

DIFC Courts and Practice – Session 5

Quiz answers



The correct answers were as follows:

1. The jurisdictional gateway on which the Court in *Nest Investments v. Deloitte & Touch* [2016] DIFC CA 011 (13 March 2019) found its 'necessary and proper party' jurisdiction in reliance on RDC 20.7 was... the **Art 5(A)(1)(e)** gateway.
2. The judge that described the argument that the DIFC Court has jurisdiction to give interim relief in aid of foreign proceedings as 'extreme', 'somewhat bootstrap' and 'misconceived' was... **Justice Sir David Steel** in *CMOC v. Persons Unknown* [2017] DIFC CFI 052 (5 December 2017).
3. The Swiss asset management firm by reference to which that jurisdiction is now commonly referred is... **Wintercap** – following the Court's decision *SEC v. Wintercap* [2019] DIFC CFI 003 (4 March 2019).
4. The asset frozen in *Akhmedova v. Akhmedov* [2018] DIFC CA 003 (19 June 2019) was... a **super-yacht** called the **MV Luna**.
5. The case in which the conduit was extended to the enforcement of foreign judgments was... **DNB v. Gulf Eyadah** [2015] DIFC CA 007 (25 February 2016).
6. If the JJC is deadlocked, then as between: a. both Courts have jurisdiction; b. the Courts first seised have jurisdiction; c. the matter is referred to the Union Supreme Court; or d. none of the above, the answer is... **d. none of the above**.
7. The JJC is chaired (and any deciding vote cast) by... **the President of the Dubai Court of Cassation – since Jan 2019 Justice Fatiha Mahmood Qora**.

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8. The case *VIH Dubai Palm Jumeirah v. Assas Opco* [2017] DIFC ARB 005 (25 December 2019) concerned a hotel which is currently called **Five Hotel Palm Jumeirah**.
9. As for the DIFC Court judge:
 - a. who played rugby for Harlequin FC... **Justice Sir Jeremy Cooke**
 - b. who served as Director of Strategic Affairs in the Executive Office of HH the Ruler of Dubai... **HE Justice Shamlan al Sawalehi**
 - c. who is the Independent National Security Legislation Monitor in his own jurisdiction... **Justice Roger Giles**
 - d. who has been Chief Justice both in their own jurisdiction and of the DIFC... **Chief Justice Tun Zaki bin Azmi**
 - e. who shares a name with a British liberal politician... **Justice Sir David Steel**
10. In *Brookfield Multiplex v. DIFCI* [2016] CFI 020 (28 July 2016), in which the Court confirmed its jurisdiction to give anti-suit relief, the iconic building in the DIFC from which tiles had fallen was... **the Gate Building**.
11. Completing the names of the following celebrated cases anonymised using first names of the same letter:
 - a. *Gavin v. Gaynor* [2015] DIFC CFI 017 (3 April 2016) (Jurisdictional gateway in Art 5(A)(1)(c));
 - b. *Fidel v. (1) Felecia (2) Faraz* [2015] DIFC CA 002 (international approach to receiving submissions on foreign law);
 - c. *Hayri v. Hazim* [2016] DIFC ARB 020 (9 March 2017) (seat of 'Dubai' was DIFC)
12. The case in which Justice Sir Richard Field *declined* to recognise a decision of the Dubai Court of Cassation on the basis that it was contrary to DIFC public policy insofar as it had been decided in breach of the New York Convention was... **YYY v. ZZZ [2017] DIFC ARB 005 (17 November 2019)**.
13. The 'opt-in' jurisdiction of the DIFC Court was added by amendment of a Dubai statute being... **Dubai Law No. 12 of 2004 (the 'Judicial Authority Law')**.
14. The set of Principles of International Commercial Contracts on which the DIFC Contract Law is substantially based is... **the UNIDROIT Principles**.
15. As for which of the following is a statutory duty of directors under the 2018 DIFC Companies Law – a. not to compete with the Company; b. not to accept gifts from third parties; or c. not to disclose confidential information, the answer is... **b. not to accept gifts from third parties (a. and c. are fiduciary duties of agents under Part 12 of the DIFC Contract Law)**.