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**Capacity (if not legal representative or party)**

[e.g. authorised officer]

**Date of signature**

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**Notice to filing party**

Your answers to these questions may be considered by the Court when it deals with the question of costs: see ADGM Court Procedure Rules 2016 Part 24 and Practice Direction 9.

## Appendix G – Hearing Bundle Index

<b>A. Pleadings (including Application Notices)</b>			
<b>No.</b>	<b>Description</b>	<b>Date</b>	<b>Pagination</b>
1.	Claim Form	1 January 20XX	1-50
2.	Attachment 1 <sup>19</sup> - [Description]	XXX	51-60
3.	Attachment 2 - [Description]	XXX	61-64
4.	Defence	28 January 20XX	65-85
5.	Attachment 1 <sup>20</sup> – [Description]	XXX	85-92
6.	Attachment 2 – [Description]	XXX	93-98
7.	Reply	11 February 20XX	99-108
8.	Attachment 1 <sup>21</sup> – [Description]	XXX	108-111
XX	XXX	XXX	112-XXX
<b>B. Orders</b>			
XX <sup>22</sup>	Order (Case Management) <sup>23</sup>	15 March 20XX	XXX <sup>24</sup> -XXX
XX	Order (Extension of Time for Witness Statements)	8 July 20XX	XXX-XXX
XX	Order (Directions to Trial)	1 September 20XX	XXX-XXX
XX	Order (XXX)	XXX	XXX-XXX
<b>C. Witness Statements of Fact (including Exhibits)<sup>25</sup></b>			
XX	First Witness Statement of [ABC]	15 August 20XX	XXX-XXX
XX	Exhibit 1 – [Description] <sup>26</sup>	XXX	XXX-XXX
XX	Exhibit 2 – [Description]	XXX	XXX-XXX
XX	Exhibit 3 – [Description]	XXX	XXX-XXX

<sup>19</sup> Any supporting documents attached to the pleading must be separately identified.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> The index numbers are to run sequentially.

<sup>23</sup> A short description of the Order should be provided.

<sup>24</sup> The pagination numbers are to run sequentially.

<sup>25</sup> In cases where a number of witness statements have been filed by the parties, this section may be divided into the witness statements filed by each party (i.e. Claimant's witness statements first to be followed by the Defendant's witness statements).

<sup>26</sup> Any exhibits to a witness statement must be separately identified.

XX	XXX	XXX	XXX-XXX
<b>D. Other Relevant Documents</b>			
XX	[Description]	XXX <sup>27</sup>	XXX-XXX
XX	[Description]	XXX	XXX-XXX
XX	[Description]	XXX	XXX-XXX

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<sup>27</sup> These documents are to be set out in date order.