

# Robert Whitehead

Partner | HoD | Arbitrator | ADGM & DIFC Wills Draftsman  
UK/DIFC/ADGM Registered Advocate



An international dispute resolution specialist with experience of handling high value commercial disputes for blue chip clients and high-net worth individuals in arbitration, litigation, and alternative dispute resolution.

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## PRACTICE OVERVIEW

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- UK qualified Solicitor and a Part I and Part II DIFC Courts Registered Practitioner with over 10 years' experience in dealing with issues relating to the laws of England and Wales, the laws of the DIFC and UAE Federal laws.
- Acts for and advises local and international companies, as well as charitable organisations, in complex litigation, and has extensive experience as a litigator in the UK, DIFC, and ADGM Courts.
- Broad commercial and financial dispute practice, with a specialist focus on agreements arising out of property, finance, banking, insurance and shareholder disputes, as well as wider fraud.
- Main areas of expertise are construction and financial mis-selling disputes with regulatory aspects before the DIFC Courts, where he has acted for clients in some of the most high-profile and complex regulatory claims in Dubai, brought by the DFSA, before the FMT.
- A track record of winning cases in the DIFC Courts and international arbitrations, and in achieving successful results against top tier competitor law firms.
- Substantial experience before Arbitral Tribunals and the Courts of offshore jurisdictions, in particular, the DIFC, ADGM and DWT Courts, and provides assistance to the Litigation Team in Dubai Court cases.
- Deals with issues as to applicable law, jurisdiction and cross border enforcement, which includes the handling of multi-jurisdiction enforcement of judgments and arbitral awards.
- Represents clients in arbitrations governed by various institutional rules including the LCIA, DIAC, UNCITRAL and the ICC, and has represented several high-net-worth individuals in employment claims before the DIFC Courts and in Employment Tribunal cases in the UK.
- Previously at Clyde & Co LLP, Robert handled large loss claims for international blue-chip clients in multi-party and cross-jurisdictional disputes before the Commercial Court and Chancery Division of the High Court.
- Selected as co-member of the DIFC Courts' Users' Committee as a Group 2 UAE Firm to assist the DIFC Courts to improve the efficiency of Court procedures.

## AREAS OF EXPERTISE

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|---------------------------|--|
| • Maritime Disputes       | • Corporate and Commercial Disputes    |
| • Property Disputes       | • Civil Fraud                          |
| • Professional Negligence | • Technology and Construction Disputes |
| • Regulatory Disputes     | • Banking Disputes                     |
| • Shareholder Disputes    | • Intellectual Property Disputes       |

## CORE EXPERIENCE

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### *Maritime*

- Acted as lead counsel in a hearing in the Arbitration Division on a DIFC Court case to successfully defend an Unless Order request relating to a Proprietary Injunction and Worldwide Freezing Order, along with a request for the Provision of Information, on a USD 8.1 million case.
- Acted for a Dubai headquartered international brokerage company in a high-value commercial insurance maritime cross-border dispute involving a vessel that grounded in Dubai in a claim before the High Court of Justice, Business and Property Courts of England and Wales, Commercial Court – QBD with a claim value of AED 3,592,402.61. We successfully reached a settlement on the claim where we recovered a substantial proportion of the damages claimed, prior to the final hearing of the claim.
- Represented a Sharjah offshore company involved in the rent and supply of marine services / goods before the DIFC Court of First Instance in challenging an ex-parte worldwide freezing and a proprietary injunction order, and assisting with claims in Panama and India.
- Represented a mainland Dubai logistics company in a collision claim involving a charter party and advised upon policy coverage.
- Advised a Dubai based brokerage company in a maritime claim with an Italian shipbuilding company relating to a dispute regarding the payment terms in respect of the sale of a yacht.
- Represented a high net worth individual in a charter party dispute in the DIFC Courts in a claim brought against him for alleged damage to the yacht in an incident near to the Atlantis, Dubai.
- Acted for a luxury boat and yacht company in defending a LCIA arbitration claim brought against the client by a German multi-national software company for alleged breach of contract where the two arbitration claims were consolidated.

### *Media*

- Successfully defended a high net worth individual in a claim for defamation in the Technology and Construction Courts brought by a UK law firm, and secured third party litigation funding and ATE insurance for the client.
- Acted for a market leading UK children's nursery in defence of a claim for defamation brought by the former owners of the nursery and assisted leading Counsel in the Technology and Construction Courts to reach settlement of the claim.
- Appeared as assisting Counsel at a Case and Costs Management Conference in a defamation case in the Manchester Civil Justice Centre, and at the trial in the North West of England regional courts of an associated claim where we achieved settlement for the client.
- Advised a leading UK based marine organisation in a defamation claim and assisted the client on bespoke insurance terms and conditions.

### *Insolvency*

- Acted for the liquidators of various DIFC and US companies in successfully resisting a jurisdiction challenge brought by a Swiss bank in resisting claims by the liquidators to have certain pledges made by fraudulent directors declared invalid: *(1) Orion Holdings Overseas Ltd (2) Orion Global*

*Financial Services LLC (3) Orion Capital Ltd v (1) Mohammed Abdel Khaleq Mohammad (2) Nidal Abdel Khaleq Mohammad (3) Privatbank Ihag Zurich AG [2015] DIFC CFI 033 (8 February 2018)).*

- Acted on behalf of a liquidator in the DIFC in a high-profile and complex investigation into the affairs of an insolvent company, relating to DIFC Court proceedings.

