

EASTERN CARIBBEAN SUPREME COURT
BRITISH VIRGIN ISLANDS

IN THE HIGH COURT OF JUSTICE

CLAIM No: BVIHCV 2021/0210

BETWEEN:

HONOURABLE JULIAN WILLOCK
~~SPEAKER OF THE HOUSE OF ASSEMBLY~~

and

- (1) THE RIGHT HONOURABLE SIR GARY HICKINBOTTOM
AS COMMISSIONER OF THE COMMISSION OF INQUIRY
(2) BILAL RAWAT
(3) ANDREW KING
(4) RHEA HARRIKISSOON
(5) ATTORNEY GENERAL

Claimant

Defendants

Determined on paper

2021 November 11

JUDGMENT ON DETAILED ASSESSMENT OF COSTS

Points of Dispute (as raised by the claimant; with the judge's determination)

Preface:

1. Firstly, it is important to note that over the course of the last hearing, Andrew Sutcliffe QC made mention of the fact that, the costs being sought were on a reasonable costs incurred basis rather than an indemnification basis.

This is appropriate. There is no indemnity basis of taxation in the Eastern Caribbean.

2. Additionally, and perhaps on a tangent, Yegâne Güley attended a number of the hearings of this matter, and her appearance was noted by the court. The issue is that Yegâne Güley is a solicitor, and thus has no right of audience before the court.

Section 13(1)(b) of the Legal Practitioners Act 2015 gives Ms. Güley rights of audience. The point is in any event irrelevant: she did not argue the case, but instead acted in the classic rôle of a solicitor.

3. In any case the starting point in assessment of costs is that the burden of proof lies on the receiving party to prove that the costs claimed are reasonable and fair to both parties. The authority for this principle is **Sheikh Mohamed Ali M Alhamrani v Sheikh Abdullah Ali M Alhamrani**¹ at para [29] which reads: "The position in the BVI is captured by the learned judge's finding set out at paragraph 21 above that in the BVI there is no bias one way or the other and the burden of proof rests throughout on the receiving party to prove that the costs claimed are reasonable and fair to both the paying party and the receiving party. If the receiving party proves on a balance of probabilities that the claim is reasonable and fair, he or she is generally entitled to that item in full or to so much of it as the court finds to be reasonable and fair. If he does not discharge this burden the claim will fail."

I agree.

4. Notable is that the bill of costs has a number of administrative items. This is significant, because Jack J at para 8 of **Re Summer Fame Ltd**² states that law firms cannot typically recover for administrative costs.

I agree as a general proposition, but each item needs to be examined. There are in fact few administrative matters.

5. It is of particular importance that as set in the hearing of September 2nd, 2021, a foreign government, namely the UK government is paying for the costs of the First to Fourth Defendants. Therefore, in such an instance regardless of the decision of the Court, there would be no injustice to the First to Fourth Defendants. Importantly, however, the Schedule of Costs ("Walker's Bill") states: "The costs set out above do not exceed the costs which the First to Fourth Defendants are liable to pay in respect of the work which this statement covers" This statement is incorrect, as the First to Fourth Defendants are not liable to pay any costs, as per Andrew Sutcliffe QC's statement.

The fact that a third party will in fact pay the legal costs does not debar recovery, so long as there is a legal obligation on the part of the client to pay. The classic example is where a trade union supports a member's personal injury claim. There is no reason to go behind Walkers' statement that the first to fourth defendants are liable to pay Walkers.

6. Additionally, the practicing certificate of Andrew Sutcliffe QC., was issued on the August 30th 2021 (which in itself is quite odd given that Schedule of Costs presented by Walkers shows that on the September 2nd 2021, Learned Queen's Counsel was not in possession of same). It will be recalled that Jenely Fraser had to prepare a letter requesting same from the High Court (see line 42). This

¹ [2017] ECSCJ No 270 (Pereira C.J).

² [2021] ECSCJ No 585.

has the effect of making costs incurred in respect of any work done by or with him up until that date irrecoverable. It is also forbidden by statute for any counsel to practice BVI law without a practicing certificate, (Section 15 of the Legal Professions Act 2015). The Court is also invited to find that is impermissible to allow a counsel who is not in possession of a practicing certificate to engage in the practice of law at any stage of a case and to disallow any costs claimed in that manner.

I agree that fees incurred by Mr. Sutcliff QC prior to 30th August 2021 are irrecoverable for these reasons.

