

REPUBLIC OF KENYA
AT ALUOCHIER DISPUE RESOLUTION
ARBITRATION CASE NO: ADRC2025-001
BETWEEN

FOUR SONS HOLDINGS (K) LIMITED – CLAIMANT
AND
COUNTY GOVERNMENT OF MIGORI – RESPONDENT

AGENDA FOR THE PRELIMINARY MEETING

(Held After the Appointment of the Arbitral Tribunal – Payment Dispute)

Date: 17th February, 2025

Time: 2pm (14:00 hours)

Venue: Google Meet joining info

Video call link: <https://meet.google.com/mbx-iavo-yqw>

Arbitral Tribunal: Isaac Aluochier, FCI Arb

Claimant’s Counsel: [Name(s)]

Respondent’s Counsel: [Name(s)]

Other Participants: [If applicable]

1. Opening and Introductions (*Chair: Arbitrator/Tribunal*)

- Welcome remarks.
- Introduction of the arbitral tribunal, parties, and legal representatives.
- Confirmation of contact details and official communication channels.

2. Confirmation of Jurisdiction & Terms of Reference

- Review of empowering provision for the arbitration and jurisdiction of the tribunal.
- Confirmation of applicable laws (Arbitration Act, 1995).
- Scope of disputes to be arbitrated.
- Discussion on whether there are any jurisdictional objections or reservations by the respondent.

3. Procedural Framework & Applicable Law

- Governing law (e.g., Laws of Kenya, Arbitration Act, 1995).
- Arbitration rules applicable (ADRA Rules).
- Seat and venue of arbitration (Nairobi or Migori, Kenya).
- Language of proceedings (English).

4. Statement of Claims and Defenses

- Confirmation that the claimant has submitted its Statement of Claim.
- Timeline for the respondent’s Statement of Defense and possible counterclaims.
- Opportunity for amendments (if necessary).

5. Exchange of Documents and Disclosure

- Identification of key documents and evidence required.
- Timeline for disclosure and production of documents.
- Protocols for electronic or physical exchange of documents.

6. Witnesses & Expert Evidence

- Identification of witnesses and expert reports to be relied upon.
- Number of witnesses, witness statements, and expert reports.
- Whether expert evidence is required (e.g., forensic accounting, construction valuation).
- Timelines for submission of witness statements and expert reports.

7. Hearing Format & Logistics

- Mode of hearings: In-person, virtual, or hybrid.
- Expected duration of hearings.
- Examination and cross-examination procedure.
- Scheduling of hearing dates.
- Interpretation requirements (if applicable).

8. Interim Measures & Procedural Applications

- Any applications for interim relief (e.g., payment security, stay of execution).
- Preliminary procedural objections (if any).

9. Costs and Fees

- Arbitrator’s fees and cost-sharing arrangement.
- Administrative fees.
- Security for costs (if requested).

10. Timetable & Procedural Order

- Agreement on a procedural timetable covering:
 - Submission of pleadings.
 - Disclosure of documents.
 - Filing of witness statements and expert reports.
 - Hearing dates.
 - Post-hearing submissions (if required).
- Issuance of the first Procedural Order summarizing agreed matters and directions.

11. Public Access Considerations

- Discussion on public access of proceedings.
- Whether any aspects of the arbitration require confidentiality pursuant to Article 50(8) of the Constitution.

12. Closing & Next Steps

- Summary of agreed matters and any outstanding issues.
- Confirmation of the next procedural step.
- Adjournment of the preliminary meeting.

Signed:

Isaac Aluochier, FCI Arb

Arbitrator

Date: [Insert Date]