### ***White Collar Crime / Regulatory and Investigations***

- Instructed by Rafed Abdel Mohsen Bader Al Khorafi against Bank J Safra Sarasin in the DIFC Courts regarding its insolvency, incorporating DIFC and English law. The team were assisted by Richard Hill KC and Sharif Shivji KC and the case involved the purchasing of structured financial products in the amount of USD 200 million (*(1) Rafed Abdel Mohsen Bader Al Khorafi (2) Amrah Ali Abdel Latif Al Hamad (3) Alia Mohamed Sulaiman Al Rifai v (1) Bank Sarasin-Alpen (ME) Limited (2) Bank J. Safra Sarasin Limited (formerly Bank Sarasin & Co. Ltd) [2015] DIFC CA 003 | DIFC Courts*).
- Acted as lead Counsel at the Financial Market Tribunal stage of proceedings in a case brought by the DFSA following a Decision Notice dated 14 June 2021 which imposed a fine of USD 1,150,000 pursuant to Article 90(2)(a) of the Regulatory Law 2004, a prohibition pursuant to Article 90(2)(g) of the Regulatory Law 2004, and a restriction pursuant to Article 59(1) of the Regulatory Law 2004: instructed by Mr Siddique after the Decision Notice had been issued by the DFSA on 14 June 2021 and at the FMT stage of the proceedings, where the claim was settled between the parties (*DFSA Reference I000550 – Waqar Siddique v DFSA*).
- Acted for a high net worth individual in a claim against an international branch of a bank based in the DIFC for various breaches of DFSA legislation, including inadequate and deficiencies in their systems and controls.
- Acted for Al Masah Capital Ltd, Al Masah Capital Management Ltd, Shailesh Kumar Dash, Nrupaditya Singhdeo and Don Lim Jung Chiat in a DFSA Investigation relating to allegations of misleading investors about placement fees leading to a combined fine of approximately USD 5 million: (*FMT 19007 - Al Masah Capital Ltd et al v the DFSA*).
- Represented a high net worth individual in a financial mis-selling claim in a DFSA case in the DIFC Financial Markets Tribunal.

### ***Intellectual Property***

- Acted as lead Counsel for a non-profit international educational organisation in an *ad hoc* arbitration using the rules of the Indian Arbitration and Conciliation Act 1996 relating to an intellectual property dispute where the seat of the arbitration was Sharjah and the governing law was Indian Law before a three-panel international Arbitral Tribunal; the matter related to bringing a trademark infringement and passing off action on behalf of our client and defending a significant counter-claim; we successfully won a strike out application, represented the client at a CMC hearing, and acted as lead advocate in a final four day merits hearing in October 2022.
- Acted for an internationally reputed F&B organisation in Dubai in a complex intellectual property dispute for infringement of its trademark and passing off in different jurisdictions.
- Acted for a leading international fitness enterprise in an intellectual property dispute relating to a breach of contract claim under an exclusive franchise sub-license agreement for the assignment of the territorial exclusivity of the global brand in the GCC region.

## ***Banking and Finance***

- Acted for Marj Holdings and Mohammed Ahmad Ramadhan Juma in a case in an immediate judgment application in the DIFC Courts brought by Bank of Singapore Limited in a claim for USD 55,884,582.50 and acted as lead counsel at the hearing. The Bank of Singapore were represented by Tom Montagu-Smith KC of 3VB, and Rita Jaballah (Senior Partner, Al Tamimi & Co) (*CFI-090-2022 – Bank of Singapore Limited v (1) MARJ Holding Limited (2) Mohammed Ahmad Ramadhan Juma [2022]*).
- Acted on behalf of an international bank in relation to the ownership of certain quantities of fuel oil located in storage terminals operated by a third party. The claim concerned the wrongful registration of certain purported interests in the said fuel oil and attempts to seize and sell the oil where the matter value was USD 34,105,903.09. Assisted to seek a determination of ownership of the oil and obtain declarations restraining the third party from dealing with the oil.
- Represented a UK firm (acting on behalf of an insolvency practitioner) in bankruptcy proceedings brought in Dubai and instructed to review the investigations and advise on UAE Federal Law, Federal Decree-Law No. 19 of 2019.
- Acted for a retail company on appeal against a leading international commercial bank relating to the existence of a lease of two commercial units within Limestone House, DIFC: (*Vegie Bar LLC v Emirates National Bank of Dubai Properties PJSC - CA-001-2020*).
- Acted for an international bank in relation in a fraud case relating to a freezing injunction made by the DIFC Courts obtained by the opposing party to prevent the disposal and dissipation of assets and advising on related Joint Judicial Committee proceedings.
- Acting for a company incorporated in the Cayman Islands, and its director in a USD 50 million plus claim in the DIFC Courts relating to a banking facility letter and general credit and trading facilities agreement against a leading bank in the region.