7. Furthermore, the Walker's Bill classifies Andrew Sutcliffe QC's work as a disbursement. This is an ingenious attempt to get around the requirement for a bill of costs to state the rate of the legal practitioner along with the time spent on a particular task. It is noted that Andrew Sutcliffe QC's spreadsheet does not identify his base rate or how long he spent on each task. In any case, since it is illegal to practise law in the BVI without a valid certificate, no attempt to circumvent the statute should be entertained.

I disagree that seeking to recover Mr. Sutcliffe QC's work as a disbursement is in any way improper. It is the standard way of recovering counsel's fees. The Court must examine what is claimed (and only work from 30th August 2021 will be recoverable). Insofar as no hourly rate or length of time spent is identified, that may make recoverability more difficult, but it does not prevent recoverability in principle.

8. Irrespective of the foregoing, it is submitted that the Walker's Bill is wholly unreasonable and disproportionate. The Attorney General's Chambers presented a bill which showed a total amount of \$6,084 for 18.2 hours. Against this, the Walker's bill is essentially claiming for 147 hours plus an incalculable amount of time for Andrew Sutcliffe Q.C. The Court should treat this with great suspicion. In fact, the bill produced by the lawyers working directly for Walkers far exceeds that of Andrew Sutcliffe QC's. It is clear from this fact alone, that their bill is completely unreasonable.

I shall return to this point when considering the detailed objections to specific items.

9. It is also quite interesting to note, that the lawyers from Walkers appear to spend excessive time on reviewing draft judgments issued by the Court. This is particularly concerning, because even though Andrew Sutcliffe QC's billing is unclear, it appears that he doesn't spend half as much of the time that the lawyers from Walkers do on certain items, charging a mere GBP 150.00 plus VAT for reviewing a draft judgment that Walker's \$4,340.00 (Items 57, 58 and 60).

I shall return to this point when considering the detailed objections to specific items.

10. Issue is also taken with respect to the fees of Oliver Clifton. The hourly rate of Lewis Hunte Q.C., of over 50 years experience is \$950 and Oliver Clifton's hourly rate is \$950. Oliver Clifton's rate is thus quite excessive.

I do not consider the comparison with Mr. Hunte QC's hourly rate is relevant. However, \$950 for a partner is more than is reasonable. I reduce the recoverability of Mr. Clifton's work to \$900 per hour. I have not included this reduction in the figures below. The parties will have to redo the arithmetic in due course.

As a general point, the team employed by Walkers in my judgment was reasonable with generally a reasonable division of labour between the partner and the associates. (Where too much work was done at partner level, this is considered below.)

I have considered whether the total allowed below of \$98,676.51 is a reasonable overall figure. In my judgment it is. This was litigation which was very significant to the first to the fourth defendants. Had the claimant obtained an injunction preventing the second, third and fourth defendants acting in the Commission of Inquiry, that would have seriously impacted on the

Commission's ability to conclude its work. Mr. Willock must have been aware of this potential impact. The legal resources employed, including the instruction of leading counsel, were reasonable.

Walkers' Fees
DN = disallow nothing

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
1.	1.	18/08/2021	Oliver Clifton	Email correspondence, review of application documents, telecom, comments on initial draft advice.	1.5	\$1,425.00	Items 1 and 2 are repetitious and represent a duplication of efforts between Colleen Farrington and Oliver Clifton. Time spent is unreasonable and should not have taken more than an hour to review.	(\$2,635.00)	D1-D4 fees are reasonably claimed here. OC is the supervising partner with conduct of the case. CF is the leading legal practitioner working on the matter. The work is not repetitious or a duplication of efforts with respect to both fee earners. The fees are proportionate and represent time reasonably spent. The POD is not accepted.	\$0.00	(\$75.00)	I do not agree there is repetition: the partner needed to read into the case in order properly to supervise the associates. DN
	2.	18/08/2021	Colleen Farrington	Email from COI re new claim; reviewing papers and discussing internally considering next steps and reviewing CPR.	3.2	\$2,160.00	Accordingly, no more than \$950 should be allowed for this work (1 hour at Oliver Clifton's rate).			\$0.00	0.00	DN
2.	3.	19/08/2021	Yegâne Güley	Telecon with the COI team, entering legal representations on ELP.	1.5	\$712.50	Items 3 and 4 are duplicitous. Work items are not separated and thus it	(\$2,137.50)	D1-D4 fees are reasonably claimed here. The work represents time	\$0.00	0.00	See above: DN

