



NEUTRAL CITATION NUMBER: [2026] CIGC (FSD) 45

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**

CAUSE NO: FSD 88 OF 2023 (DDJ)

**IN THE MATTER OF THE ENFORCEMENT OF THE ARBITRAL AWARD OF THE ICC
INTERNATIONAL COURT OF ARBITRATION CASE NUMBER 25194/AYZ/ELU**

BETWEEN

A

for itself and on behalf of

B

PLAINTIFF

AND

(1) X

(2) Y

(3) Z

DEFENDANTS

Before: The Hon. Justice David Doyle

Heard: On the papers

**Draft Judgment
circulated:** 26 May 2026

Judgment delivered: 29 May 2026

260529 In the matter of A & B v X, Y & Z – FSD 88 of 2023 (DDJ) – Judgment (Power of Sales Summons)

Determination of directions in respect of the hearing of a power of sales summons

JUDGMENT

1. At [278] of my judgment delivered on 7 April 2026 (the “Judgment”) I indicated that the parties should within 21 days file (if possible on an agreed basis or if not separately with concise submissions in support of a maximum length of 5 pages) draft directions towards the hearing of the Power of Sales Summons (as defined in the Judgment), estimate as to duration and joint non-availability.
2. The parties could not agree the draft directions.
3. I have considered:
 - (1) a document dated 28 April 2026 and entitled “Second and Third Defendants’ Submissions in support of proposed directions for the Power of Sales Summons” from Mourant Ozannes (Cayman) LLP; and
 - (2) a document dated 5 May 2026 and unhelpfully entitled “Plaintiff’s written submissions on costs” (but actually in respect of the directions for the Power of Sale Summons) from Harney Westwood & Riegels (Cayman) LLP.
4. The Second and Third Defendants do not in their written submissions specify any non-availability, joint or otherwise. They say that a two-day hearing would be necessary and have suggested two months between the filing dates of the Plaintiff’s reply evidence and the proposed rejoinder evidence.
5. The position of the Second and Third Defendants is that the Power of Sale Summons should not be heard and determined until after the determination of their appeal.
6. The Plaintiff says that no stay has been granted or applied for and the Power of Sale Summons should be dealt with and not delayed until after the determination of the appeal.

7. The Plaintiff provides an estimate of three hours but provides no non-availability joint or otherwise. When a court directs that joint non-availability should be provided, it should be provided. Attorneys have an overriding duty to the court, as officers of the court, to assist the court in the efficient and expeditious administration of justice. They should not ignore directions from the court. As no one has filed non-availability as directed I assume that there are no dates to avoid during term time in respect of the hearing.
8. I agree that the hearing of the Power of Sale Summons should proceed and not be delayed until after the determination of the appeal.
9. I make the following directions:
 - (1) the Plaintiff shall file and serve any evidence in reply to the Second and Third Defendants' responsive evidence by 3pm on 19 June 2026;
 - (2) the Second and Third Defendants are to file and serve any evidence in rejoinder to the Plaintiff's responsive evidence by 3pm on 17 July 2026;
 - (3) hearing bundles, skeleton arguments and authorities bundle are to be exchanged and filed before 3pm on 25 September 2026;
 - (4) the Power of Sales Summons is listed for hearing with a time estimate of one and a half days commencing at 10am on 7 October 2026;
 - (5) costs in the cause.
10. The attorneys should email to my PA a draft order (agreed as to form and content) reflecting the determinations in this judgment before 3pm on 2 June 2026.
11. The attorneys should also file and serve before 3pm on 26 June 2026 concise written submissions (no more than 5 pages) as to whether or not paragraph 6 of the Order made by Kawaley J on 13 April 2023 that the court file be sealed and "that hearings shall be held in private and that any judgment of the Court shall be anonymised" and the additional order made by Kawaley J on 13

April 2023 again in respect of sealing, anonymity and hearings being conducted in private should remain in place or be discharged. Sealing, privacy and anonymity orders should be kept under regular review and if the reasons for them are no longer applicable they should be discharged. The written submissions should address the issue as to whether there are still any valid reasons for the previous orders to continue and in particular for court to sit in private, for judgments to be anonymised and for the court file to remain sealed.

David Doyle

THE HON. JUSTICE DAVID DOYLE
JUDGE OF THE GRAND COURT