## ***Employment***

- Acted as lead Counsel for the claimant in the first ever whistleblowing claim brought in the DIFC Courts (*Khalifa v SWIFT (Dubai) Ltd [2022]*).
- Assisted a former Managing Director following a DIFC Court judgment secured in the Court of First Instance which created a new precedent on the interpretation of the Article 18(2) penalty provision under the DIFC Employment Law, namely where an employer fails to pay wages or any other amounts owing to an employee upon the termination of their employment, the employer is liable to pay the employee a penalty equivalent to the last daily wage for each day the employer is in arrears: *CFI-015-2014 - Asif Adil -v- Frontline Development Partners Ltd*.
- Acted as lead Counsel in a DIFC employment dispute relating to the appeal of a DIFC Court judgment and principal advocate at a direction hearing in August 2022, and at the final merits hearing in the DIFC Courts before H.E. Justice Shamlan Al Sawalehi in October 2022, where we successfully defended the appeal and awarded our legal costs.
- Acted as lead Counsel for a high net worth individual in a DIFC Part 50 examination hearing in March 2023 where we successfully obtained a settlement offer from the Judgment Debtor at the hearing.
- Acting for a high net worth individual in an ADGM employment dispute
- Represented a high-net worth individual in a DIFC employment claim where we recovered damages and the amounts claimed plus legal costs.

- Advised an individual in an employment claim against a DIFC based commercial insurance broker entity relating to a dispute regarding payment of employment entitlements.
- Acted for a high net worth individual in the DIFC Courts in an employment claim on appeal where the team made an application to seek permission to adduce additional evidence, which was granted in our favour.
- Acted a Senior Director of an international firm on his entitlements under DIFC Employment law, and successfully recovered the client's end of service gratuity payment.

### ***Fraud***

- Acted a leading financial services entity in a claim for USD 90 million based on fraud allegations made in DIFC proceedings relating to equity commitment letters filed in support of a "go private" bid to acquire a global internet gaming company, Amaya Inc and appeared as assisting counsel to successfully defend a challenge on whether the DIFC Courts have jurisdiction over the claims: (*KBC Aldini Capital Ltd v. (1) David Baazov (2) Canaccord Genuity Corp (3) Canaccord Genuity (Dubai) Limited [2017] DIFC CFI 002 (14 October 2018)*).
- Acted for an international German headquartered company in a DIFC Court forgery claim where we successfully defended the claim by way of an order of discontinuance by the opposing party and awarded our professional legal and court fees.
- Acting for an international Dutch company in a claim for USD 2,216,468.75 (excluding any interest and costs) brought a claim against Mr. Rafiq Ghassan Rafiq Shabib due to losses suffered as a result of fraudulent transactions, without the authorisation of the owner, Mr. Perridon. Successfully obtained a Default Judgment Order in the DIFC Courts which was later set aside and acting on the substantive case (*CFI-044-2023-Perridon Holdings Limited v Rafiq Ghassan Rafiq Shabib [2023]*).
- Instructed by Carey Olsen acting for the claimant (Von der Heydt Invest SA) to assist with an expert report in relation to a c.€43 million commercial fraud claim in the BVI arising out of an allegedly fraudulently obtained consent order (*Von der Heydt Invest SA v Mex Securities S.a.r.l & Ors*).

### ***Insurance***

- Acted for an international brokerage company in a high value commercial insurance dispute in a claim before the High Court of Justice, Business and Property Courts of England and Wales, Commercial Court - QBD.
- Represented an M&E contractor in a complex multi-party claim in the Technology and Construction Courts arising out of a significant fire caused by a defective relay unit and arranging cross-jurisdiction service of proceedings.
- Advised on terms and conditions of trading, insurance policy coverage, jurisdiction and subrogated recovery claims involving fire, flood and theft.
- Instructed on behalf of a company in a claim for substantial flooding damages in the Technology and Construction Courts with damages in excess of GBP 1 million.
- Advised on policy coverage and policy indemnity in construction and engineering disputes, including joint insurance issues, warranties, condition precedents, design defect exclusions and financial loss extensions.
- Advised a supplier of refrigeration equipment following the failure of a heat exchanger which it supplied to a contractor causing significant property damage and business interpretation losses and securing damages against a European manufacturer.

- Appeared as Counsel in the Manchester Civil Justice Centre in relation to a specific disclosure application on behalf of a colleague from another office in the UK.
- Defended a claim worth over GBP 1 million on behalf of an insurer on the basis that the insured used fraudulent means or devices in the claims process, which raised issues of policy coverage, misrepresentation, and material non-disclosure.
- Acted for Claimants and Defendants in several tree root subsidence claims.

### ***Shipping / Logistics***

- Acted for DP World UAE Region FZE in a Dubai World Tribunal Court case which was transferred to the DIFC Courts against Enviroserve Services L.L.C. relating to storage containers and the use of port facilities: lead Counsel for DP World and the dispute related to the Public Tariff Agreement for all port users and involved third parties; International Shipping Bureau (as the export agent) and Hijaz Fibreglass Bahraini Partnership (as the shipper) in a claim value of AED 3,566,784 (*CFI-007-2023 - DP World UAE Region FZE v (1) Enviroserve Services L.L.C. (2) International Shipping Bureau (3) Hijaz Fibreglass Bahraini Partnership*).
- Successfully achieved a Default Judgment Order in the DIFC Courts for a well-known Dubai entity against a food manufacturing company; lead/head lawyer on the case.
- Advised a South African food supply company seeking payment to outstanding debts owed by its distributor in Dubai.

