



گالادری و مشائکوه

محامون و مستشارون قانونيون

Galadari & Associates

Advocates and Legal Consultants



Litigation & Dispute Resolution



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Our Litigation & ADR Practice

Unexpected changes in the economy see an inevitable rise in disputes. When times are good and growth is buoyant small print often gets over looked but when industry and economy are volatile business expectations are shattered and often the economic foundations of contracts collapse.

Businesses then sue. Individuals fight back and lacking new opportunities they tend to pursue their claims with determination and energy.

Galadari & Associates' litigation and ADR practice deals with virtually every kind of contentious dispute; between businesses and Government, between businesses and individuals and between businesses. In terms of both personnel and high-end turnover, the firm has one of the largest cross disciplinary litigation teams in the UAE who are experienced and knowledgeable in the methods and means of resolving all forms of dispute.

Almost three decades ago our firm was built on the foundations of litigation and arbitration. Our knowledge and navigation of the UAE legal and court system is unparalleled and as the rules and regulations that are shaping the UAE are drawn and the foundations to determine its future safe guard are set, Galadari & Associates will continue to be at the forefront, providing legal and policy advice to the federal and local government, to clients on federal and local laws and to foreign firms in need of local expertise and support.

Specialist knowledge and expertise has been developed in relation to a large number of sectors and projects, including power, oil and gas, Banking & Finance, airports, rail, roads and water.

Galadari & Associates

We have the capacity to manage complex and high value transactions and still give an individual service with a domestic perspective. We have been prepared to take calculated risks in the course of doing our work and as a result have retained our position as one of the region's preferred law firms handling the pioneering and premium levels of work.

We endeavour to provide a pragmatic, cost-conscious, result orientated approach to the problems our clients face. But as much as this, we take the risk management road wherever possible adopting a prevention system in the first instance and where a dispute becomes inevitable we seek early resolution. Where innovative and traditional methods of alternative dispute resolution have failed we provide influential and determined advocates to get the results our clients demand.

Because of our heritage, because of our skills, because of who we are, we carry many advantages not least the understanding of dispute settlement in the Arab business community. Understanding the cultural nuances whilst drawing on our local, regional and international experience continues to see Galadari & Associates as a formidable force in all forms of contentious dispute.



We do not like to lose sight of the fact that the firm is a family of individuals who place the highest value on building close working relationships with clients. We market ourselves to potential clients not on the individual merits of our senior lawyers but on the collective strengths of the entire firm.

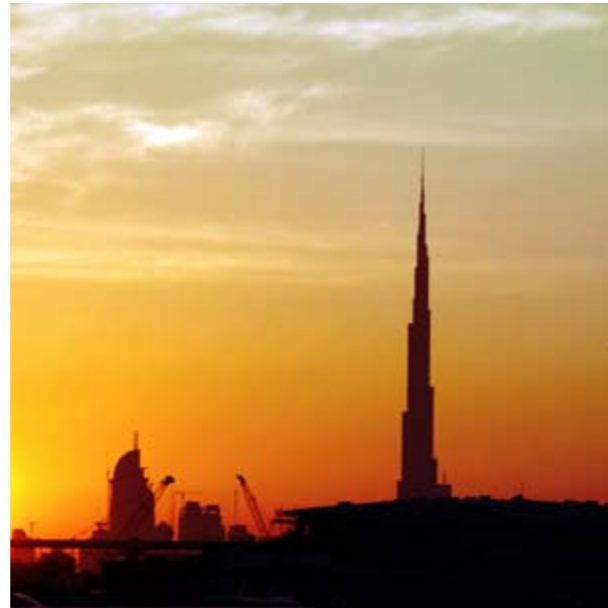
Galadari & Associates, *not just any law firm.*



Projects, Construction & Infrastructure

A major component of the Projects & Construction practice is the presentation, defense, mediation, arbitration, and litigation of claims involving construction changes, changed conditions, defective work, delays or suspension of work, coordination and interference, defective specifications, acceleration, and other complex performance, pricing, and scheduling issues.

The senior members of the team are accomplished court and trial attorneys with the experience and talent needed to win a hotly contested battle in nearly any forum. Their in-depth knowledge of the regions construction industry and an intimate understanding of local and governing law helps them not only achieve successful results for our clients but also make them a formidable force in this specialised and demanding sector.



