Amended 15 February 2021

ADGM Court of First Instance – Commercial and Civil Division
Procedural Flow Chart – Claim form served within ADGM*

ADGM COURTS

Commencement of Proceedings
To initiate proceedings, the claimant must file a claim form
(CPR 27, PD 2.1-2.3, Form CFI 1)

Rule 30 Procedure
Claimant may use simplified procedure where he seeks the Court's decision on a question which is unlikely to involve a substantial dispute of fact
(CPR 30-34, 36(5) and 44(4), PD 2.5-2.7, Form CFI 6)

Service of claim form
Claimant must serve the claim form no later than 12 noon on the calendar day 4 months after the date of issue of the claim form
(CPR 15(2)-(3) and 28(2), PD 2.4 and PD 6)

Acknowledgment of Service
Defendant must file and serve an acknowledgment of service within 14 days after service of the claim form
(CPR 35(2), 36 and 37, PD 2.10-2.11, Form CFI 7)

Yes

Summary Judgment
Claimant may apply for summary judgment. Defendant is not required to file a defence before the summary judgment hearing
(CPR 45(2) and 68-70, PD 7, Forms CFI 12 and 15)

Jurisdiction
Defendant may make an application supported by written evidence disputing the Court's jurisdiction within 28 days after being served the claim. Defendant is not required to file and serve a defence before the hearing by the Court of that application
(CPR 38 and 44(5) Forms CFI12 and 15)

No

Certificate of Service
Claimant must file and serve a certificate of service within 21 days of service of the claim form
(CPR 21, PD 1.27, Form CFI 31)

Default Judgment
Claimant may apply for judgment without trial or hearing where a defendant has failed to file and serve an acknowledgment of service or has filed and served an acknowledgment of service but has failed to file and serve a defence
(CPR 36(3), 39-41 and 44(2), PD 7.21-7.22, Forms CFI 12 and 15)

Admission, Defence and any Counterclaim
Defendant:
- may at any time, by giving notice in writing, admit the truth of whole or any part of the claim and request time to pay
  (CPR 35(3), 42 and 43, PD 2.12-2.14, Form CFI 34)
- who wishes to defend all or part of a claim must file and serve a defence within 28 days after service of the claim form (parties may agree to extend this time limit by up to 28 days)
  (CPR 35(3), 44(2), 46, 48 and 49, PD 2.19, Form CFI 8)
- may at the same time as the defence, file and serve a counterclaim against a claimant without the Court's permission, or at any other time with the Court's permission
  (CPR 50, PD 2.20-2.23, Form CFI 9)

No

Reply to a Defence, Defence to any Counterclaim, and subsequent Reply
- Claimant who seeks to reply to a defence must file and serve the reply within 21 days after service of the defence
  (CPR 45(1), PD 2.24-2.26, Form CFI 10)
- A party who wishes to defend all or part of any counterclaim must file and serve a defence within 28 days after service of the counterclaim
  (CPR 44(2), PD 2.27-2.29, Form CFI 8)
- A party who seeks to reply to a defence to counterclaim must file and serve a reply within 21 days after service of the defence to counterclaim
  (CPR 45(1), PD 2.30-2.32, Form CFI 10)

Stay of proceedings
A party may, when filing the completed directions questionnaire, make a written request for the proceedings to be stayed for a period of one month to allow settlement of case.
(CPR 78, Appendix A to PD2)

Court-Ordered Mediation
The Court may make an order referring the dispute or any part of the dispute to court-annexed mediation.
(CPR 8 and 306, PD 2.45)

Initial Case Management Conference (CMC)
The Court will convene an initial CMC within 14 days of the close of pleadings (normally after the filing of a reply)
(CPR 8 and 79(1), PD 2.33-2.48)

Costs Budgets
- All parties must indicate whether they seek the exchange of costs budgets not later than 4 days before the initial CMC
- Where costs budgets are filed, the Court will generally make a Costs Management Order.