### ***Construction and Technology***

- Acted as lead Counsel for an MEP and landscaping contractor in an ICC arbitration claim against a main contractor in respect of failure to comply with payment obligations under a subcontract agreement for soft landscape and irrigation works; represented the client at the final merits hearing where we successfully won the arbitration claim, and the client was awarded all the amounts claimed, including damages and interest, together with professional legal fees and the costs of the arbitration.
- Acting for an Iraqi and UAE based construction and contractor service company claim against an international infrastructure contractor company in a DIAC arbitration relating to breach of various subcontractor agreements in relation to projects in Iraq where the amount owed was USD 7,468,194.97 and with a claim value of approximately USD 4 million plus legal costs and interest.
- Acting for a UAE based interior design and fit out company in a DIFC Court case in the Technology and Construction division (the first case for 2024) against an investment firm comprising of real estate, construction and agriculture across the UAE, Middle East and Africa in a construction dispute with a contract value of AED 18,191,560.11 which was entered with the Defendant for the project, where the Defendant (as employer) accepted a tender from the Claimant (as contractor) for the execution and completion of the project and remedying any defects by the Claimant.
- Acted for a leading UAE Construction company in a DIAC arbitration in successfully defending a multi-million dirham claim.
- Acted for a UAE construction company in defending a claim brought by Ali Mousa & Sons Aluminum Industries in the DIFC Courts for a claim amount of AED 2,802,250: (*CFI-009-2020 - Ali Mousa & Sons Aluminum Industries v Sun Engineering*).
- Acted for a major developer in a DIAC arbitration arising from delays in the construction of an extensive building project in the Middle East.
- Acted for Johnson Arabia LLC (a UAE plant machinery and equipment hire company) in a claim against Arabtec Construction LLC (a leading UAE construction company) in a DIFC Court case

relating to non-payment of invoices relating to the supply of plant machinery and equipment; successfully won a judgment in the DIFC Courts in the sum of AED 2,094,764.92 / USD 570,392.08 (*CFI-106-2020- Johnson Arabia L.L.C. v Arabtec Precast L.L.C.*).

- Acted for Wolffkran Arabia LLC and Wolffkran Arabia LLC – Dubai Branch in a claim related to non-payment of invoices in respect of 2 (two) agreements that were entered between the parties, where the team secured a DIFC Court judgment in the client’s favour to recover the amount claimed of AED 743,586 together with interest in the sum of AED 157,025.77. and legal costs of AED 83,094.91 (*CFI-011-2023 - (1) Wolffkran Arabia LLC and (2) Wolffkran Arabia LLC – Dubai branch v Dubco Construction L.L.C.*).
- Acted for Johnson Arabia LLC (a UAE plant machinery and equipment hire company) in a claim against Arabtec Precast LLC (a leading UAE construction company) in a DIFC Court case relating to non-payment of invoices relating to the supply of plant machinery and equipment; successfully won a judgment in the DIFC Courts in the sum of AED 2,017,450.25 / USD 549,339.75 (*CFI-105-2020 - Johnson Arabia L.L.C. v Arabtec Construction L.L.C.*).
- Acted for Johnson Arabia LLC (a UAE plant machinery and equipment hire company) in a claim against Tiger Steel Eng LLC in the DIFC Courts (*Johnson Arabia (L.L.C.) vs Tiger Steel Eng LLC [2023]*).

### ***Real Estate***

- Assisted a landlord in defending a rental case against multiple claimants in the Small Claims Leasing Tribunal where the claimants’ claims were dismissed.
- Represented a UAE landlord to defend a claim in the DIFC Courts against a tenant; successfully defended the landlord and won the case by achieving a judgment for the claim to be dismissed.

### ***Energy and Gas***

- Acted for a leading Dubai based physical energy commodities trading company and their holding company in a financial mis-selling claim relating to potential breaches of DFSA related laws with a claim value of approximately USD 4.7 million dollars.

### ***Retail and Hospitality***

- Acted for the supplier against a distributor in a claim relating to the non-renewal of an exclusive distribution agreement regarding a well-known international brand and prepared a detailed legal advice note and legal and commercial negotiations to achieve a settlement for the client, with a matter value of approximately USD 11,000,000.
- Advised a Dubai based nutrition and health services company in drafting their client policies for the programs offered by them.
- Advised an international leading gym in an intellectual property dispute regarding a sublicense agreement and exclusive usage of a trademark in the middle east region.
- Acting for a well-known family in a shareholder dispute relating to various companies and entities that are owned by the family and advising on strategy and settlement.
- Acting for Mr Melvin Stanley Parekkat against Shahab Ahmad Mohammed Ayoub Al Shehhi and the Coins Restaurant & Coffee Shop Ltd in a claim relating to mishandling of the management of the Second Defendant. Successfully secured a Default Judgment Order on 15 August 2023 where the Claimant was awarded AED 1,791,701 plus the costs of the proceedings of AED 191,404.93, legal costs of AED 158,948.40 and court fees of AED 32,456.53. The judgment was later set aside and the

case proceeded to the Case Management Stage where acted as Counsel before H.E. Justice Nassir Al Nasser (*CFI 045/2023 Melvin Stanley Parekkat v (1) Shahab Ahmad Mohammed Ayoub Al Shehhi (2) The Coins Restaurant & Coffee Shop Ltd | DIFC Courts*).