"This widely recognised practice has a considerable reputation for contentious Real Estate Finance and Construction work, with a practice that extends across the region"
Chambers Global

Case Examples

- Representing one of Largest Construction companies and pre- cast system suppliers in South East Asia- project worth **150 Million US Dollars** – litigation in relation to unilateral termination of huge governmental infrastructure works in UAE.
- Large GCC (Bahrain) engineering and infrastructure consortium. Litigation proceedings against foreign entity working in UAE – we were recently successful in applying Article 252 interlocutory measures against a third party in the amount of **US \$10 million**.
- Order for payment claim (Article 143) against a major local Master Developer in **254 Million AED**

construction and engineering project.

- Advised an EU contractor in respect of construction claims and counter-claims in excess of **AED 50 million**.
- Defended Japan's largest construction consortium against a local multi-million dirham application of its' funds and assets. We have succeeded at First Instance and The Court of Appeal. The matter is currently at The Court of Cassation.
- Constructors & Engineers, Singapore. Secured settlement of sums exceeding **AED150 million** against a local leading developer in a claim for non-payment of certified sums.

Real Estate & Property

Whether a buyer, seller, developer, financier or borrower clients require assurance that they are legally protected in all aspects of finance as well as property. Working with government-backed developers and investors, global property investors and private property owners; Galadari & Associates has been demonstrating its insightful knowledge of the Real Estate sector within the region and the Middle East for nearly 30 years.

We believe in the practice of proactive before reactive based on which we provide all kinds of due diligence and legal review of documents. We advise on the basic structures for real estate companies, the registration of developers and title with the Dubai Land Department and the establishment of Escrow/Trust accounts.

As we navigate through a period of industry contraction all in the real estate sector are experiencing ever increasing problems. The team of lawyers at Galadari & Associates not only advises the UAE real estate regulatory body, RERA, giving them a tremendous insight into the problems and practicalities involved with this industry, but they are also able to give advice based on an almost unparalleled experience of litigation and dispute resolution in this industry sector.

Case Examples

- Liabilities in relation to lengthy delays and on issues revolving around registration requirements with RERA following their recently passed regulations and laws. Representation in front of the newly established property court in Dubai **200 – 400 Million AED**.
- Successfully secured settlement of amounts in excess of **AED 200 Million** in court claims against the UAE's most prominent real estate developer for a flagship project.
- Pre-cast concrete specialists, GCC. Successfully attached **331million AED** of funds against a defaulting contractor.

RERA

The UAE has several regulatory authorities and government departments committed to the transparency and implementation of international best practice. None is more currently active than RERA, the Real Estate Regulatory Authority. Established in Dubai, July 2007, the government agency is granted full legal authority to regulate the real estate sector in the Emirate.

The responsibility of the agency is to license real estate activities and agents, to manage developers, to regulate agreements, owners associations, promotions and exhibitions and to set policies, plans and guidelines to improve and streamline the real estate industry in Dubai.

An ancillary government organisation is the Dubai Rent Committee. This is the authorised judiciary board that settles disputes between landlords and tenants. The new rental laws in Dubai are invariably pro-tenant, even though initial rents are freely determined. Rent increases are subject to government's (RERA) rent cap policies and strong security of tenure is given to the tenant.

At Galadari & Associates we have some of the most experienced advocates in this area, daily representing both landlord and tenant.

"A successful combination of strategy and execution"
Chambers Global

- Our client, having bought 70% of plots in phase 1 of Dubai Waterfront project, we advised and initiated a process of re-sale, outlining a legally sound mechanism in which the client could re-sell properties without infringing its own rights, and the laws of the emirate of Dubai.
- Qatari based property development group, acting on behalf of the client on all of their property and real estate litigation cases in excess of AED 40 Million.
- Acting for one of Saudi Arabia's leading NGO's acting on the sale and purchase of plots in KSA.
- Leading UAE real estate and investment organisation successfully dismissing a guardianship case filed by one of the shareholders against the management of the company.



Corporate & Banking

We advise an extensive range of business clients, including corporations, financial institutions, financial services firms, and others. Among our areas of focus:

Financial Transaction Disputes

We represent financial institutions and other clients in disputes relating to financial transactions, including the origination, administration, securitisation, and sale of loans.

Securities Matters

We handle the full scope of securities matters, including private civil actions, government investigations, and criminal matters. A number of our attorneys are veterans of the Dubai courts, arbitration panels and financial dispute organisations.

In claims of securities fraud, we have represented clients regarding alleged accounting irregularities, false statements or misrepresentations, market manipulation, initial public offering issues, broker/dealer disputes, improper registration, derivative actions and audit committee and internal investigations.

