

SPECIAL TRIBUNAL RELATED TO DUBAI WORLD

180 DAY PROGRESS REPORT

اللجنة القضائية الخاصة بالفصل في المنازعات
المتعلقة بتسوية الوضع المالي لمؤسسة
دبي العالمية والشركات التابعة لها

SPECIAL TRIBUNAL RELATED TO
DUBAI WORLD

180 Day Progress Report on the Special Tribunal to Decide Disputes Related to the Settlement of the Financial Position of Dubai World and its Subsidiaries

Introduction

This report provides an update to the '60 Days Report' published by the Special Tribunal Related to Dubai World (the "Special Tribunal") on 2nd March 2010.

Objectives

The Special Tribunal is a first-of-its-kind initiative in the region, marking a watershed for settling claims related to restructuring entities. Since the establishment of the Special Tribunal on 13th December , 2009, work has been undertaken to ensure that it operates as a Dubai based independent judicial body that embraces global practices in restructuring to administer claims relating to Dubai World in a fair and equitable manner.

The Special Tribunal is committed to following a fair, equitable and transparent legal process, providing an efficient platform to adjudicate claims from around the world.

The below provides an update on the progress, developments and achievements so far.

Tribunal Cases

The following cases have been filed with the Special Tribunal:

Asmaa Abd El Ghaffar Khalil v Limitless LLC

The first case was filed by the Claimant Asmaa Abd El Ghaffar Khalil against the Defendant, Limitless LLC on 5th April 2010.

Trinet Outdoor Advertising LLC V Nakheel

The second case was filed by the Claimant Outdoor Advertising LLC on 23rd May2010 against the Defendant Nakheel.

Vinod Kumar Dang V Jumeirah Island Co LLC

The third case was filed by the Claimant Vinod Kumar Dang on 13th June 2010 against the Defendant Jumeirah Islands LLC

Public information about these cases is available via a Web Case Management System (WebCMS) on the Special Tribunal's website and via RSS Feeds (see below for more details).

Decree

On April 27, 2010, the Prime Minister of the UAE and Ruler of Dubai, HH Sheikh Mohammed Bin Rashid Al Maktoum issued Decree No. 11 of 2010 - Amending Decree No. 57 of 2009. A copy of the amending decree is attached at Schedule One.

Tribunal Fees

Decree No. 11 of 2010 introduces fees for the Special Tribunal

“Article (2)

a. All actions, applications and proceedings submitted to the Tribunal shall be subject to the fees applicable in the DIFC Court.”

To file a claim with the Special Tribunal the fees are five percent of the claim value, with a minimum of USD 500 and a maximum of USD 8,000. The fees applicable are the same as those of DIFC Court, an extract from which is set out at Schedule Two.

Practice Direction

The Tribunal’s first Practice Direction was issued on 30th March 2010 ‘Practice Direction No 1 of 2010 – Arbitration Claims’, a copy of which is at Schedule Three. The Practice Direction clarifies how arbitrations involving Dubai World and its subsidiaries should be handled and makes it clearer that arbitration clauses included in contracts with Dubai World will be respected by the Special Tribunal.

The Practice Direction announces that

“ 2. It will be the policy of the Tribunal to respect and enforce arbitration agreements made between the Corporation and its creditors.”

“3. Where disputes have already arisen, the Tribunal expects the parties to continue with pending arbitration proceedings in accordance with their contractual obligations. Applications arising under arbitration agreements which would otherwise have been made to a Court may be made to the Tribunal.”

EForms

The Tribunal will, wherever possible, maintain a paperless environment.

Claim forms have been made available on the Special Tribunal’s website. These forms can be submitted electronically, without the need for a claimant to physically attend the Special Tribunal’s premises, thereby increasing the accessibility of the Special Tribunal and improving the efficiency of claim handling.

The eFiling automated system allows initial validation of data by the Special Tribunal and, once the claim has been accepted electronically, returns verified sealed documents to the claimant.

Information about the rules applicable and relevant to each form has been provided in order to assist a claimant to select the correct form to complete. Help notes have also been made available about how to complete a form.

This eFiling automated system generates less administrative tasks and therefore provides a more efficient service in handling the filing of claims.

Web Case Management System (Web CMS) – Accessibility to case related information

The Special Tribunal will at all times act in a transparent, fair and equitable way.

A Web CMS service has been made available on the Special Tribunal's website giving the public online access to timely information about case listings and public documents. The Web CMS service acts a Public Register, listing all cases filed with the Tribunal.

Parties to a case, and their lawyers, are provided with individual accounts and login credentials that enable access to all documents and information related to their case.

