



IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES  
FINANCIAL LIST (QBD)

Claim No: FL-2017-000004

BEFORE: THE HONOURABLE MR JUSTICE LEGGATT

FL-2017-000004

IN PUBLIC

1 February 2018

BETWEEN:-

BLACKROCK GLOBAL ALLOCATION FUND, INC.

Applicant/Fifth Defendant

DANA GAS PJSC

(a company incorporated under the laws  
of the United Arab Emirates)

Claimant/Respondent

- and -

(1) DANA GAS SUKUK LIMITED

(a company incorporated under the laws of Jersey)

(2) DEUTSCHE TRUSTEE COMPANY LIMITED

(3) DEUTSCHE BANK AG

(a company incorporated under the laws of Germany, acting by its Abu Dhabi  
Branch)

(4) COMMERCIAL INTERNATIONAL BANK (EGYPT) SAE

(a company incorporated under the laws of Egypt)

Defendants

-and-

KHALID BIN ABDULRAHMAN SALEH AL-RAJHI  
AL MANARA INVESTMENT & DEVELOPMENT L.L.C.  
AL MADFAA INVESTMENTS L.L.C.  
GHIATH MUHAMMAD GHIATH

Respondents

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ORDER  
ANTI-SUIT INJUNCTION

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PENAL NOTICE

IF YOU, THE WITHIN NAMED (1) DANA GAS PJSC, OR (2) KHALID BIN ABDULRAHMAN SALEH AL-RAJHI, OR (3) AL MANARA INVESTMENT & DEVELOPMENT L.L.C., OR (4) AL MADFAA INVESTMENTS L.L.C. OR (5) GHIATH MUHAMMAD GHIATH, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND LIABLE TO BE FINED AND FOR YOUR ASSETS TO BE SEIZED AND ANY OF YOUR DIRECTORS MAY BE IMPRISONED OR FINED

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY OF THE RESPONDENTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE HIS ASSETS SEIZED

**Important**

To the Claimant and each of the Respondents:

- (1) This Order requires you to do the acts set out in this Order. You should read it carefully. You are advised to consult a solicitor as soon as possible. You have a right to ask the Court to vary or discharge this Order.
- (2) If you disobey this Order you may be found guilty of Contempt of Court and any of your directors may be sent to prison or fined and you may be fined or your assets may be seized.

**UPON** the application of the Applicant/Fifth Defendant by application notice dated 21 November 2017 (the **“Anti-Suit Injunction Application”**)

**AND UPON** the Anti-Suit Injunction Respondents (as defined herein) having been served with the Anti-Suit Injunction Application by the means permitted by the Order of Mr Justice Leggatt dated 12 December 2017

**AND UPON** reading the evidence filed in relation to the Anti-Suit Application

**AND UPON** hearing Leading Counsel for the Applicant/Fifth Defendant, Leading Counsel for the Second Defendant, Counsel for the First Defendant, and Leading Counsel for the Claimant/Respondent

**AND UPON** the First Anti-Suit Injunction Respondent having indicated its intention to apply to the Court of Appeal for permission to appeal from this order and for a stay of this order pending determination of that appeal (the **“Stay Application”**)

**IT IS HEREBY ORDERED THAT:**

**Further definitions**

1. In this Order, the following further definitions shall apply:
  - (1) **“Transaction Documents”** shall have same meaning as under Clause 1.1 of the Amended and Restated Declaration of Trust relating to Dana Gas Sukuk Limited dated 8 May 2013.
  - (2) **“Dispute”** shall mean the dispute regarding the meaning, validity, and effect of the Transaction Documents that is the subject-matter of the present proceedings and of the Sharjah Proceedings (including, for the avoidance of doubt, any dispute relating to (i) the consequences of the invalidity of any Transaction Document and (ii) the liability of any party to make a payment to any other party in consequence of such invalidity or in consequence of any

of the Transaction Documents having been terminated or having come to an end in accordance with their terms).

- (3) **“Anti-Suit Injunction Respondents”** shall mean the within named: (i) Dana Gas PJSC; (ii) Khalid Bin Abdulrahman Salah Al-Rajhi; (iii) Al Manara Investment & Development LLC; (iv) Al Madfaa Investments LLC; and (v) Ghiath Muhammad Ghiath and **“Anti-Suit Injunction Respondent”** shall mean any of them.
- (4) **“Sharjah Injunction”** shall mean the interim injunction granted by the Sharjah Court on 13 June 2017 in the Sharjah Proceedings.
- (5) **“Sharjah Proceedings”** shall mean: (i) the proceedings commenced before the Sharjah Court by Dana Gas PJSC on 13 June 2017; (ii) the proceedings commenced before the Sharjah Court by the Second, Third and Fourth Anti-Suit Injunction Respondents on 28 August 2017; and (iii) any other proceedings before the Sharjah Court in relation to the Dispute.
- (6) **“July Injunction Order”** shall mean the Order of His Honour Judge Waksman QC dated 5 July 2017.
- (7) **“BVI Injunction”** shall mean the injunction granted by the Courts of the British Virgin Islands dated 13 June 2017 and continued by Order dated 19 June 2017 in relation to Claim No. BVIHC (COM) 94 of 2017.

#### **Anti-Suit Injunction Order; discharge of the October Anti-Suit Injunction Order**

2. The Anti-Suit Injunction Respondents shall not, save with the leave of the Court:
  - (1) Pursue or take any step in the Sharjah Proceedings, save for the purposes of complying with paragraph 3 below.
  - (2) Commence, serve, pursue or continue, or procure or assist in the commencement, service, pursuit or continuation of, any further proceedings in relation to the Dispute in any court or tribunal otherwise than in the High Court of England and Wales (or a court of another Member State of the European Union or another Contracting State of the Lugano Convention).
3. In the event that the Court of Appeal declines the Stay Application each of the First to Fourth Anti-Suit Injunction Respondents shall, within five days of the date on which the Court of Appeal has determined the Stay Application, take all steps within its or his power to:
  - (1) Cause the Sharjah Proceedings to be terminated without any judgment or order being made in relation to any of the issues in respect of the Dispute;

- (2) Cause the Sharjah Injunction to be irrevocably discharged and/or set aside and/or terminated;  
and
  - (3) Obtain the discharge of the BVI Injunction and discontinuance of the BVI proceedings including by procuring that Dana LNG Ventures Limited consents to and facilitates those outcomes.
4. The other Anti-Suit Injunction Respondents shall not commence or pursue, or procure or assist in the commencement or pursuit of, any motion, application, claim or other proceeding seeking to restrain, require the termination of, impose sanctions upon, or otherwise interfere with the pursuit of the Claimant's applications for the discharge of the aforesaid injunctions and proceedings.

**Dated: 1 February 2018**