

IN THE HIGH COURT OF JUSTICE

Claim No: CL-2019-000128



THE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

COMMERCIAL COURT (QBD)

CL-2019-000128

IN AN ARBITRATION CLAIM

BEFORE MR JUSTICE WAKSMAN

BETWEEN

- (1) RANGE CAPITAL PARTNERS (DOMINICA) LIMITED
(2) MR MOHAMMED ASARIA

Claimants/Applicants

- and -

MR PAOLO ANGELO ZAMPOLLI

Defendant/Respondent

ORDER FOR AN INJUNCTION

PENAL NOTICE

IF YOU MR PAOLO ANGELO ZAMPOLLI DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

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

IMPORTANT

You should read the terms of the Order and the Guidance Notes very carefully. You are advised to consult a Solicitor/Attorney as soon as possible.

THIS ORDER

1. This is an injunction made against Paolo Angelo Zampolli (“the **Respondent**”) on 15 March 2019 on the application of Range Capital Partners (Dominica) Limited and Mohammed Asaria (“the **Applicants**”).
2. The Judge read (i) the Interim Injunction Order made by Mr Justice Butcher on 28 February 2019 (the "**Order of Mr Justice Butcher**") and (ii) the witness statements listed in Schedule A.
3. The Judge heard Mr Justin Mort QC for the Applicants. This Order was made at a hearing on notice to the Respondent. The Respondent did not make an appearance at the hearing.

INJUNCTION

4. The Respondent must not bring any claim arising out of or in connection with any matter or event in relation to the agreement in writing between Mr Paolo Zampolli and the first Claimant dated 7 May 2015 otherwise than by commencing arbitration proceedings in the International Chamber of Commerce in London and pursuant to its rules.
5. Paragraph 4 is a final order. In the circumstances the Respondent has the right to apply to set aside or vary this order, such application to be made within 21 days of service of this order upon him in accordance with paragraph 12 below. This provision does not prevent the release of the sum of £10,000 plus interest, referred to in paragraph 7 below, in the meantime.

COSTS

6. The Applicants' costs of the application dated 27 February 2019, the without notice hearing on 28 February 2019 and the application dated 1 March 2019 and the hearing on 15 March 2019 be paid for by the Respondent to the Applicants in any event on an indemnity basis. Such costs are summarily assessed in the sum of £61,896.50 and payable by 4pm on the 5 April 2019.
7. The Applicants be released from its undertaking in paragraph 1 of Schedule B to the Order of Mr Justice Butcher and the sum of £10,000 together with any accrued interest be released from the Court to the Applicants.

INTERPRETATION OF THIS ORDER

8. A Respondent who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
9. A Respondent which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

PARTIES OTHER THAN THE APPLICANTS AND RESPONDENT

10. It is a contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his assets seized.

SERVICE OF THE ORDER

11. This Order shall be served by the Applicants on the Respondent.

12. Paragraph 11 of the Order of Mr Justice Butcher shall be varied so that permission is granted to the Applicants pursuant to CPR Parts 6.15 and 6.27 to serve a copy of this Order and all further documents by email to the Respondent's email address "paolo@zampolli.com" and that this shall be good and sufficient service upon the Respondent.
13. Pursuant to CPR 81.8, personal service of this Order be dispensed with.

COMMUNICATIONS WITH THE COURT

14. All communications to the Court about this order should be sent to the Admiralty and Commercial Court, The Rolls Building, Listing Office, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL quoting the case number. The telephone number is 020 7947 6826. The offices are open between 10 a.m. and 4.30 p.m. Monday to Friday.

Name and Address of Applicants' Legal Representatives.

The Applicants' legal representatives are:

Mishcon de Reya LLP
Africa House
70 Kingsway
London
WC2B 6AH

Telephone Number: 0203 321 7000
Ref: KD/58612.1
Email: karel.daele@mishcon.com

Schedule A

Witness statements

The Applicants relied on the First Witness Statement of Karel Daele dated 27 February 2019 and the Second Witness Statement of Karel Daele dated 13 March 2019.

Dated this 15th day of March 2019.