

REPUBLIC OF KENYA
AT ALUOCHIER DISPUTE RESOLUTION
ARBITRATION CASE NO: ADRC2025-002
BETWEEN

BIMA SHEKAMETA BHAI – CLAIMANT
AND

PETER OKOTH
PATRICK OKELLO
CALEB ODHIAMBO
DAVID YAGO
REINHARD BONKE
JAMES ONYANGO
JOHN OTIENO
DEMINAH OGWARI

1st RESPONDENT
2nd RESPONDENT
3rd RESPONDENT
4th RESPONDENT
5th RESPONDENT
6th RESPONDENT
7th RESPONDENT
8th RESPONDENT

PROCEDURAL ORDER NO. 1

ARISING FROM THE PRELIMINARY MEETING

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

Date: 10th September, 2025

Time: 2:15pm (14:15 hours)

Venue: Google Meet joining info

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

Arbitral Tribunal: Isaac Aluochier, FCI Arb (2021)

Claimant's Counsel: Not in attendance

Respondent's Counsel: Brian Mboya (Not in attendance)

Other Participants: N/A

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.

All communications should be in writing and addressed via the arbitral institution, Aluochier Dispute Resolution (ADR) via its email addresses info@aluochier.co.ke or

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 respondents.

The Respondents have raised a jurisdictional objection. The tribunal directs that this be disposed off first, and pending the outcome of the jurisdictional objection, subsequent proceedings may or may not take place.

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 (Migori, Kenya).
- Language of proceedings (English).

4. Statement of Claims and Defences

- Confirmation that the claimant has submitted its Statement of Claim.
- Timeline for the respondent's Statement of Defence and possible counterclaims.
On account of the Respondents raising their jurisdictional objection, and the direction that this objection first be disposed off prior to address the substantive claim, the timelines for the Statement of Defence and possible counterclaims to be addressed only after the outcome of the Respondents' jurisdictional objection.
- 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.
- Awaiting outcome of the Respondents' jurisdictional objection.***

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.
- Awaiting outcome of the Respondents' jurisdictional objection.***

7. Hearing Format & Logistics

- Mode of hearings: In-person, virtual, or hybrid.
The hearing for the Respondents' jurisdictional objection is by way of documents only.
- Expected duration of hearings.
The Respondents have 7 days from today to file and serve their submissions in support of their Objection dated 8th September, 2025. The Claimant has 7 days from the date of service to file and serve his responding submissions. Should the Respondents find it necessary to file rejoinder submissions, they have 3 days from receipt of the Claimant's responding submissions to file any rejoinder submissions. The tribunal intends to release its interim award on the same within 14 days after close of submissions.
- 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).
N/A
- Preliminary procedural objections (if any).
N/A

9. Costs and Fees

- Arbitrator's fees and cost-sharing arrangement.
Pursuant to pages 46 and 47 of the Aluochier Dispute Resolution Arbitration Rules, tribunal fees for the preliminary objection stage of the arbitration amount to Ksh 52,920, while arbitral institution fees amount to Ksh 10,584, making a total of Ksh 63,504. These are shared equally as between the Claimant and the Respondents, with each side to pay Ksh 31,752. Settlement of the same should be made prior to the issuance of the interim arbitral award.
- Administrative fees.
Included in the above – Ksh 10,584.
- Security for costs (if requested).

10. Timetable & Procedural Order

- Agreement on a procedural timetable covering:
 - Submission of pleadings.
For addressing the Respondent's preliminary objection, see the timelines given above under paragraph 7.
 - 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.

This instant Procedural Order, based on the Agenda for the Preliminary Meeting that had been circulated to the Parties prior to the Preliminary Meeting.

11. Public Access Considerations

- Discussion on public access of proceedings.
The Arbitration proceedings are open to the public, who may access the same via the meeting links given to the parties, and also at <https://www.aluochier.co.ke/cases/adrc2025-002.html>.
- Whether any aspects of the arbitration require confidentiality pursuant to Article 50(8) of the Constitution.

No confidentiality issues have been raised before the tribunal.

12. Closing & Next Steps

- Summary of agreed matters and any outstanding issues.
- Confirmation of the next procedural step.
By 17th September, 2025, Respondents to file and serve their submissions in support of their Objection dated 8th September, 2025. Within 7 days thereafter, Claimant to file and serve his responding submissions. Within 3 days thereafter, Respondents to file and serve any rejoinder submissions, if they deem it necessary.
- Adjournment of the preliminary meeting.

Signed:

Isaac Aluochier, FCI Arb (2021)

Arbitrator

Date: 10th September, 2025