



1.

**FORM No. 4**

REF No.

**STATEMENT OF CLAIM**

**PART A<sup>1</sup>:** *Compulsory Information to be included in the Statement of Claim*

**DETAILS OF CLAIMANT<sup>2</sup>**

NAME

ADDRESS

**DETAILS OF RESPONDENT<sup>3</sup>**

NAME

ADDRESS

For the purposes of Article 29 of the Arbitration Act, the claimant hereby provides:

**1.** A statement of facts supporting the claim:

Please refer to Statement of Claim attached.

**2.** The point/s at issue:

Please refer to Statement of Claim attached.

<sup>1</sup> Where the space provided is not sufficient, further information may be submitted in separate sheets annexed to this form.

<sup>2</sup> The term 'claimant' includes one or more claimants.

<sup>3</sup> The term 'respondent' includes one or more respondents.

3. The relief or remedy sought:

Please refer to Statement of Claim attached.

**PART B<sup>4</sup>: Documents to be annexed or referred to in the Statement of Claim**

The statement of claim is accompanied by the following documents:

1. A copy of the contract, and of the arbitration agreement if not included in the contract, unless already filed with the Notice of Arbitration.
2. Other documents, namely:

1. The Principal Agreement dated 24<sup>th</sup> May 2021.
2. The Statement of Work.
3. Invoices for outstanding payments
4. The Claimant reserves the right to exhibit documents in support of this Statement of Claim during the course of the arbitration hearing.

**PART C<sup>5</sup>: Other evidence**

Other evidence that will be submitted by claimant:

1. Witness evidence of the following individuals to testify on the facts as known to them: \_\_\_\_\_.
2. All witnesses indicated by the respondent under examination and cross-examination;
3. The respondent/representatives of the respondent for submission to the oath, under examination and cross-examination;
4. *Ex parte* experts if the case requires;
5. The Claimant reserves the right to bring further evidence in support of this Statement of Claim during the course of the arbitration hearing.

**PART D<sup>6</sup>: Service of the Statement of Claim**

The Statement of Claim shall be served on the respondent and the arbitral tribunal: ~~(a) by the claimant or~~ (b) by the Malta Arbitration Centre<sup>7</sup>.

**PART E: Additional information for the Respondent's benefit**

This form is used when the Statement of Claim has not been submitted with the Notice of Arbitration. If, within the period of time fixed by the arbitral tribunal, the respondent fails to communicate his Statement of Defence without showing sufficient cause for such failure, the arbitral tribunal shall order that the proceedings continue.

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<sup>4</sup> Where the space provided is not sufficient, further information may be submitted in separate sheets annexed to this form.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Delete as necessary.

Additional Attachments/Documents (please list attachments/documents, if applicable)

\_\_\_\_\_

\_\_\_\_\_  
Signature of Claimant/Representative

\_\_\_\_\_  
Date

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**PART F: *For office use only***

Date of filing of the Statement of Claim:

By whom this form has been filed:

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A

Vs

B

1. **A statement of facts supporting the claim:**

1. A (hereinafter referred to as the “**Claimant**”) is a company which provides various services, including but not limited to project management, consultancy, advisory, software development and a variety of other information technology services.
2. The Claimant and B (hereinafter referred to as the “**Respondent**”) entered into the Principal Agreement (hereinafter referred to as the “**Agreement**”) on the 24<sup>th</sup> May 2021, the Statement of Work (hereinafter referred to as the “**SOW**”) and a number of other ancillary agreements forming part of the Agreement for the Claimant to provide services to the Respondent, which services include those mentioned under paragraph 1 above but are not solely limited to such services. The said services are defined in detail in the Agreement.
3. In terms of the Agreement and the SOW, the Claimant and the Respondent agreed on the manner in which the Claimant was to be paid for the services rendered which is based on an hourly rate system.
4. The said services were carried out by the Claimant upon instructions of the Respondent as per the Agreement entered into by the parties.
5. The Respondent was billed for such services by the Claimant in terms of the rates stipulated in the Agreement.
6. Notwithstanding numerous claims for payment of the outstanding amounts by the Claimant, the Respondent has not paid the said amounts.

## **2. The points at issue**

Despite the fact that the services were executed by the Claimant in terms of the Agreement, the Respondent still needs to pay the following amounts to the Claimant in terms of the attached invoices:

Xxx

Therefore, the total amount still owed to the Claimant for services rendered amounts to €32,258.25 plus interest at the highest applicable rate per annum due from the date of each invoice representing the amounts explained above.

## **3. The relief or remedy sought**

The Claimant's requests are two-fold:

1. The Claimant seeks a declaration to the effect that the Respondent is the debtor of the Claimant for the total amount of thirty two thousand, two hundred and fifty-eight Euro and twenty five cents (€32,258.25), or any other more exact sum, together with interest at the highest applicable rate per annum due from the date of each invoice.
2. The Claimant also seeks an order condemning the Respondent to pay the Claimant the said total sum of thirty two thousand, two hundred and fifty-eight Euro and twenty five cents (€32,258.25) together with interest at the highest applicable rate per annum due from the date of each invoice together with the legal costs.