



**IN THE HIGH COURT OF JUSTICE**

**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**

**COMMERCIAL COURT (KBD)**

CL-2020-000092

**BEFORE THE HON MR JUSTICE ROBIN KNOWLES CBE**

**25 OCTOBER 2022**

**B E T W E E N:-**

**CRF I LIMITED**

**Claimant**

**and**

**(1) BANCO NACIONAL DE CUBA**

**(2) THE REPUBLIC OF CUBA**

**Defendants**

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**CONSENT ORDER**

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**UPON** the Order of Richard Salter QC, sitting as a Deputy Judge of the High Court, made at the first CMC on 4 March 2021 (the “**First CMC Order**”), pursuant to which a jurisdiction trial with a time estimate of 6-8 days is to take place (the “**Jurisdiction Trial**”) for the purpose of determining the issues identified in paragraph 5 of the First CMC Order

**AND UPON** the Order of Mr Justice Andrew Baker dated 26 November 2021, by which the time estimate for the Jurisdiction Trial was re-confirmed and further case management directions were given (the “**Second CMC Order**”)

**AND UPON** the pre-trial review in these proceedings (the “**PTR**”) having been listed for 8 July 2022 with a half-day estimate, further to paragraph 21 of the Second CMC Order

**AND UPON** the Order of The Honourable Mr Justice Robin Knowles CBE dated 11 March 2022, by which the existing listings for the PTR and the Jurisdiction Trial were vacated



**AND UPON** the agreement of the parties that the First CMC Order be amended such that the issue of whether there has been valid service of the Claim Form be excluded from the Jurisdiction Trial and instead be held over to be decided at a later stage

**AND UPON** the Order of The Honourable Mr Justice Butcher dated 5 May 2022 (“**5 May 2022 Order**”), by which various deadlines in the Second CMC Order were varied

**AND UPON** the parties agreeing and notifying the court of variations of the 5 May 2022 Order in correspondence on 3 August 2022 and 26 August 2022

**AND UPON** the parties agreeing, and the Claimant undertaking, that the Claimant will not contend that, by engaging with the matters addressed in this Order, either of the Defendants has taken any step in the proceedings within the meaning of section 2 of the State Immunity Act 1978, or otherwise submitted to the jurisdiction of the English Court, and that all of their rights, privileges and immunities (if any) remain unaffected (including, but not limited to, those arising under the State Immunity Act 1978). For the avoidance of doubt, the Claimant makes no admissions or concessions in relation to the issues of immunity and jurisdiction or otherwise

**AND UPON** the parties agreeing the variations of the 5 May 2022 Order by Consent Order dated 13 October 2022

**AND UPON** the agreement of the parties

**BY CONSENT IT IS ORDERED THAT:**

The 5 May 2022 Order is varied at:

1. Paragraph 13 to the extent that the Claimant shall serve its expert report on Cuban law by 4pm by 28 October 2022.
2. Paragraph 14.1 to the extent that by 11 November 2022 the experts shall meet for the purposes of (i) identifying and narrowing the issues, if any, remaining between them; and (ii) where possible, reaching agreement on those issues.
3. Paragraph 14.2 to the extent that by 18 November 2022 the experts shall prepare and file a joint memorandum (i) identifying those issues on which they are agreed and those on which they disagree; and (ii) summarising their reasons for disagreeing.
4. Paragraph 16 to the extent that the progress monitoring date is 7 December 2022. Each



party is to provide a completed progress monitoring information sheet to the Commercial Court Listing Office at least 3 days before the progress monitoring date (with a copy to the other party).

5. Costs of this consent order shall be in the Defendants' CPR Part 11 application.

**Service of the Order**

The Court has provided a sealed copy of this Order to the serving party: Rosenblatt, 165 Fleet Street, London EC4A 2DY, solicitors for the Claimant.