³ "Point No." refers to the dispute number as set out in the Claimant's Points of Dispute dated 8 October 2021.
⁴ "Item No." refers to the item number and entry as set out in the First to Fourth Defendants ("D1 - D4") Costs Schedule dated 28 September 2021.
⁵ "Date" refers to the date of the time entry as set out in D1 - D4 Costs Schedule.
⁶ "Fee Earner" refers to the fee earners instructed by D1 - D4.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
	4.	19/08/2021	Oliver Clifton	Telecon with COI team, review of service overnight, team call re next steps.	2.5	\$2,375.00	is impossible to tell how long each task took. If anything should be awarded (1 hour at Oliver Clifton's rate) Reduce to \$950		reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$125.00)	See above: this was the start of the case. Reasonable time spent. DN
3.	5.	19/08/2021	Colleen Farrington	Preparing draft fee estimate of new claim and admission proceedings and circulating the same to O Clifton; call with COI Team; reviewing emails from Silk Legal to COI Lawyers and Steve; Emails with DPQC and RD clerk re availability and liaising with team and considering next steps.	4.2	\$2,835.00	Item 5 includes irrelevant work such as preparing new fee estimate for admission proceedings. Reduce to \$0.	(\$2,835.00)	D1-D4 fees are reasonably claimed here. The fees represent time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$1,485.00)	Admission proceeding not recoverable. 2hrs.
4.	6.	20/08/2021	Colleen Farrington	Injunction Application: further research on Judicial Reviewing proceedings and emails with team; Internal discussions with O Clifton.	2.2	\$1,485.00	Item 6 there were no judicial review proceedings accordingly this should be reduced to \$0.	(\$1,485.00)	D1-D4 will accept 1 hour at the rate claimed. The time spent in relation to the remaining entry is proportionate. The POD is partially accepted.	(\$810.00)	(\$810.00)	Some research on Judicial Review was reasonable, even if nothing came of it. 1 hr.
5. h	7.	21/08/2021	Yegâne Güley	Receipt of ELP notice regarding listing notice, downloading and circulating to the team.	0.4	\$190.00	Item 7 unreasonable amount of time, as it does not take 24 minutes to download a notice and circulate it internally. Should be reduced to \$47.50.	(\$142.50)	D1-D4 fees are reasonably claimed here. The time was reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	24 mins is not unreasonable. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
6.	8.	22/08/2021	Oliver Clifton	Review of notice of hearing, drafting advice to COI team, telecom, email correspondence.	2.9	\$2,755.00	Item 8 - unreasonable amount of time spent on very simple tasks. Additionally, this item does not detail who the COI team is. This is important because the COI consists of persons not party to the proceedings and if this is for advice is given to them as well, then is it expected that this item should be reduced to \$95.	(\$2,660.00)	D1-D4 fees are reasonably claimed here. The fees are not unreasonable and the query with respect to the Col team is unsubstantiated. The sum represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$145.00)	Giving advice at this early stage was a key function of the partner. DN.
7.	9.	22/08/2021	Yegâne Güley	Email correspondences.	0.4	\$190.00	Item 9 – this should be reduced to \$50.00 as it is unclear as to why the emails were needed or with whom.	(\$140.00)	D1-D4 fees are reasonably claimed here. The fees represent time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	The Court is not to carry out a detailed analysis of every line of claim. Ms. Güley had to read emails. DN.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
8.	10.	22/08/2021	Colleen Farrington	Injunction Application: drafting letter to Silk Legal seeking directions preparing draft order and drafting letter to the Court and circulating the same; preparing draft instructions to counsel and gathering items; considering new counsel for instructions.	4.1	\$2,767.50	Item 10 is unreasonable, amount of for the work done. This should be reduced to \$500.	(\$2,267.50)	D1-D4 fees are reasonably claimed here. The work was primarily conducted by CF the leading legal practitioner on the matter. The fees are proportionate and represent time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	This was key preparatory work by the main fee earner. DN.
9.	11.	23/08/2021	Yegâne Güley	Setting up a telecon, joining telecon and review of ELP files, noting Justice Wallbank's assignment,	1.1	\$522.50	Item 11 is unreasonable, duplicitous and repetitive. Should be reduced to \$0.	(\$522.50)	D1-D4 fees are reasonably claimed here. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$285.00)	Excessive time for the work done. 30 mins