### ***Aviation***

- Advised and assisted a high net worth individual on a claim relating to a Program Partnership Agreement for the provision of private aircraft hire services where arbitral proceedings were commenced in the London Court of International Arbitration and an award of USD 3,500,000 plus was made. Assisted the client in filing an application to appeal the arbitral award in the Commercial Court of the High Court of England and Wales.

### ***Investments***

- Acted in a cross-border dispute for investment company in a claim against a German investor and entrepreneur concerning two purchase agreements for the sale and purchase of shares and bonds with a claim value of approximately EUR 2,500,000.
- Acting in a cross-border dispute in insolvency proceedings to lodge a personal claim as a creditor with a claim value of approximately EUR 2,000,000.

### ***Debt Recovery***

- Successfully acted for multiple Claimants in a complex case against a Dubai based investment company in a claim for over AED 1 million.
- Acted for former owners of an international solutions company in a DIFC-LCIA arbitration claim against a UAE company to recover payments in respect of earnout consideration under a Sale and Purchase Agreement for revenue achieved in 2018 and 2019; successfully achieved settlement.
- Acted for a leading consultancy firm in successfully defending a claim brought against it by a Dubai based global asset management company for payments under a Settlement Agreement.
- Acted for the Claimant to seek a judgment against the Defendant in respect of unpaid legal fees and disbursements which were later awarded in the amount of AED 1,171,916.87 plus interest: (*Global Advocacy and Legal Counsel v The Industrial Group CFI-037-2019*).
- Acted for a UK supplier in a breach of contract claim against Kenyan farmers for failure to supply generator sets in proceedings before the High Court of Kenya.
- Acted on behalf of a global infrastructure company in relation to an application to invoke an arbitration clause under the standard terms and conditions of trading governed by the Arbitration (Jersey Law) Act 1998.

### ***Other***

- Represented two high net worth individuals in claims for trespass and nuisance in multi-track claims before the Vice Chancellor in the Technology and Construction Courts and successfully achieved settlement of the claims before trial.
- Acted for a UK law firm in assisting with a letter of request from the Judiciary of England & Wales issued by a Judge of the QBD of the High Court pursuant to Article 12 of the Treaty between the UK and the UAE on Judicial Assistance in Civil and Commercial matters of 07 December 2006.
- Acted for a high net worth individual in a complex professional negligence claim against a leading international firm; successfully recovered the entire amount claimed plus legal costs.



- Represented a DIFC based venture capital firm in a mismanagement and breach of fiduciary obligations in the DIFC Courts against an individual.
- Acting for Mohamed Seddiq Mohamed Samea Almutawa against Ahmed Seddiq Mohamed Samea Almutawa in a dispute in the Court of First Instance in the DIFC Courts where the Claimant was awarded a judgment for AED 16,030,000 plus USD 34,293.29 and we successfully made an application to set aside this Order and were granted permission to file a Defence any counterclaim (*CFI-095-2023 – Ahmed Seddiq Mohamed Samea Almutawa v Mohamed Seddiq Mohamed Samea Almutawa [2024]*).

## **EXPERT APPOINTMENT(S) / ASSISTANCE**

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- Instructed by Carey Olsen acting for the claimant (Von der Heydt Invest SA) to assist with an expert report in relation to a c.€43 million commercial fraud claim in the BVI arising out of an allegedly fraudulently obtained consent order (*Von der Heydt Invest SA v Mex Securities S.a.r.l & Ors*).
- Instructed by a Canadian based law firm on behalf of two individuals to assist Hamdan Al Shamsi as an independent expert witness in connection with proceedings commenced against the two individuals by executors of an estate in the Ontario Superior Court of Justice concerning companies based in Dubai, UAE and the BVI and agreements governed by UAE Laws. As part of the instructions mandate, Mr. AlShamsi provided his expert opinion based on questions surrounding the applicability of the UAE Civil Code, UAE Arbitration Law, UAE Commercial Companies Law, and the UAE Anti Money Laundering Laws.
- Instructed to assist with an expert opinion in the form of a witness statement concerning the status of related ongoing court proceedings in Dubai pertaining to the dissolution and liquidation of a Dubai based company, the rights associated with the proceedings and the reliefs available with reference to the UAE Commercial Companies Law, UAE Bankruptcy Law, and UAE Insolvency Law, submitted as part of a claim to be commenced in the Courts of England and Wales.

## **ADVOCACY EXPERIENCE (AS COUNSEL IN COURTS)**

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- Acted as lead counsel in a hearing in the Arbitration Division on a DIFC Court case to successfully defend an Unless Order request relating to a Proprietary Injunction and Worldwide Freezing Order, along with a request for the Provision of Information, on a USD 8.1 million case.
- Acted as lead Counsel in a DIFC employment dispute relating to the appeal of a DIFC Court judgment and principal advocate at a direction hearing in August 2022, and at the final merits hearing in the DIFC Courts before H.E. Justice Shamlan Al Sawalehi in October 2022, where we successfully defended the appeal and were awarded our legal costs.
- Acted as lead Counsel for a high net worth individual in a DIFC Part 50 examination hearing in March 2023 where we successfully obtained a settlement offer from the Judgment Debtor at the hearing.

