



IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

COMMERCIAL COURT (KBD)

BEFORE MR JUSTICE JACOBS

DATED 5TH DECEMBER 2022

B E T W E E N:-

CRF I LIMITED

Claimant

and

(1) BANCO NACIONAL DE CUBA

(2) THE REPUBLIC OF CUBA

Defendants

CONSENT ORDER

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 Order of The Honourable Mr Justice Butcher dated 13 October 2022 (“**13 October 2022 Order**”), by which various deadlines in the Second CMC Order were varied

AND UPON the Order of The Honourable Mr Justice Picken dated 23 November 2022 (“**23 November 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, the 13 October 2022 Order, and the 23 November 2022 Order in correspondence on 2 December 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 agreement of the parties

BY CONSENT IT IS ORDERED THAT:

The 5 May 2022 Order is varied at:

1. Paragraph 15 to the extent that the parties may serve a short supplemental report each by 4pm on 7 December 2022.
2. Paragraph 22 to the extent that the Defendants shall provide the agreed Cuban Law Bundle to the Claimant in electronic form only by 4pm on 16 December 2022.
3. 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, PCB Byrne LLP, 1 Plough Place, London EC4A 1DE, for the Defendants.