10.	12.	23/08/2021	Yegâne Güley	Email correspondences, collating documents and sending to O Clifton.	0.6	\$285.00	Item 12 is unreasonable and unclear. Collating documents is also administrative. Circulating documents internally is administrative. Should be reduced to \$0.	(\$285.00)	D1-D4 fees are reasonably claimed here and represents work with respect to the litigation. The POD is not accepted.	\$0.00	0.00	I do not accept that collating documents is administrative. It involves making a selection of what is relevant. DN.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
11.	13.	23/08/2021	Oliver Clifton	Telecon with COI team re hearing on 26 August 2021, extensive email correspondence, review of SL hearing bundle, comments on draft correspondence and skeleton argument.	3	\$2,850.00	Item 13 is unreasonable and duplicitous. Unclear as to how long was spent with each work item. No need for two counsel to join once teleconference (see item 10). Should be reduced to 0.5 of an hour \$475.	(\$2,375.00)	D1-D4 fees are reasonably claimed here. The fees are proportionate and represent time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$1,950.00)	This does duplicate work done by CF. A reasonable figure for supervision should be allowed. 1 hr.
12.	14.	23/08/2021	Yegâne Güley	Preparing fee estimates, email correspondences. Review of ELP files.	1.1	\$522.50	Item 14 administrative and duplicated see Item 3. Reduce to \$0	(\$522.50)	D1-D4 fees are reasonably claimed here. The work is within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	No evidence of duplication. Reasonable for a junior associate to carry out this work. DN.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
	15.	23/08/2021	Colleen Farrington	Internal call re next steps; reviewing service documents; reviewing OC comments on fee estimate; considering revised fee estimate; considering instructions for new counsel and preparing the same on the scope of instructions; Liaising with admin team re administrative matters relating to the file. Updating draft order and directions letter to obtain comments same.	4.2	\$2,835.00	N/A	\$0.00	N/A	\$0.00	0.00	N/A
13.	16.	24/08/2021	Yegâne Güley	Finalising letter and draft order to Silk Legal, email correspondences.	0.6	\$285.00	Items 16 to 20 are repetitive and time spent is unreasonable. Item 20 does not sufficiently separate between work items and thus is duplicitous. In all this should be reduced to \$750.00.	(\$1,672.50)	D1-D4 fees are reasonably claimed here. The work is within the scope of the litigation. The fees are proportionate and represent time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Clearly there was lot of back and forth between YG and SL. DN
	17.	24/08/2021	Yegâne Güley	Finalising consent order and email correspondences.	0.4	\$190.00					0.00	DN
	18.	24/08/2021	Yegâne Güley	Email correspondence to SL, re-sending consent order.	0.4	\$190.00					0.00	DN
	19.	24/08/2021	Yegâne Güley	Further revision to the consent order and email parties.	0.7	\$332.50					0.00	DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
	20.	24/08/2021	Oliver Clifton	Email correspondence with COI team, comments on amended correspondence and draft order, comments on draft instructions to ASQC	1.5	\$1,425.00				\$0.00	(\$75.00)	DN
14.	21.	24/08/2021	Colleen Farrington	Injunction Application: emails. Finalising letter to Silk Legal with comments from COI Team; finalising draft order; Emails with Silk Legal re directions; Finalising instructions to counsel A Sutcliffe QC and emailing the same; following up with clerk re instructions. Emails with Silk Legal re directions and agreement re the same; Email with the Court and the parties.	3.6	\$2,430.00	Item 21 is unclear and does not set out how long the fee earner spent on each task. Accordingly this should be reduced to \$500.	(\$1,930.00)	The work was primarily conducted by CF. D1 to D4 will accept a discount of 2 hours as time reasonably spent. The POD is partially accepted.	(\$580.00)	(\$580.00)	⁷ \$500 is too little for all the work done. Walkers' concession is reasonable. 1.6 Hrs. Disallow \$580
15.	22.	25/08/2021	Yegâne Güley	Email correspondences to SL, telecon with counsel. Internal discussion.	1	\$475.00	Item 22 is unclear and unreasonable. Should be reduced to \$100.00	(\$375.00)	D1-D4 fees are reasonably claimed here. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Reasonable for what was done. DN