- Acted as lead Counsel in a Part 8 Claim in the DIFC Courts where they were instructed to represent 4 (four) of the 5 (five) defendants - (1) Grand Valley General Trading LLC (2) Mohammed Al Sari (3) MAS Investments LLC (4) Mohammad Mosa Abd Al Arabiat; instructed as lead advocate in a Part 8 hearing to represent the 4 (four) defendants against Charles Russell Speechlys LLP in a claim relating to the legal and regulatory obligations of a DIFC Law Firm and its ability to take instructions, and whether the law firm was permitted to exercise a lien over certain documents in circumstances where purported outstanding fees remain unpaid (*Charles Russell Speechlys LLP v (1) Grand Valley General Trading LLC (2) Mohammed Al Sari (3) MAS Investments LLC (4) Mohammad Mosa Abd Al Arabiat (5) Abdalla Juma Al Sari*).<sup>1</sup>
- Appeared as assisting Counsel in the DIFC Courts for a former shareholder of Fast Telecom General Trading LLC against a Lebanese joint stock company on appeal of the decision of H.E. Justice Shamlan Al Sawalehi which rejected a set aside application on grounds that the application lacked the formalistic requirements of Part 14.4 of the RDC and the Appellant had no real prospect of successfully defending the claim under Rule 13.5(1) of the RDC: (*Ibrahim Saif Hormodi v Bankmed (SAL) Trading In the DIFC Under the Name Bankmed (Dubai) CA-006-2019*).
- Acting for Mr Melvin Stanley Parekkat against Shahab Ahmad Mohammed Ayoub Al Shehhi and the Coins Restaurant & Coffee Shop Ltd in a claim relating to mishandling of the management of the Second Defendant. Successfully secured a Default Judgment Order on 15 August 2023 where the Claimant was awarded AED 1,791,701 plus the costs of the proceedings of AED 191,404.93, legal costs of AED 158,948.40 and court fees of AED 32,456.53. The judgment was later set aside and the case proceeded to the Case Management Stage where acted as Counsel before H.E. Justice Nassir Al Nasser (*CFI 045/2023 Melvin Stanley Parekkat v (1) Shahab Ahmad Mohammed Ayoub Al Shehhi (2) The Coins Restaurant & Coffee Shop Ltd | DIFC Courts*).

## ADVOCACY EXPERIENCE (AS COUNSEL IN ARBITRATION)

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- Acted as lead Counsel for an MEP and landscaping contractor in an ICC arbitration claim against a main contractor in respect of failure to comply with payment obligations under a subcontract agreement for soft landscape and irrigation works with a claim value of AED 600,517; represented the client at the final merits hearing where we successfully won the arbitration claim, and the client was awarded all the amounts claimed, including damages and interest, together with professional legal fees and the costs of the arbitration.
- Acted as lead Counsel for a non-profit international educational organisation in an ad hoc arbitration with a claim value of approximately AED 2 million for the Claimant's claim and AED 1 million for the Respondent's counter-claim under the rules of the Indian Arbitration and Conciliation Act 1996 relating to an intellectual property dispute where the seat of the arbitration was Sharjah and the governing law was Indian Law before a three-panel international Arbitral Tribunal; the matter related to bringing a trademark infringement and passing off action on behalf of our client and defending a significant counter-claim; we successfully won a strike out application, represented the client at a CMC hearing, and acted as lead advocate in a final four day merits hearing in October 2022.

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<sup>1</sup> [CFI 080 2022 CHARLES RUSSELL SPEECHLYS LLP VS GRAND VALLEY GENERAL TRADING LLC AND OTHERS](#)

- Acting for an Iraqi and UAE based construction and contractor service company claim against an international infrastructure contractor company in a DIAC arbitration relating to breach of various subcontractor agreements in relation to projects in Iraq where the amount owed was USD 7,468,194.97 and with a claim value of approximately USD 4 million plus legal costs and interest and acted as lead Counsel at the Preliminary Hearing.
- Acted as lead Counsel at a one day arbitration hearing for a UAE based luxury yacht and boat manufacturer in defending a LCIA arbitration claim brought by a German multi-national software company for alleged breach of contract where the two arbitration claims were consolidated.
- Acting as lead Counsel for a UAE based luxury yacht and boat manufacturer in a DIAC arbitration claim with a three member panel against a Japanese multinational information technology and consulting company for alleged breach of contract.
- Acting as lead Counsel for an agency in Dubai against a fit out contracting, manufacturing company to successfully win a DIAC arbitration on favourable commercial terms, and recovered legal costs.

## **ARBITRATOR EXPERIENCE (AS ARBITRATOR)**

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- Appointed as Sole Arbitrator by DIAC in DIAC Case 230063.
- Appointed as Sole Arbitrator by DIAC in DIAC Case No. 240081.
- Appointed as Sole Arbitrator by DIAC in DIAC Case No. 240082.