The Web CMS service allows the public to view the following:

Recent Activity: It is possible to view recent activity relating to cases filed with the Special Tribunal. Entering desired dates into the search box shows filings within the search period entered.

Case Details: The case details page displays information such as Case No., Case Title and any Case Events that are public.

Calendar: This enables the viewing of a calendar of court activity. It displays all listing events within the period selected.

RSS Feeds for Case Updates

The public are able to receive regular updates regarding events and case filings with the Special Tribunal via RSS Feed. Each user will be able to stream automatic feeds to their email accounts once they have signed up for the service. The RSS Feed service can be activated by clicking on the RSS Feed button on the Special Tribunal's website.

Clicking on an event will open the Case Event Details, which will contain all the relevant information regarding the selected event and the user is also able to view any public documents that are associated with the event.

Funding for the Tribunal

Budgets were developed by the Special Tribunal for the cost of running its operations. Based on expenses already incurred and future anticipated expenses that have been forecasted a request for funding was made to the Government. The request was approved by the Government and promptly provided for.

Bank accounts have been established and are fully operational.

Premises

The office premises have been further equipped in order to keep records and case files for future claims. Signage for the premises is now complete.

Staffing

The Special Tribunal has sufficient staff to deal with its day to day affairs and operations. Staffing needs will be reviewed according to the volume of cases to be filed with the Tribunal in the future.

Security

After a careful review of the Special Tribunal's requirements, in order to keep and maintain confidential case documents and records in a safe and secure environment, the Special Tribunal has maintained the highest level of both physical and electronic security.

Media Protocol

A media protocol has been devised in order that all media requests to the Special Tribunal are centrally coordinated. This ensures that information relating to the Special Tribunal is distributed consistently and in a timely manner to media.

Conclusion

Since the last update in March 2010, the Special Tribunal has continued to develop its operational capacity so as to ensure that it is able to provide an efficient platform to adjudicate claims from around the world. The issuance of Decree No.11 of 2010 provides further scope for efficiently handling claims via panels, and the implementation of eFiling and other online facilities improves the efficiency of claim handling for the parties, and the transparency of the Special Tribunal to the public. We remain committed to ensuring that the Special Tribunal administers claims relating to Dubai World in a fair and equitable manner.

Any enquiries regarding this report should be addressed to registry@dubaiworldtribunal.ae.

Mark Beer
Registrar

Amna Al Owais
Deputy Registrar

Schedule one

Decree No. (11) of 2010

Amending Decree No. (57) of 2009 Establishing a Tribunal to Decide The Disputes Related to the Settlement of the Financial Position of Dubai World and its Subsidiaries

We, Mohammed bin Rashid Al Maktoum, Ruler of Dubai,

After perusal of:

Government Claims Law No. (3) of 1996 and its amendments; and Decree No. (57) of 2009 Establishing a Tribunal to Decide the Disputes Related to the Settlement of the Financial Position of Dubai World and its Subsidiaries,

Do hereby issue the following decree:

Article (1)

The provisions of articles (2) and (3) of the above mentioned Decree No. (57) of 2009 shall be substituted by the following provisions:

Article (2)

b. A Tribunal composed of the following persons shall be established in the Emirate:

- | | |
|----------------------|----------|
| 1. Sir Anthony Evans | Chairman |
| 2. Mr. Michael Hwang | Member |
| 3. Sir John Chadwick | Member |

c. The Chairman of the Tribunal may increase the number of the members of the Tribunal, whether from among the judges of the DIFC Court, or in coordination with the Director of Dubai Courts, from among the judges of Dubai Courts.

d. The Chairman of the Tribunal may establish special judicial panels consisting of one or more judges to decide any claims and demands that are within the jurisdiction of the Tribunal and which are submitted to it in accordance with the rules prescribed by him in this regard.

e. All actions, applications and proceedings submitted to the Tribunal shall be subject to the fees applicable in the DIFC Court.

Schedule two

Courts' Fees

I. Originating Proceedings — CFI

1. Money and/or property claims:
5% of the value of the claim and/or the property with a minimum of US\$500 and a maximum of US\$8,000.
2. Unliquidated damages claims:
If quantified, as 1. above. If not quantified, an initial fee of US\$1,000, with the balance to be paid (assessed based on the calculation described in 1 above) when the claim is quantified.
3. Proceedings for judicial review US\$500
4. Proceedings for any other remedy or relief not included above US\$1,000
5. On filing proceedings against a party or parties not named in the originating proceedings US\$200

Notes:

1. Where Fee no. II. 1 has been paid the fee payable for issuing the proceedings is correspondingly reduced.
2. Where a claim is both for money and for other relief (whether cumulatively or in the alternative) only the higher applicable fee is payable.
3. For a claim made by way of counterclaim the same fee shall be payable as if the relief or remedy sought were the subject of separate proceedings.
4. Where a claim or counterclaim is amended so that a higher fee would have been payable if it had been so drawn originally, the party making the amendment shall pay the difference.