⁷ The Court has determined 1.6 hrs and has disallowed \$580. We proceeded on the basis of disallowing the latter.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
16.	23.	25/08/2021	Oliver Clifton	Extensive email correspondence re draft order by consent and directions, telecon with COI team, telecon with Mr Sutcliffe QC.	1.1	\$1,045.00	Item 23 is repetitive and duplicitous.	(\$1,045.00)	D1-D4 fees are reasonably claimed here. The fees are proportionate and represent time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$55.00)	Reasonable time spent. DN
17.	24.	25/08/2021	Yegâne Güley	Preparing acknowledgment of service, email correspondences.	0.8	\$380.00	Items 24 and 25 are unreasonable and repetitive. No need for two persons to prepare an acknowledgement of service form. Additionally, item 25 is duplicitous and includes administrative items. Claimant should not have to pay for counsel regularizing themselves. Items 24 and 25 should be reduced to 18 minutes that is \$142.50.	(\$3,612.50)		\$0.00	(\$190.00)	Preparing A/S is duplicitous. 0.4 hrs.
	25.	25/08/2021	Colleen Farrington	New Proceedings: preparing draft acknowledgment of service and circulating the same to Y Güley; Emails with A Sutcliffe's clerk and providing document request; Discussion with clerk re practising certificate; Email with counsel in relation to listing of matter and updating the team. Emails with counsel requesting re submissions.	5	\$3,375.00				(\$2,025)	(\$675.00)	Time spent obtaining a practising certificate for counsel is not recoverable. Otherwise reasonable 4 hrs.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
18.	26.	26/08/2021	Yegâne Güley	Email correspondences, including with the judicial assistant.	0.3	\$142.50	Item 26 is unreasonable in terms of time and is unclear. Reduce to \$0.	(\$142.50)	D1-D4 fees are reasonably claimed here. The fees are proportionate and the entries are adequate. The fees represent time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	18 mins is reasonable. DN
19.	27.	26/08/2021	Colleen Farrington	Injunction Application: liaising with the Attorney General re consent order and emails with the court; finalising consent order; emails with A Sutcliffe QC clerk re admission and procedure for BVI practicing certificate liaising with Harneys for admission order; Reviewing draft submissions from Counsel and liaising with counsel re the same; Call with A Sutcliffe re instructions and general overview of the matter; Emails with counsel's clerks in anticipation of conference call on 27 August.	5.9	\$3,982.50	Item 27 is unreasonable, repetitive with item 17, duplicitous (contains multiple tasks with no time allotment per task) and contains a lot of administrative tasks, including counsel regularizing their status under the LPA. This should not essentially be a full day's work. Reduce to 1 hour - \$675.	(\$3,307.50)	D1-D4 will accept a discount of 3 hours of CF's time at the rate claimed as time reasonably spent. The POD is partially accepted.	(\$1,957.50)	(\$1,957.50)	The reduction to 1 hr is excessive. The reduction to 3 hrs is reasonable. \$1,957.50 disallowed.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
20.	28.	26/08/2021	Oliver Clifton	Review of amended application and work on draft skeleton argument.	1.5	\$1,425.00	Item 28 is unreasonable and unclear. Not sufficiently itemized. Seems to be repetitive with Item 27. Reduce to \$0	(\$1,425.00)	D1-D4 fees are reasonably claimed here. The fees proportionate, adequate, and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$75.00)	This is an appropriate use of partner time. DN
21.	29.	27/08/2021	Yegâne Güley	Signing and filing Acknowledgement of Service. Email correspondences.	0.4	\$190.00	Item 29 is repetitive except for filing. This should be reduced to \$60.	(\$130.00)	D1-D4 fees are reasonably claimed here. Work is within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	DN. YG needed to be in the loop.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