Bankruptcy/Restructuring Matters

Our litigators work closely with our bankruptcy/restructuring specialists to handle adversary proceedings and contested matters in court, and to advise litigation clients regarding bankruptcy/restructuring options.

Financial/Regulatory Matters

We assist financial institutions in litigation or investigations arising from transactions with, or regulation by, agencies and federal bodies such as the Emirates Securities & Commodities Authority, The Ministry of Finance & Industry, DIFC (Dubai International Financial Centre), DFSA (Dubai Financial Services Authority) and the Abu Dhabi Investment Authority.



"A Blue blooded law firm who are changing re-writing and setting new standards in UAE Law"

Senior Government Official

Case Examples

- Pursuing a prominent international bank for transferring **US \$ 7.5 million** without clients consent or approval.
- One the of the GCC's largest, privately owned conglomerates. Representing the client as part of its' global legal team in all matters relating to the UAE and the UAE courts. In excess of **AED700 million**.
- Represented a local joint venture in a multi-million AED claim against a defaulting main supplier, claim in excess of **AED 82 million**.

- Acting for one of Saudi Arabia's leading NGO's relating to a shareholder dispute arising from the acquisition of 25% of shares of a Dubai real estate developer. Our client purchased 25% of the shares, the developer is claiming further 4 billion as the second payment of the sale. The developer filled a precautionary attachment of **AED 4 billion** which our litigation team had reversed in less than 2 weeks.
- Acting on behalf of a government owned subsidiary in relation to a dispute with a global IT company. ADR led to an amicable out of court settlement in excess of **AED 15 Million**.

Insurance & Cost Recovery

Galadari & Associates' insurance and cost recovery professionals have an impressive record of fully servicing the needs of clients from a variety of major industries, including financial services, consumer products, medical, energy, oil and gas, and many others. We help clients protect their assets by aggressively pursuing recovery of cost outlays and protecting indemnification rights under many types of insurance policies.

Our attorneys provide effective risk management counseling and have succeeded in obtaining sizeable insurance recoveries for clients. Galadari & Associates experience in this area ranges from representing policyholders in recovering substantial environmental costs under liability policies to helping commercial banks and lenders recover millions of dollars in lawsuits against directors and officers for violating their fiduciary duty.



"The Firms success stems for an ability to "understand the thinking of its clients" and the commercial reality of litigation"

Chambers Global

Case Examples

- Representing a local conglomerate in international arbitration proceedings in the UK in an **AED 400 million** claim of mismanagement and loss of profit.
- Acting for several medical malpractice underwriters and their Insurers in successfully defending in excess of **AED 100 million** in medical malpractice claims.
- Appointed as experts in UAE law in London High Court proceedings in respect of claims exceeding **USD 400 million**.
- Fortune 500 global manufacturing company, **AED 35 million** precautionary attachment to secure the payment of unpaid invoices, and liquidated damages as per supply contract.
- Acting on behalf of one the UAE's leading real estate companies on numerous (civil/criminal) matters resulting from shareholders disputes, embezzlement amounting in excess of **AED 100 Million**.



Shipping & Maritime

Home to 15 major seaports including Jebel Ali, the world's largest man-made harbor, the UAE has become one of the most sophisticated trading hubs in the Middle East. With Abu Dhabi Chamber of Commerce's "2030 Strategy" and its initiatives that will see the docks remain of central importance to the UAE's sustained growth the need for expert and accomplished lawyers and litigators in this specialized area grow.

Galadari & Associates Shipping & Maritime Litigation team has been built upon the firm's traditional strengths in Maritime Law. In the past year we have acted on numerous major shipping cases which have ranged from MOA disputes for oil tankers, to piracy and pollution prosecution to shipbuilding disputes in the USA.

In addition to many years experience handling first-party insurance claims and bad-faith litigation, our professionals have also handled subrogation claims involving commercial properties ranging in value from \$50,000 to \$50 million.



"Galadari & Associates has risen to prominence in disputes, particularly in maritime, transport and insurance law"

Chambers Global

Case Examples

- P&I Club. Representing the liability insurers against ongoing allegations of damage to cranes and equipment.
- P&I Club. A vessel operating in UAE waters damaged Etisalat communication cables along the sea bed. Etisalat have issued proceedings against our client, the liability insurers, claim amount **AED 1.9 Million**.
- Representing ship owners in a customs dispute regarding undeclared tobacco containers from Dubai to Lebanon. Lebanese customs suing our

client in excess of **US \$ 10 Million**. Proceedings bought against the company who shipped the containers to our clients' vessel.