II. Applications etc

1. On an application for permission to issue originating proceedings US\$500
2. On issuing an application notice US\$100
3. On setting down for a hearing US\$1,000
4. For each half day of a hearing after the first day US\$500¹

Note:

Fee II.2 is payable whenever an application notice is issued by the court office at the request of a party, whether or not under Part 23 of the Rules of Court and whether or not notice of the application is given to the other party; but it is not payable when an application is made orally only.

¹ The fee shall be collected when the hearing is set down by the DIFC Courts based on the number of days agreed by the parties or, failing agreement, determined by the DIFC Courts. Fees for any overrun shall be collected prior to the expiry of the period for which the hearing was originally set down. The paying party may seek reimbursement of any payment of this fee for half days not utilized for the relevant hearing, which reimbursement shall be at the DIFC Courts' discretion.

III. Orders and witness summonses

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|--|---------|
| 1. On sealing a judgment or order of the Court: | |
| (a) where the order is a consent order or is made without a hearing | US\$50 |
| (b) in all other cases | US\$200 |
| 2. On sealing: | |
| (a) a Registrar's certificate | US\$100 |
| (b) a writ of execution (r.48.40-3) | US\$50 |
| 3. On the issue of a witness summons to be served by the Court - for each summons. | US\$200 |

IV. Searches and copies

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|--|--------|
| 1. Search of register of claims (r.6.8) | US\$20 |
| 2. Supply of copy document from the Court records (r. 6.9-12, 17) | |
| (a) for the first page (except the first page of a subsequent copy of the same document issued at the same time) | US\$2 |
| (b) for each subsequent page | US\$1 |
| 3. Supply of a copy of any other document required in connection with proceedings in the Court, for each page | US\$1 |

V. Determination of Costs

- | | |
|---|-------------------------|
| 1. Filing a request for a detailed assessment | US\$500 |
| 2. On issuing: | |
| (a) a default costs certificate or certificate for an agreed amount | US\$100 |
| (b) an interim costs certificate (r.40.36) | 5% of the sum certified |
| (c) a final costs certificate (r.40.41) | 5% of the sum certified |
| 3. On Filing an appeal notice under rule 40.50 | US\$500 |

Note:

Where the sum certified in a final costs certificate includes costs certified in an interim certificate in respect of which Fee VI.2 (b) has been paid the fee for the final costs certificate is correspondingly reduced.

Small Claims Tribunal Fees

1. Filing fee for claims relating to an employment dispute: 2% of the value of the claim with a minimum of AED 200.
2. Should a claim relating to an employment dispute be referred to the CF1 a further fee shall be payable at the rate of: 1% of the value of the claim with a minimum of AED 100.
3. Filing fee for all other claims: 5% of the value of the claims with a minimum of AED 500
4. Should a claim relating to a non-employment dispute be referred to the CFI a further fee shall be payable at the rate of: 2.5% of the value of the claim with a minimum of AED 250.

Note:

1. The SCT Registrar shall have the discretion to reduce or waive applicable fees in the SCT if it in its sole discretion considers it appropriate in the circumstances.
2. For a claim made by way of counterclaim the same fee shall be payable as if the relief or remedy sought were the subject of separate proceedings.

Schedule three

In the Special Tribunal to decide the Disputes Related to the Settlement of the Financial Position of Dubai World and its Subsidiaries

Tribunal Practice Direction No. 1 of 2010

Citation

This Practice Direction will come into effect on the date of signature. It may be cited as 'Tribunal Practice Direction No. 1 of 2010 - Arbitration Claims' and may be abbreviated to TPD 001/2010.

Arbitration Claims

1. This Practice Direction should be read in conjunction with Decree 57 of 2009 issued by HH The Ruler of Dubai.
2. It will be the policy of the Tribunal to respect and enforce arbitration agreements made between the Corporation and its creditors.
3. Where disputes have already arisen, the Tribunal expects the parties to continue with pending arbitration proceedings in accordance with their contractual obligations. Applications arising under arbitration agreements which would otherwise have been made to a Court may be made to the Tribunal.

Chairman of the Tribunal

Dated: 30 March 2010

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