

# Supreme Court of Bermuda grants application to strike out evidence in advance of trial

In a judgment delivered on 19 December 2023, the Supreme Court of Bermuda has granted an application to strike out inadmissible evidence in advance of trial, in the case of *Chishti v Afiniti Ltd* [2023] SC (Bda) 98 Civ.

The proceedings relate to pending claims made by Mr. Chishti, the former CEO of Afiniti Ltd, a Bermuda company, seeking advancement for his legal costs and expenses of various pieces of litigation and arbitration in the United States, under a Director's Indemnification Agreement.

The Court accepted submissions on behalf of Mr. Chishti, represented by Alex Potts KC, that the contents of certain documents relied upon by the Defendant were inadmissible in evidence, including the findings of an arbitrator in a previous arbitration award, in the absence of an issue estoppel.

A copy of the judgment is available [here](#).