

OLYMPIA CAPITAL HOLDINGS PLC

LITIGATION MANAGEMENT AND ARBITRATION POLICY





Olympia Capital Holdings Plc

Litigation Management and Arbitration Policy

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1. Purpose

This process aims to promote effective management of disputes and/or potential disputes between Olympia Capital Holdings Plc (hereinafter “OCHL”) and its stakeholders.

As a listed company in Kenya, we recognize the importance of effective litigation management and arbitration in minimizing legal risks and costs. Therefore, OCHL has developed this policy to establish the framework for litigation management and arbitration and ensure that it aligns with the Company’s strategic objectives.

2. Scope

This process describes the procedures to be followed in managing disputes or potential disputes that OCHL may encounter with external parties through litigation and other means of dispute resolution as well as the avenues in place to pursue redress.

The Litigation Management and Arbitration Policy provides the framework for effective litigation management and arbitration. OCHL recognizes the importance of minimizing legal risks and costs and protecting the Company’s reputation. The organization will ensure that all policies and procedures comply with relevant laws and regulations and align with the overall strategic objectives.

OCHL will also provide training and development opportunities to employees involved in litigation management and arbitration to ensure that they understand their roles and responsibilities. OCHL will establish and maintain appropriate policies and procedures to manage litigation effectively. The policies and procedures will include but are not limited to:

- Early identification and assessment of potential litigation risks.
- Appropriate delegation of authority for legal matters.
- Effective management of litigation/arbitration including budgeting and reporting.
- Compliance with all relevant laws and regulations.
- Timely and accurate communication with stakeholders

FUNDAMENTALS OF THE PROCESS

- Identification and assessment
- Delegation of authority
- Management of litigation/arbitration
- Legal compliance
- Effective communication with stakeholders

regarding litigation/arbitration.

3. Definitions

EXCO: OCHL Executive Management which will comprise all persons leading the respective Divisions.

DCA: Director Corporate Affairs.

HOD: Head of Department.

Arbitration: The organization will consider arbitration as a means of resolving disputes (where appropriate) as an alternative to litigation. OCHL will ensure that all arbitration agreements comply with relevant laws and regulations and include provisions for selecting an arbitrator, the governing law, and the scope of arbitration.

4. Responsibilities

- i. Department heads should advise their staff to ensure that all legal threats to OCHL tied to them are brought to the immediate attention of the Legal Team or any other persons authorized to deal with such matters for and on behalf of OCHL. Further, only the Legal Team is authorized to receive and accept court summons and bonds.
- ii. All departments are to ensure that they retain sufficient information regarding any potential dispute within their area of business i.e., filing of correspondence, emails, receipts, etc.
- iii. Department heads must ensure that all information relating to the business is saved in a shared folder that can be accessed whether or not the staff members dealing with the same are within OCHL employment or not. This information must also be backed up to ensure that the same is available in case a matter becomes litigious.
- iv. If a suit is filed by or against OCHL, the department concerned should provide all pertinent information and relevant statements from concerned staff practicable and in any event within **three (3) working** days upon request by the Legal Team.
- v. Where a staff member's presence is required for any hearing or pre-trial suit, the respective HODs will ensure that person's attendance and take any necessary action to ensure that such attendance is not compromised without good reason.
- vi. Where a staff member is required to attend any form of judicial proceeding, the staff member shall notify his/her supervisor in good time of his/her intended absence and apply for disbursements to cover any required travel.
- vii. Conduct of a staff member that leads to potential loss for the business by way of damages in a suit be they through premature settlement of the suit or damages awarded against OCHL after a suit shall be paid from that staff member's department's cost center.

5. Litigation Management



The organization will establish and maintain appropriate procedures for managing litigation, including but not limited to:

- i. Early Case Assessment: The organization will conduct an early case assessment to evaluate the potential risks and costs associated with litigation and determine the most appropriate course of action.
- ii. Legal Counsel: The organization will engage competent and ethical legal counsel to represent its interests in litigation.
- iii. Case Management: The organization will manage litigation proactively to promote timely and cost-effective resolution.
- iv. Record Keeping: The organization will maintain accurate and complete records of all litigation, including but not limited to pleadings, court orders, and judgments.

6. Arbitration

O CHL will use arbitration as an alternative to litigation when appropriate. The Company recognizes that arbitration is a cost-effective and efficient way of resolving disputes, particularly those involving complex commercial and international issues.

The Company will:

- i. Include arbitration clauses in contracts where appropriate.
- ii. Establish a panel of arbitrators to select from when necessary.
- iii. Ensure that all arbitration proceedings are conducted in a fair, transparent, and impartial manner.
- iv. Monitor and report on the organization's arbitration performance.

7. Settlement

OCHL will seek to settle disputes before they escalate to litigation or arbitration. The Company will determine and recommend upfront settlement where it recognizes that settlement as the most cost-effective and efficient way of resolving a dispute involving the Company. To that regard, OCHL will:

- i. Develop and implement settlement strategies to resolve disputes amicably and develop recommendations to the Management and to the Board of Directors for consideration.
- ii. Ensure that settlement negotiations are conducted fairly and transparently; and
- iii. Monitor and report on the Company's settlement performance periodically.

8. Step-by-Step Procedure Requirements

- i. Legal threats through legal notices sent by lawyers or other persons acting on behalf of the external party or any court summons received by OCHL should be brought to the immediate attention of the Legal Team and in any event within **one (1) working day of receipt**.
- ii. The Legal Team will immediately upon receiving court summons or legal notices, advise the relevant members of EXCO together with the concerned HOD on the level of risk posed to OCHL by the suit together with a brief on the next steps required to secure OCHL's position.
- iii. The Legal Team **will within three (3) working days** and following consultations with the relevant HOD instruct external counsel to enter an appearance on OCHL's behalf and commence immediate preparation of a robust defense or where advised by external counsel, determine and liaise with external counsel to negotiate a suitable settlement.
- iv. OCHL will select legal counsel based on their expertise, experience, and reputation, and will ensure that all legal counsel adhere to ethical standards and comply with all relevant laws and regulations.
- v. **The Legal Team will ensure that EXCO and the relevant HODs are up to date** with the status of any suits or disputes that relate to their business functions and this will include timely notification of mentions and hearing dates, interlocutory applications, judgments et al.
- vi. The Legal Team may, where appropriate and upon sufficient consultation, recommend alternative dispute resolution methods, such as arbitration and mediation, to the business and facilitate the conduct of the same.
- vii. The Legal Team opens and maintains files in respect of various matters.

9. Related Reports, Documents or References

A **quarterly** report showing the number of litigation and arbitration matters pending and their status thereof will be presented to the Board or the relevant Board Committee for noting and guidance on an ongoing basis.

10. Insurance

OCHL will maintain appropriate insurance coverage to mitigate legal risks and costs.

11. Ethics and Compliance

OCHL will manage litigation and arbitration per its ethical and compliance standards. OCHL will comply with all relevant laws and regulations and adhere to ethical standards in managing legal disputes.

12. Training and Development

OCHL will provide training and development opportunities to employees involved in litigation management and arbitration. OCHL will ensure that employees understand their roles and responsibilities in litigation management and arbitration and adhere to the policies and procedures.

13. Review of the Policy

OCHL shall review this policy periodically and make recommendations to the Board on any changes deemed necessary.

14. Effective Date

This policy is effective immediately.

Last update and review: March 7, 2024