22.	30.	27/08/2021	Colleen Farrington	Injunction Application: reviewing draft submissions; emails with COI Team and counsel re comments on submissions; reviewing Public Authority Act; reviewing judgment from Jack J and commenting on the same; preparing draft order; attending hearing for handing down of judgment. Discussions with O Clifton re inter partes hearing and considering next steps.	5.2	\$3,510.00	Item 30 is unreasonable having claimed to have spent nearly 6 hours on submissions previously. See Item 27. Item 30 is also very duplicitous. No indication as to how long each task took. No handing down hearing on August 27th, 2021. Costs should be reduced to 1.5 hours \$1,012.	(\$2,498.00)	D1-D4 fees are reasonably claimed here and the time entry is adequate. The Claimant would be reminded that there was a handing down hearing in relation to the judgment on 27 August 2021. The fees are proportionate and represents time reasonably spent. The POD is not accepted.	\$0.00	0.00	A lot of work was properly needed and done. The time spent is reasonable. DN.
23.	31.	27/08/2021	Oliver Clifton	Telecon with counsel and COI team, receipt and review of draft judgment of Jack J, advice on contents, extensive email correspondence, appearing before Jack J on urgent handing down, follow-up with COI team.	3	\$2,850.00	Item 31 is unreasonable and duplicitous. There was no handing down, and even if there was, it would have been unnecessary for two counsel to attend. Reduce to .5 - \$475.	(\$2,375)	D1-D4 fees are reasonably claimed here. The Claimant would be reminded that there was a handing down hearing in relation to the judgment on 27 August 2021. The fees are proportionate and represents time reasonably spent. The POD is not accepted.	\$0.00	(\$150.00)	Appropriate for a partner to carry out this work. Two fee-earners at a hand-down is reasonable. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
24.	32.	30/08/2021	Colleen Farrington	Injunction Application: preparing revised draft letter to Silk Legal; updating draft order; considering next steps; emails with clerks re the hearings; internal discussions re the same.	3.3	\$2,227.50	Item 32, time is unreasonable. Reduce to .5 of an hour - \$337.50	(\$1,890.00)	D1 – D4 will accept a discount of 2 hrs of CF's time at the rate claimed as time reasonably spent. The POD is partially accepted.	(\$877.50)	(\$877.50)	A reduction to 2 hrs is reasonable. Deduct \$877.50
25.	33.	30/08/2021	Yegâne Güley	Extracting hearing links and sending to ASQC.	0.6	\$285.00	Item 33 Time is unreasonable. Reduce to .1 of an hour - \$47.50	(\$237.50)	D1 - D4 will concede the sum claimed here. The POD is accepted.	(\$237.50)	(\$237.50)	
26.	34.	31/08/2021	Colleen Farrington	Injunction Application: preparing draft letter to Silk Legal and updating the team; Emails with counsel and providing draft bundle of authorities; Emails with counsel and providing documents; Emails with D Perry QC on availability for the hearing; considering further emails from COI team. Reviewing filed hearing bundle from Silk Legal; reviewing draft bundle of authorities and commenting; internal discussions re the same.	4.9	\$3,307.50	Item 34 – Is duplicitous. David Perry QC is not a counsel in this case, this is administrative in nature. Time preparing bundle is unreasonable. Should reduce to 2.5 hours - \$1687.50	(\$1,620.00)	The POD is partially accepted. It matters not whether Mr Perry QC is counsel on the case. Discussions with Mr Perry QC were pursued shortly after the injunction was applied for and D1 - D4 were entitled, to seek professional advice on the merits of the injunction as soon as possible. Mr Sutcliffe QC was immediately instructed once his engagement was completed. D1 - D4 will accept a discount of 3 hours as time reasonably spent.	(\$1,282.50)	(\$1,282.50)	The discount to 3 hrs is reasonable. Disallow \$1,282.50