- Acting for the freight forwarding company in a dispute relating to the shipment of steel products to Chennai.
- Shipping agency and their liability insurer claim against our client in excess of **AED 10.2 Million**. We have won the case at the Court of First Instance based on the grounds that bills of landing contained a valid arbitration clause.

Company & Labour Law

Galadari & Associates has a solid labour practice dealing in matters related to labor law issues, litigation, employment termination and benefit issues, and related contractual matters.

In addition to providing counseling on matters of employer-employee legal relationships, Galadari & Associates' lawyers assist clients on the design and implementation of employee benefit plans, employment contracts, compensation schemes, and amicable resolutions and settlement of termination disputes.

On company related matters, the corporate litigation team manages issues including bankruptcy, securities issues, white collar crimes, and the emerging offset programmes.

Building on its experience with major institutional clients and on the firm's founder, this team is a solid player for many Dubai-centered matters, notably acting for entities affiliated to the Dubai authorities"

Legal 500



Recommended By



IP & Trademark



Intellectual Property law has become a hot topic in recent years where there has been a greater demand to implement national and international litigation and anti-counterfeiting strategies within the region.

Where we always believe a better solution is to pursue settlement, dispute resolution and mediation we also have Emirati advocates, who work closely with our commercial and IP team to tackle infringement of IP and Trademark rights head on.

Expertise covers: Anti – Counterfeiting, Trademark Infringement, Copyright Infringement, Patent Infringement, Passing Off, Domain Name Disputes, Theft of confidential information.

"We can give advice, improve things and better the systems by the knowledge we have. And this is what drives us. It is not about just doing the work and presenting a bill. Rather it is about what impact the work we do will have on the UAE."

Business Development Director, Galadari & Associates

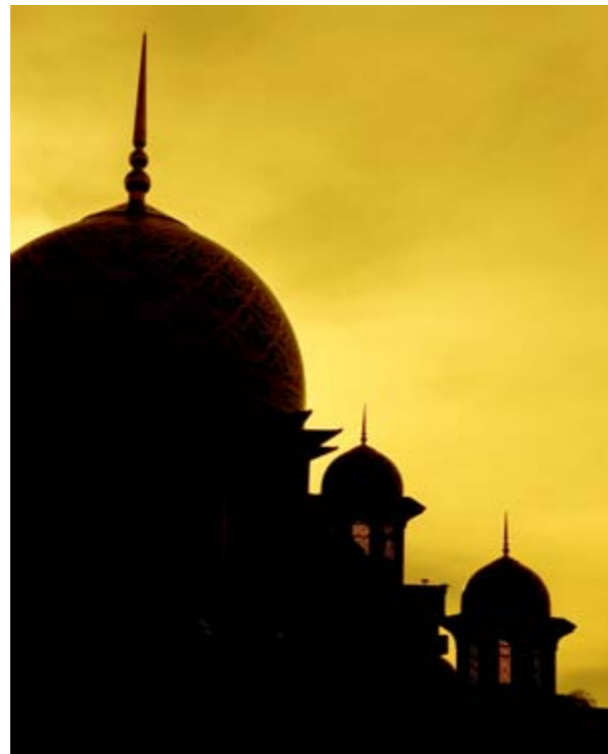


Sharia

As a Muslim country, one of the fundamental principles enshrined in the Constitution provides that Islamic Law (Sharia or Quranic) is the main source for law in the UAE. To say that Sharia should govern judicial decisions is to refer to a process rather than to specify a result. For example there are several core principles of Sharia which apply to business transactions and which have influenced the development of commercial codes that apply in the UAE. Although these concepts don't directly translate into commercial codes (although they may do in Islamic finance), they have exerted an influence over the drafting and interpretation of these laws

Although the principles of Sharia influence criminal and civil laws, the direct influence of Sharia in the UAE is primarily confined to social laws, such as family law, divorce or succession. Most commercial matters are now dealt with by either civil courts or permanently established arbitration tribunals.

Galadari & Associates has one of the strongest Sharia teams in the region and are recognised as such for being specialists in this area. With a team of competent advocates and lawyers who are experienced in appearing before all courts, boards and tribunals, and arbitration panels throughout the UAE, we provide comfort and expertise to those unfamiliar and concerned about the principles of Sharia.



"For however much or for however long we have been a part of the region's past, for however deeply we are immersed in its present we have an opportunity now to be a part of re-building its future"

Ziad Abdulla Galadari

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