## **COURT EDUCATION**

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- Advanced Advocacy Skills Training – Part of the DIFC Laws Certificate Programme – DIFC Academy – November 2023
- Case Analysis for Litigators, PSC – BPP Law School - Online
- Advocacy and Communication Skills, PSC - BPP Law School – March 2012

## **ARBITRATION EDUCATION**

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- Diploma in International Commercial Arbitration – Oxford University (*pending – not yet awarded*)
- DIAC Stage 2 Arbitration Training – Practical Aspects of Arbitral Proceedings (June 2024)
- ICC Institute of Advanced Level Training – Drafting Enforceable Arbitration Awards – ICC course
- ADR & Arbitration – Part of the DIFC Laws Certificate Programme – DIFC Academy – September 2022
- Using Arbitration for Collision, Grounding, or Port Damage Disputes – DIFC Academy
- Injunctive Relief & Arbitration – Kwintessential –Government of Dubai Legal Affairs Department

## EDUCATION, ADMISSIONS, MEMBERSHIPS & POSITIONS

### EDUCATION

2004 - 2007	LLB (Hons) Law, Durham University: 2.1
2009 - 2010	LPC, Law, College of Law, York
2010 - 2012	Professional Skills Courses, BPP Law School
2023	Contract Law, Harvard Law School
2024 to ongoing	Diploma in International Arbitration, Oxford University ( <i>pending – not yet awarded</i> )
2024 to ongoing	LL.M, International Corporate and Commercial Law, Kings College, London ( <i>pending – not yet awarded</i> )
2017 to date	DIFC Academy, DIAC & Government of Dubai Legal Affairs Department. courses (ongoing)

### CAREER POSITIONS

2008 – 2010	Business Consultant Senior Business Consultant CSG Talent
2010 - 2012	Trainee Solicitor, Clarion Solicitors
2012 – 2014	Junior Solicitor, SAS Daniels LLP
2014 – 2016	Solicitor BLM (merged with Clyde & Co)
2016 – 2017	Associate Clyde & Co
2017 – 2019	Associate, KBH
2019 – 2020	Mid-Level Associate, Global Advocacy & Legal Counsel
2020 – 2023	HoD and Partner HAS Law Firm
2023	Arbitrator Dubai International Arbitration Centre
2024	Arbitrator Russian International Arbitration Centre

### ADMISSIONS

2012	Admitted as a Solicitor of the Senior Courts of England and Wales
2017	Admitted as a Legal Consultant at Legal Affairs Department of Dubai
2017	Admitted as a Part I Registered DIFC Courts Practitioner
2022	Admitted as a Part II Registered DIFC Practitioner
2023	Admitted as a Registered DIFC Wills Draftsman
2023	Admitted as a Registered ADGM Wills Draftsman
2023	Admitted as Arbitrator on the Dubai International Arbitration Centre list

### MEMBERSHIPS

2004	Alumni Member, Grey College, Durham University
2007	Alumni Member, York College of Law
2018	Member, Government of Dubai Legal Affairs Department
2021	Member, BNI Emperor, Dubai
2022	Member, MCI Arb Chartered Institute of Arbitrators
2022	Member, Centre for Effective Dispute Resolution
2023	Member of AIJA
2024	ICC Member

### EXTERNAL POSITIONS

2021	Listed Accredited Expert, OneTrust
2021	BNI Dubai, BNI Emperor Chapter
	Quality Assurance Role, Part of the Leadership Team
2022	Pro Bono Lawyer, DIFC Courts
2022	Industry Advisory Board Member, Amity University
2022	DIFC Courts Pro Bono Lawyer
2023	BNI Unlimited, Core Launcher

## SPEAKER ENGAGEMENTS

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- Construction Week, Middle East - Dispute Resolution Question Time 2024 - Featured Speaker on "*Bridging the Gap - Infrastructure Developments and PPP disputes*", May 2024
- The Oath, GC Talk Series, "*Bad Leavers - Whistleblowing, Corporate Espionage and Misappropriations*", May 2024.
- Guest speaker on Talk 100.3 Radio on the "New UAE Bankruptcy Law", December 2013.
- Speaker engaged by the DIFC Academy on "*Regulatory Claims in the DIFC Courts*" in collaboration with Alastair Tomson of 4 Stone Buildings, July 2023.<sup>2</sup>
- Speaker engaged by Durham University (UK) on "*An Introduction to Maritime Arbitration*", June 2023.<sup>3</sup>
- Speaker engaged by Birmingham University (Dubai) on "*DIFC Claims Procedure*", May 2023.
- Presiding Arbitrator at the Bahrain Chamber for Dispute Resolution 13<sup>th</sup> Annual Middle East Vis Pre-Moot competition in the Abu Dhabi Global Market, judging the Academy 3 session between the UAE v Bahrain, March 2023.<sup>4</sup>
- Speaker at the Global Legal Association Conference, Session 8: "*Successful Arbitration Policies & Strategies relating to Shareholder Disputes*", in Dubai, February 2023.<sup>5</sup>
- Speaker at the 13<sup>th</sup> World Litigation Forum, Session 1A: "*The Future of Class Actions*", in Dubai, January 2023.<sup>6</sup>
- 103.8 Dubai Eye Breakfast Show, "*New rules from the UAE Central Bank on AML guidelines*", August 2022.<sup>7</sup>
- Construction Breakfast Seminar for Hire / Rental Companies. "*Legal Issues Facing the Industry*", presentation to 20 plus Industry Leaders in this sector, May 2022.
- Webinar on "*Changes to the Arbitration Landscape in Dubai*" in collaboration with Aidan Casey KC (Barrister at 3 Hare Court, James Collins (Partner at CANDEY), in 2022.
- Talk 100.3 Dubai Radio, radio live speaker to discuss the following topics "*Fraud*", "*Real Estate*", "*Employment/Labour*", and "*Debt Recovery*", in 2022.<sup>8</sup>
- Speaker at the 11<sup>th</sup> World Litigation Forum, Session 1A: "*The Emergence of Third Party Funding and Arbitration in the Middle East*", in Dubai, January 2022.