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
27.	35.	31/08/2021	Oliver Clifton	Extensive email correspondence, further comments on draft skeleton, further instructions to ASQC.	0.9	\$855.00	Item 35 – Unreasonable. Should reduce to \$0	(\$855.00)	D1-D4 fees are reasonably claimed here. OC is the supervising partner with conduct of the case. The work is proportionate and represents time reasonably spent. The POD is not accepted.	\$0.00	\$45.00	Reasonable time for a partner to supervise. DN
28.	36.	31/08/2021	Yegâne Güley	Revising authorities bundle. Email correspondences, preparation for filing and hearing.	1.8	\$855.00	Item 36 - Repetitive with Item 34 and unreasonable. Should reduce to \$0.	(\$855.00)	D1-D4 fees are reasonably claimed here. The work is within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Work reasonably done by an appropriate grade of fee-earner. DN
29.	37.	01/09/2021	Yegâne Güley	Preparation for telecon and attending telecon.	1.9	\$902.50	Item 37 is unreasonable. Unreasonable amount of telecons. Should reduce to \$0.	(\$902.50)	D1-D4 fees are reasonably claimed here. The work is within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Ditto. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
30.	38.	01/09/2021	Yegâne Güley	Further amendments to Authorities bundle, collating correspondence clip, downloading documents filed by AG's office, creating sharefile link and circulating the documents. E-filing skeleton and AB. Email correspondences and discussion with team.	2.1	\$997.50	Item 38 – Filing took place just under 1.5 hours after Notice of Discontinuance was filed. This should be reduced to \$0.	(\$997.50)	D1-D4 fees are reasonably claimed here. The legal practitioners cannot abdicate responsibility where work was conducted prior to the discontinuance. The work is within the scope of the litigation. The POD is not accepted.	\$0.00	0.00	The notice of discontinuance was served on the eve of the hearing. It was appropriate for short time to continue filing documents etc pending consideration of the consequences of the notice of discontinuance. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
31.	39.	01/09/2021	Colleen Farrington	Injunction Application: emails with counsel and providing documents upon request; reviewing cases mentioned in Judgment dated 27 August and circulating the same to counsel; emails with David Perry QC re revised submissions and call; all attendance with assisting counsel in anticipation of call and finalizing submissions; emails with COI team and requesting documents; liaising with the court re submissions and details regarding the hearing. Conference call with team.	5.4	\$3,645.00	Item 39 David Perry QC is not counsel in this case. Based on his CV, it doesn't seem like he is even called to the BVI Bar. Item 39 is very duplicitous. Allow for 2 hours. \$1,350.	(\$2,295.00)	The POD is partially accepted. It matters not whether Mr Perry QC is counsel on the case. Discussions with Mr Perry QC were pursued shortly after the injunction was applied for and D1 - D4 were entitled, to seek professional advice on the merits of the injunction as soon as possible. Mr Sutcliffe QC was immediately instructed once his engagement was completed. D1 - D4 will accept a discount of 3 hours as time reasonably spent.	(\$1,620)	(\$1,620.00)	I agree that it is irrelevant whether Mr. Perry QC was ultimately instructed. Walkers' offered deduction is reasonable. Disallow \$1,620.
32.	40.	01/09/2021	Colleen Farrington	Discontinuance: call with Silk Legal regarding the same; considering position on costs and any costs orders; internal discussions re the same; updating the team; email with counsel in relation to hearing and costs/	1.9	\$1,282.50	Item 40 – Unreasonable to charge for call from counsel informing of withdrawal. Should be reduced to \$0.	(\$1,282.50)	D1-D4 fees are reasonably claimed here. The legal practitioners cannot abdicate responsibility where work was conducted in relation to the discontinuance. The work is within the scope of the litigation. The POD is not accepted.	\$0.00		CF's work seems reasonable. Counsel had to be told about the notice of discontinuance. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
33.	41.	01/09/2021	Oliver Clifton	Work on settling skeleton argument, meeting with COI team, preparation for hearing, receipt of NOD.	2.5	\$2,375.00	Item 41 – Allow for .5 hours work prior to withdrawal. \$475	(\$1,900.00)	D1-D4 fees are reasonably claimed here. The legal practitioners cannot abdicate responsibility where work was conducted in relation to the discontinuance. The work is within the scope of the litigation. The POD is not accepted.	\$0.00	(\$125.00)	The late notice of discontinuance put the defendants in a difficult position. 2.5 hrs is reasonable. DN
34.	42.	02/09/2021	Jenely Fraser	Prepare letter to HC to request practising certificate for Andrew Sutcliffe.	0.4	\$180.00	Items 42 and 43 are unreasonable. Reduce to \$0.	(\$270.00)	D1 - D4 will concede the sums claimed. The POD is accepted.	(\$270.00)	(\$270.00)	
	43.	02/09/2021	Jenely Fraser	Follow up with HC re practising certificate of Andrew Sutcliffe	0.2	\$90.00						
35.	44.	02/09/2021	Jenely Fraser	Revise authorities Bundle	0.5	\$225.00	Item 44 is unreasonable. Case was withdrawn on 1/9/2021. Reduce to \$0	(\$225.00)	D1 to D4 will concede the sum claimed. The POD is accepted.	(\$225.00)	(225.00)	
36.	45.	02/09/2021	Oliver Clifton	Comments on draft costs schedule, discussion re outstanding points for hearing with ASQC.	0.7	\$665.00	Items 45 – 47 are unreasonable as case was withdrawn less than 24 hours before. Items 46 and 47 are repetitive, also no need for four counsel to attend the hearing	(\$3,515.00)	D1-D4 fees are reasonably claimed here. The work is within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation.	\$0.00	(\$600.00)	Four lawyers is unreasonable after a discontinuance. Disallow \$1,500
	46.	02/09/2021	Oliver Clifton	Preparation for hearing and hearing before Jack J.	1	\$950.00				\$0.00	(\$900.00)	

