

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION



CAUSE NO: FSD 186 OF 2020 (MRHJ)

IN CHAMBERS

3 MAY 2021

BEFORE HON. JUSTICE RAMSAY-HALE

BETWEEN

GIBSON CONSULTANTS LTD

PLAINTIFF

AND

THE EMIRATES CAPITAL LIMITED

DEFENDANT

ORDER

UPON the Defendant's summons dated 11 March 2021

AND UPON reading the Second Affidavit of Stephen Gibson and Exhibit FS-2 sworn on 11 March 2021

AND UPON hearing Counsel for the Defendant and Counsel for the Plaintiff

**IT IS ORDERED AND DIRECTED THAT:**

1. the question of whether the Defendant received sufficient management fees from the official liquidation of Fulcrum Diversified Income Note Fund pursuant to an investment management agreement dated 1 July 2018 to trigger its obligation to pay advisory fees to the Plaintiff pursuant to an investment advisory agreement dated 11 October 2018 shall be tried by way of a preliminary issue (the "**Preliminary Issue**" and the "**Preliminary Issue Hearing**");
2. the parties shall file an agreed statement of facts in respect of the Preliminary Issue;
3. the Plaintiff shall file and serve any evidence in respect of the Preliminary Issue on which it wishes to rely, if so advised, by 12 May 2021;

This **ORDER** is filed by Campbells LLP, Attorneys-at-Law of Floor 4 Willow House Cricket Square, George Town, for the Defendant whose address for service is care of its said Attorneys-at-Law.

4. the Defendant shall file and serve any evidence in reply on which it wishes to rely within seven days after service of the Plaintiff's evidence;
5. the Preliminary Issue Hearing be listed for 9.30am on 10 June 2021, with a two hour time estimate; and
6. the costs of the hearing on 3 May 2021 be in the cause.

**DATED** this 3<sup>rd</sup> day of May 2021.

**FILED** this 4<sup>th</sup> day of May 2021.



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**The Honourable Justice Ramsay-Hale  
JUDGE OF THE GRAND COURT**

This **ORDER** is filed by Campbells LLP, Attorneys-at-Law of Floor 4 Willow House Cricket Square, George Town, for the Defendant whose address for service is care of its said Attorneys-at-Law.

Approved as to form and content:

*Walkers -*

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**Walkers**  
Attorneys-at-law for the Plaintiff

*Campbells*

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**Campbells**  
Attorneys-at-law for the Defendant

This **ORDER** is filed by Campbells, Attorneys-at-Law of Floor 4 Willow House Cricket Square, George Town, for the Defendant whose address for service is care of its said Attorneys-at-Law.