## PUBLICATIONS

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- "*The New DIFC Amendment Laws for 2024*", HAS Law Firm, 18 March 2024<sup>9</sup>.
- "*Out of Time? Limitation Claims in the UAE*", Chambers and Partners, published on 01 December 2023.<sup>10</sup>
- "*Litigation Dispute Resolution – Comparative Guide*", Mondaq, in collaboration with Hamdan Al Shamsi, published in May 2023<sup>11</sup>

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<sup>2</sup> [Regulatory Claims in the DIFC Courts | DIFC Academy](#)

<sup>3</sup> [Introduction to Maritime Arbitration - Durham University](#)

<sup>4</sup> [Bahrain Chamber for Dispute Resolution 13<sup>th</sup> Annual Middle East Vis Pre-Moot competition in the ADGM](#)

<sup>5</sup> [Global Legal Association](#)

<sup>6</sup> [World Litigation Forum](#)

<sup>7</sup> [Dubai Eye](#)

<sup>8</sup> [Talk 100.3](#)

<sup>9</sup> [The New DIFC Amendment Laws for 2024 \(alshamsilegal.com\)](#)

<sup>10</sup> [Limitation in Common and Civil Law Jurisdictions | Chambers Expert Focus](#)

<sup>11</sup> [Mondaq Comparative Guides](#)

- “*Lending to a Company in the UAE: Regulatory Issues*”, Practical Law Company, published on 01 April 2023.<sup>12</sup>
- “*Legal Consultants in the UAE – Trends in Litigation and Arbitration*”, Gulf News, published on 31 October 2022.<sup>13</sup>
- “*Recognition and Enforcement in Insolvency Proceedings – an Onshore and Offshore*”, in collaboration with 4 Stone Buildings, published on 21 June 2022.
- “*Changes to the UAE Arbitration Landscape*”, Mondaq, published on 17 February 2022.
- “*Enforcing Arbitration Awards and Foreign Judgments in the UAE*”, Lexis Middle East, published on 18 October 2021.
- “*Interim Measures in Arbitration in the UAE*”, Gulf News / GN Focus, published on 24 May 2021.
- “*UAE Arbitration*”, Gulf News / GN Focus, published on 24 May 2021.
- “*The Re: NMC Healthcare Decision*”, the Oath, published on 30 April 2021.
- “*DIFC Data Protection Law – Actions Required by Businesses*”, Global Law Experts, published on 25 November 2020.
- “*How the UAE Became a Hub for Arbitration*”, Gulf News, published on 15 November 2020.
- “*Interim Measures in Arbitration*”, Emirati News, published in 2021.

## AWARDS & ACHIEVEMENTS

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- Lead the firm in being selected for the exclusive and prestigious position as member of the DIFC Courts’ Users’ Committee as a Group 2 UAE Firm to assist the DIFC Courts to improve the efficiency of Court procedures, 2024.
- Quality Assurance Team of the Year, HAS Law Firm, 2022/2023.
- Outstanding Leadership Award, HAS Law Firm, 2022/2023.
- Finalist at the Middle East Legal Awards 2023, “*Regulatory and Investigations Team of the Year.*”<sup>14</sup>
- Most Profitable Department Award – 2022/2023.
- Top Billing Fee Earner – 2022/2023.
- Corporate INTL Global Award 2022.
- Top Billing Fee Earner, HAS Law Firm, 2021/2022.
- Top Billing Department, HAS Law Firm, 2021/2022.
- Lawyer Network Annual Awards Winner 2021.
- Team of the Year Award – DIFC and Arbitration Team, HAS Law Firm – 2020.
- Top Retainer Sales Award – Periods 6, 8 and 9 – 2010/2011, CSG.
- Best Performing New Consultant – Periods 3 and 5 – 2010, CSG.
- Top Billing Consultant – Period 13 – 2009, CSG.
- Top New Consultant – 2009 to 2010.

## OTHER ACHIEVEMENTS

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<sup>12</sup> [Lending to a Company in the UAE: Regulatory Issues](#)

<sup>13</sup> [Trends in Litigation and Arbitration, Gulf News](#)

<sup>14</sup> [Finalist 2023](#)

- Climbed Mount Kilimanjaro, highest peak in Africa (Uhuru Peak – 5,895m – 23 September 2022 at 08.40AM)
- York City Football Club, Youth Training Scheme – Football Academy – 2002/2003
- National UK Award for Product Design – June 2004.
- Football, Rugby, Athletics (long jump, 800 metres and 1500 metres) and Cross Country for Yorkshire, UK.