(PD 9.9 and 9.12, Form Costs 7)

Directions Questionnaire, Agreed Directions and List of Issues
Not less than 4 days before the CMC, the parties must file and serve a completed directions questionnaire, submit agreed directions or their respective proposals and provide the Court with an agreed list of issues
(CPR 77(1), 80, PD 2.37, 2.41-2.42, 2.45-2.46, Appendices A and B to PD 2)

Disclosure and Inspection of Documents
- At the initial CMC the Court will direct when standard disclosure is to be made
- Each party is required to disclose all documents on which that party will rely at trial (except for documents already submitted)
- A request for further or specific disclosure is to be made in the form of a Redfern Schedule

(CPR 85-91, PD 2.64-2.102, Forms CFI 12, 13 and 15)

Evidence
- The Court may give directions as to the issues on which it requires evidence
- No party may call an expert or put in evidence an experts report without the Court's permission

(CPR 92-118 and 139-148, PD 8.1-8.6 and 8.18-8.23, Forms CFI 14, 15 and 36)

Progress Monitoring

Progress Monitoring Date
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 exchange of any witness statements and expert reports
(PD 2.50 and 2.54)

Procedural Compliance Statement
The parties must file and serve a procedural compliance statement at least 5 clear days before the progress monitoring date
(PD 2.51-2.53, Appendix C to PD 2)

Pre-trial Check List
In all appropriate cases, each party must file a completed pre-trial check list by no later than 5 clear days before the pre-trial review
(CPR 82(1)-(2), PD 2.56, Appendix D to PD 2)

Possible Pre-Trial Review
The parties will be notified of the Court's decision, and the date of, any pre-trial review, which will normally take place between 4 to 8 weeks before the date fixed for trial
(CPR 82(3), PD 2.55)

Timetable and Trial Date
After each party has filed a completed pre-trial check list or the Court has held a pre-trial review, the Court may set a timetable for the trial and/ or confirm the date for trial
(CPR 83, PD 2.58)

Papers for Trial
The Court will make directions for the filing and serving of papers for the trial. 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
(PD 2.103-2.107)

Evidence at Trial

Hearsay
A party intending to rely on hearsay evidence at trial must file and serve a notice of that intention no later than the latest date for serving witness statements
(CPR 112, PD 8.11, Form CFI 17)

Permission to call maker of statement
An application for permission to call the maker of a statement that contains hearsay evidence to be cross examined is to be made not more than 14 days after which the notice of intention was served
(CPR 114, PD 8.12, Form CFI 12 and 15)

Attacking the credibility of hearsay evidence
A party intending to call evidence to attack the credibility of a person who made a statement of which hearsay evidence is to be given, must file and serve a notice of that intention not more than 14 days after the day on which a hearsay notice relating to the hearsay evidence was served on him
(Rule 115, PD 8.13, Form CFI 17)

Evidence not contained in witness statement, affidavit, expert report or a document which may be received without proof
If the party is to serve witness statements in respect of the hearing at which he intends to rely on such evidence, that party must file and serve a notice of that intention no later than the latest date for serving witness statements. Otherwise, the notice is to be served at least 21 days before the hearing at which he intends to rely on such evidence
(CPR 116, PD 8.14, Form CFI 17)

Questions of foreign law
A party intending to put in evidence a finding on a question of foreign law, must file and serve a notice of that intention no later than 10 days before the day fixed for the commencement of the hearing or the trial
(CPR 117, PD 8.15, Form CFI 17)

Witness summons
A party must obtain the Court's permission where he wishes the Court to issue a summons:
- in the case of a witness domiciled or resident in the UAE, less than 7 days before the trial date
- in the case of a witness residing in any other jurisdiction, less than 21 days before the trial date
- for a witness to attend Court to give evidence or to produce documents on any date except the trial date, or at any hearing except the trial

(CPR 121), PD 8.7-8.10, Form CFI 16)

TRIAL
(CPR 173-175, PD 2.63)

JUDGMENT
(CPR 176-185)

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