



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

**CAUSE NO. FSD 114 OF 2023 (RPJ)
FORMERLY CAUSE NO: G0222 OF 2018**

BETWEEN:

DAVID MUÑOZ

Plaintiff

-and-

DELTEC INTERNATIONAL GROUP

First Defendant

-and-

INTERNATIONAL FINANCIAL SERVICES GROUP

Second Defendant

-and-

HOLD AND OPT INVESTMENTS LIMITED

Third Defendant

-and-

MERCURIO LIMITED

Fourth Defendant

CONSENT ORDER

UPON the Consent Order dated 13 December 2023 as amended by consent on: (i) 16 May 2023; (ii) 4 July 2023; (iii) 25 July 2023; and (iv) 27 September 2023

AND UPON the Parties having given discovery by list on 30 June 2023 and in soft copy on 7 July 2023

AND UPON the First and Second Defendants giving additional discovery on 12 October 2023

AND UPON the Third and Fourth Defendants having given further discovery on 16 November 2023

This **Order** is filed by Campbells, Attorneys-at-Law for the Plaintiff whose address for service is that of his Attorneys-at-Law, Floor 4, Willow House, Cricket Square, George Town, Cayman Islands, KY1-9010 (Ref: CEA/17131-29261)

AND UPON the Plaintiff having given further discovery on 20 November 2023

AND UPON the Plaintiff filing the Amended Statement of Claim on 20 November 2023

IT IS ORDERED THAT:

- 1 The Defendants be given leave to amend their Defences in response to the Plaintiffs' Amended Statement of Claim filed on 20 November 2023 by 15 January 2024.
- 2 The Plaintiff be given leave to amend his Reply by 2 February 2024.
- 3 Each party shall file and serve statements of any witnesses of fact to be called at the trial and hearsay notices, where required, no later than 4 March 2024.
- 4 Unless otherwise ordered, witness statements filed in accordance with paragraph 4 are to stand as evidence in chief of the witness at trial.
- 5 Pursuant to GCR O.38, r.36;
 - 5.1 the Plaintiff shall have leave to instruct one expert witness in the field of business valuation; and
 - 5.2 the First, Second, Third and Fourth Defendants (or any combination of them) have leave to jointly instruct one expert witness in the field of business valuation (the "Experts").
- 6 The parties who instruct Experts in accordance with these directions shall seek to agree a common scope of issues for the Experts to opine on or before 4pm (Cayman time) on 26 February 2024. The Experts may identify and include in that list of issues such other matters as the Experts consider appropriate.
- 7 The parties shall arrange for the concurrent exchange of Expert reports by 4pm on 11 March 2024.
- 8 The Experts shall meet (in person, or by phone, or video link) on a without prejudice basis to identify issues between them and to attempt to reach an agreement on such issues by 4pm on 25 March

2024.

- 9 The Experts shall agree and serve on the parties a brief joint statement setting out the areas of agreement and disagreement by 4pm on 8 April 2024. This document will remain without prejudice until it is finally agreed and served on the parties.
- 10 The parties shall arrange for the concurrent exchange of Expert rebuttal reports (which shall be limited to addressing those areas of disagreement identified in the Experts’ joint statement) by 4pm on 15 April 2024.
- 11 The parties shall be at liberty to call as an expert witness at the trial the Experts whose reports they have exchanged in accordance with these directions, and such Experts’ reports shall stand as the evidence in chief of the Expert so called.
- 12 A pre-trial review shall be listed for the first available date after 22 April 2024. Each party shall notify the other parties in writing of the identity of any witnesses (including witnesses of fact or any Expert) whom they wish to cross examine at least 7 days before the Pre Trial Review.
- 13 The listing officer shall fix the date for trial which shall not be before 29 April 2024, with a provisional time estimate of 10 days, which includes pre-reading.
- 14 Preparation of trial bundles and skeleton arguments shall be prepared in accordance with the FSD guide.
- 15 The parties shall have liberty to apply.

Dated this 8 day of December 2023

Filed this 8 day of December 2023

The Honourable Justice Parker
Judge of the Grand Court

Approved as to form and content:

Campbells (P)

Campbells LLP

Attorneys for the Plaintiff

Maples and Calder (Cayman) LLP

Maples and Calder (Cayman) LLP

Attorneys for the First and Second Defendants

Walkers (Cayman) LLP

Walkers (Cayman) LLP

Attorneys for the Third and Fourth Defendants