



IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 2 OF 2019 (IKJ)

IN THE MATTER OF AN APPLICATION FOR A DISCLOSURE ORDER

BETWEEN

ARCELORMITTAL NORTH AMERICA HOLDINGS LLC

PLAINTIFF

AND

(1) ESSAR GLOBAL FUND LIMITED
(2) ESSAR CAPITAL LIMITED

DEFENDANTS

CONSENT ORDER

UPON the application of ArcelorMittal North America Holdings LLC ("**AMNAH**") by way of originating summons dated 10 January 2019 *seeking Norwich Pharmacal* relief ("**NPO Summons**")

AND UPON the Court having made a *Norwich Pharmacal* order ex parte on 15 January 2019, amended on 16 January 2019 ("**Amended Ex Parte NPO**")

AND UPON the parties making further applications in respect of the Amended Ex Parte NPO ("**Further Applications**") following which the Court made an order, inter alia, appointing an Independent Forensic Expert on 31 January 2019 ("**Imaging Order**")

AND UPON the Amended Ex Parte NPO being upheld subject to minor modifications by way of an order made on 31 May 2019 ("**NPO**")

AND UPON AMNAH having given undertakings to the Court as recorded in Schedule A to the NPO ("**NPO Undertakings**")

AND UPON Essar Global Fund Limited and Essar Capital Limited ("**Defendants**") filing an appeal against the NPO on 20 June 2019 before the Cayman Islands Court of Appeal, which appeal was dismissed in a judgment delivered on 3 May 2021

AND UPON the Defendants applying for a stay of execution of the NPO by way of summons dated 24 June 2019 ("**NPO Stay Summons**") which was granted by order dated 17 July 2019

AND UPON the application of the Defendants by way of summons dated 1 May 2020 seeking an order setting aside the NPO ("**Set Aside Application**") which was dismissed by order dated 16 November 2021

AND UPON the application of AMNAH for a case management stay by way of summons dated 19 August 2020 ("**Stay Summons**") and for an extension of time by way of summons dated 19 August 2020 ("**Extension Summons**")

AND UPON the Court granting the relief sought in the Stay Summons by order dated 8 September 2020 and in the Extension Summons by order dated 25 August 2020

AND UPON the application of the Defendants dated 7 June 2021 for leave to appeal the Court of Appeal decision to the Judicial Committee of the Privy Council which was denied by order dated 11 May 2022

AND UPON the parties agreeing to the terms of this order

AND UPON the Court considering this application on the papers

IT IS ORDERED BY CONSENT THAT:

1. Pursuant to Order 42, rule 5A of the Grand Court Rules, the whole of proceedings are hereby dismissed.
2. The NPO is set aside.
3. The parties shall bear their own costs of the NPO Summons, complying with the Amended Ex Parte NPO, the Further Applications, complying with the Imaging Order, complying with the NPO, the NPO Stay Summons, the Set Aside Application, the Stay Summons, and the Extension Summons.

4. AMNAH is released from the NPO Undertakings.

5. There shall be no order as to the costs of this Consent Order.

Dated this day of December 2022

Filed this day of December 2022



THE HONOURABLE JUSTICE KAWALEY

Judge of the Grand Court of the Cayman Islands

APPROVED AS TO FORM AND CONTENT:



Harney Westwood & Riegels
Attorneys for the Plaintiff



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Attorneys for the Defendants