

have a reciprocal enforcement relationship with the Courts of Dubai itself; and (c) they exercise a so-called ‘conduit jurisdiction’, by which judgments that are registered in the DIFC Courts can then be taken to the Courts of Dubai for execution. Accordingly, it is possible for parties to seek to execute foreign judgments in Dubai *via* the DIFC Courts. It is by this route that W is now seeking to execute the Judgment against M.V. “Luna” and seeks further orders from this originating Court to do so.

*Histology of evasion*

21. The histology of H’s dealings with M.V. “Luna” are redolent of his elaborate and contumacious campaign to evade and frustrate the enforcement of the Judgment debt against him. New facts have recently come to light and been drawn to this Court’s attention which reinforce that picture. The true sequence of events appears to be as follows.
22. H transferred M.V. “Luna” into the name of Tiffany, but then procured a dummy ‘sale’ of the vessel to Avenger, using funds from his own bank account. However, unbeknown to W and this Court, during the trial in December 2016, Avenger did not, in fact, continue to hold title to M.V. “Luna”. It transpires that H had taken a rapid series of further surreptitious steps to attempt to place his yacht further beyond the reach of enforcement. The sequence of events was as follows. On 30th November 2016 (*i.e.* the second day of the trial before me), M.V. “Luna” was transferred from Avenger to another Panama entity, Stern Management Corporation (“Stern”). On 1st December 2016, M.V. “Luna” was transferred by Stern to Qubo 2 and was re-registered as a Marshall Islands vessel. On 20th December 2016, this Court found that Qubo 2 was no more than H’s ‘cipher’ and *alter ego* and made an order that Qubo 2 was jointly and severally liable to W for the sum of £350 million. On 28th December 2016, the Lichtenstein Court made a freezing order against Qubo 2 prohibiting the disposal of M.V. “Luna” and made payment orders against Qubo 2.
23. In breach of the Orders of the English and Lichtenstein Courts, however, on 8th March 2017, Qubo 2 transferred M.V. “Luna” to Straight. Straight appears to be current title-holder of the vessel (at least on current information).
24. The newly created vehicle, Straight, would appear to be the antithesis of its name. The transfer M.V. “Luna” by Qubo 2 to Straight was made despite the fact that Qubo 2 had been made jointly and severally liable for payment of the lump sum award under the Judgment, and in breach of breach of the freezing injunction granted by the Liechtenstein Courts in W’s favour as aforesaid.
25. In my judgment, it is clear that Straight is simply another ‘cipher’ and *alter ego* of H, and another attempt by H to evade enforcement. Straight is another Liechtenstein ‘Anstalt’. Straight operates from the same address as Qubo 2. Straight has the same individual directors who operate Qubo 2, *i.e.* one of H’s known ‘ciphers’. Straight was incorporated on 17th February 2017, after Judgment had been entered against H and Qubo 2. The timing is again telling. Straight was incorporated, and the vessel transferred from Qubo 2 to Straight, in the midst of W’s initial attempts to enforce the Judgment against Qubo 2 in Liechtenstein. On 23rd February 2017, Qubo 2 appealed the orders made by the Liechtenstein Court on 28th December 2017. The freezing

order was upheld. Title to the vessel was, nevertheless, transferred by Qubo 2 to Straight on 8th March 2017.

26. In my judgment, there is an irresistible inference that these actions were taken at H's instruction, and in a deliberate attempt to place M.V. "Luna" beyond the reach of the orders that the English court had made against Qubo 2 and which W was threatening to execute in Liechtenstein.
27. I have illustrated these recent developments in the attached amended organogram (which is the updated version of the one attached to my Judgment of 15th December 2016).

*Dubai proceedings*

28. W instructed counsel and lawyers in Dubai (Michael Black QC, Andrew Holden and Messrs Fitch & Co). On 8th February 2018 W obtained a freezing injunction in the DIFC against H and Straight which prevented them from disposing of or dealing with M.V. "Luna". Acting as a delegate of the DIFC Courts, and on the basis of the DIFC freezing injunction, on 13th February 2018 the Court of Dubai granted a precautionary attachment of M.V. "Luna". As a result, M.V. "Luna" was effectively impounded in Port Rashid where she remains under court order.
29. Straight immediately instructed its own counsel and lawyers who then applied to set aside the freezing injunction on the basis that the DIFC only has personal enforcement jurisdiction over H and not Straight. Straight's challenge to the continuation of the DIFC freezing injunction was, therefore, on the basis that the English Court had only entered judgment directly against H and not against Straight. It should be noted, however, that (i) Straight was incorporated two months after the English Judgment was entered and (ii) the transfer of M.V. "Luna" was effected by Qubo 2 in breach of the Freezing Order (see above).
30. On 8th March 2018, Straight obtained an urgent hearing of its application to set aside the DIFC order. On 11th March 2018, the DIFC Courts dismissed Straight's application and ordered the continuation of its freezing injunction, with written reasons to follow.
31. The DIFC Courts also declined to have an urgent appeal against its decision listed for the week commencing 18th March 2018. W submitted that this was a transparent attempt by Straight (and H) to overturn the DIFC freezing injunction prior to the hearing of the current application before the English Court listed for 21st March 2018. Straight was named as the Second Respondent in those proceedings and H was named as the First Respondent in those proceedings. Straight's lawyers admitted that they were funded by a third party. I infer that this must be H.
32. In the course of the hearing before me on 21st March 2018, the DIFC Courts' reasons were published and handed up to me. In a 50-paragraph detailed judgment, H.E. Justice Ali Al Madhani set out the full history of the English proceedings and the *gravamen* of the English Judgment and said this:

"44. In my judgment, I agree with the argument put forward by the Applicant that as a matter of fundamental policy, this court