



محكمة قطر الدولية
ومركز تسوية المنازعات
QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

**In the name of His Highness Sheikh Tamim bin Hamad Al Thani,
Emir of the State of Qatar**

Neutral Citation: [2024] QIC (F) 47

**IN THE QATAR FINANCIAL CENTRE
CIVIL AND COMMERCIAL COURT
FIRST INSTANCE CIRCUIT**

Date: 30 October 2024

CASE NO: CTFIC0035/2022

RUDOLFS VEISS

Claimant/Applicant

v

PRIME FINANCIAL SOLUTIONS LLC

Defendant

AND

AMBERBERG LIMITED

Third Party

JUDGMENT

Before:

Justice Fritz Brand

Order

1. Permission is hereby granted in terms of paragraph 5(ii) of the Litigation Restraint Order made in respect of the Applicant ([2024] QIC (F) 24), allowing the Applicant:
 - i. To proceed, as the Claimant, with his action against Prime Financial Solutions LLC as the Defendant, which action was stayed in terms of paragraph 3 of the Order of this Court dated 2 April 2023 ([2023] QIC (F) 8).
 - ii. To seek directions regarding the further conduct of those proceedings as envisaged in paragraph 4 of the Court Order ([2023] QIC (F) 8).

Judgment

1. The Applicant is Mr Rudolfs Veiss. On 5 June 2024, a Litigation Restraint Order was made relating to the Applicant in terms of Practice Direction No. 1 of 2024 (the '**LRO**'). As stated in paragraph 5 of the LRO, the effect of the Order is that absent permission of the President of this Court or a Judge nominated by him, the Applicant may not file any fresh claims or applications; or file any applications within extant claims for a period of 2 years from date of the Order.
2. This is an application for permission under paragraph 5(ii) of the LRO. I am nominated by the President to consider the application. The application has its background in a case between the Applicant as the Claimant and Prime Financial Solutions LLC ('**PFS**'), a company established and licensed within the Qatar Financial Centre, as the Defendant (the '**Main Case**'). In the Main Case the Applicant, who was once a director of PFS, sued the company on the basis of article 91 of its articles of association which provides in relevant part that:

The LLC shall indemnify every director ...of the LLC in respect of any liability incurred in defending any proceedings to the extent allowed by the Regulations.

2. The 'Regulations' referred to are the QFC Companies Regulations 2005 (the '**Regulations**') and the relevant qualification to article 91 of the articles of association is to be found in article 62(2) of the Regulations, precluding the company from

indemnifying a director against liability which “*may attach to him in respect of fraud or dishonesty*”.

3. Judgment in the main case was given by the Court on 2 April 2023 ([2023] QIC (F) 8). As appears from the judgment, part of the Applicant’s claim was for costs incurred by him in defending himself against charges brought against him as a director of PFS which were decided against him by the QFC Regulatory Authority (‘**QFCRA**’).
4. PFS’s answer to the claim was that these costs resulted from charges of fraud or dishonesty as contemplated in article 61(2) of the Regulations. It sought to find support for this defence in certain findings by the QFCRA. It also appears from the judgment that at the time there was an appeal pending against the findings of the QFCRA to the Regulatory Tribunal. In the circumstances the Court held (in paragraph 31 of the judgment):

But the findings of the QFCRA relied upon by the Defendant for its defence are subject to a pending appeal. In fact, the largest part of the Claimant’s claim is represented by the costs of the pending appeal. Self-evidently the outcome of this claim is inextricably bound with the outcome of the appeal itself. But the same goes, we believe, for the costs of the proceedings before the QFCRA itself. If the Regulatory Tribunal were to set aside these findings of the QFCRA on appeal it will remove the whole factual basis of the Defendant’s argument. In consequence we believe that this part of the claim should be stayed pending the outcome of the appeal to the Regulatory Tribunal. Once the appeal has been decided, it will be open to the parties to approach this Court for directions pertaining to the further conduct of the case.

5. Following upon this reasoning, the Court directed in paragraph 3 and 4 of its Order that:

3. The Claimant’s claims for the recovery of the the costs incurred by him in the proceedings before the Qatar Financial Centre Regulatory Authority and the preparation for the appeal against that decision to the Regulatory Tribunal are stayed pending the outcome of that appeal.

4. Once the Regulatory Tribunal has given its decision in the appeal the parties are hereby authorised to approach this Court for directions regarding the further conduct of the proceedings pertaining to these claims.

6. The judgment of the Regulatory Tribunal was given on 12 October 2023 ([2023] QIC (RT) 3). It was then appealed against to the Appellate Division of this Court that gave its judgment on 4 September 2024 ([2024] QIC (A) 10). In the event the appeal proceedings contemplated in paragraph 3 of this Court’s order in the main case have

now reached finality. In the circumstances, the Applicant is now essentially seeking leave to proceed with the main case that had been stayed.

7. I find it inappropriate for me to predict the outcome of the case. For present purposes I believe it is sufficient to say that in my view, the application is not an abuse of the Court's process and there are reasonable grounds for making it.
8. These are my essential reasons for holding that the application for leave sought should be granted.

By the Court,



[signed]

Justice Fritz Brand

A signed copy of this Judgment has been filed with the Registry.

Representation

The Claimant/Applicant was represented by Eversheds Sutherland (International) LLP (Doha, Qatar).