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
	47.	02/09/2021	Yegâne Güley	Preparing costs schedule, email correspondences, preparing for hearing.	4	\$1,900.00	YG, OC, ASQC, RB. Reduce to \$0		The POD is not accepted.	\$0.00	(\$475.00)	4 hrs is unreasonable. 3hrs.
37.	48.	02/09/2021	Renell Benjamin	Attend COI hearing; Research authorities and circulate.	0.8	\$460.00	Item 48 – A COI hearing is irrelevant. Counsel attended as an audience member. Circulating authorities after withdrawal. Reduce to \$0.	(\$460.00)	D1 - D4 will concede the sum claimed here. The POD is accepted.	(\$460.00)	(\$460.00)	
38.	49.	02/09/2021	Yegâne Güley	Email correspondences, and telecon following hearing.	0.7	\$332.50	Items 49 to 50 are duplicate and unreasonable. Reduce to \$0.	(\$1,377.50)	D1-D4 fees are reasonably claimed here. The work is within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	
	50.	02/09/2021	Oliver Clifton	Telecon post-hearing with COI team, drafting order following hearing.	1.1	\$1,045.00				\$0.00	(\$255.00)	Drafting order was associate's work. Disallow \$200.
39.	51.	04/09/2021	Yegâne Güley	Review of draft order, email correspondence to the AG and SL.	0.4	\$190.00	Items 50 to 53 are unreasonable. Unreasonable for three lawyers to draft an order.	\$1,192.50	D1-D4 fees are reasonably claimed here. CF drafted the order and which was reviewed by OC and YG. The fees are proportionate and represents time reasonably spent with respect to the litigation.	\$0.00	0.00	DN. Points taken into account with OC's fees.
	52.	06/09/2021	Colleen Farrington	Application: amending draft order and circulating to the parties for comments/agreement; and internal correspondence.	0.5	\$337.50				\$0.00	0.00	DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
	53.	06/09/2021	Oliver Clifton	Email correspondence over weekend with AG, comments from SL and AG on draft order.	0.7	\$665.00			The POD is not accepted.	\$0.00	(\$335.00)	Should have been supervision only. Disallow \$300.
40.	54.	07/09/2021	Yegâne Güley	Downloading affidavit and approved order from ELP. Email correspondences. Updating costs schedule.	2.2	\$1,045.00	Item 54 Time Unreasonable – Allow .5 hours - \$190	(\$855.00)	D1-D4 fees are reasonably claimed here. The work is within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Reasonable time spent. DN
41.	55.	07/09/2021	Colleen Farrington	Circulating draft order to the court to settle; reviewing evidence from the Claimant and emails with team.	0.5	\$337.50	Item 55 Time unreasonable. No need to spend this amount of time on reviewing a short affidavit. Reduce to .2 hours - \$135	(\$202.50)	D1-D4 fees are reasonably claimed here. D1 - D4 will accept a 0.4 hour discount as time reasonably spent at the rate claimed. The POD is partially accepted.	(\$67.50)	(\$67.50)	0.4 hrs is reasonable. Disallow \$67.50
42.	56.	07/09/2021	Oliver Clifton	Review of affidavit from SL, advice to COI team, drafting updated order for costs assessment, updating costs schedule.	1.5	\$1,425.00	Item 56 is repetitive with Items 54 and 55. Reduce to \$0	(\$1,425.00)	D1-D4 fees are reasonably claimed here. The work is within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$525.00)	OC should be supervisory. Disallow \$450.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
43.	57.	08/09/2021	Oliver Clifton	Finalising draft judgment and letter, review of draft judgment from Jack J, advice to COI team, work on draft order for handing down.	1.3	\$1,235.00	Item 57 – Unreasonable to claim for finalizing judgment. Allow for .5 hours \$475.	(\$760.00)	D1-D4 fees are reasonably claimed here. The work is within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$515.00)	Reasonable for a partner to do this work, but some duplication with CF. Disallow \$450
44.	58.	08/09/2021	Colleen Farrington	Reviewing judgment on costs and discussing the same with O Clifton; circulating the same to counsel and reviewing the judgment for correction/amendments . Updating clients of the gist of the judgment and next steps for hearing.	2.5	\$1,687.50	Item 58 – Repetitive with Item 57. Reduce to \$0	(\$1,687.50)	D1-D4 fees are reasonably claimed here. CF is the leading legal practitioner working on the matter. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Reasonable for an associate to do this work. DN
45.	59.	09/09/2021	Oliver Clifton	Email correspondence re draft order, finalising draft order and comments on draft schedule, instructions to Mr Sutcliffe.	0.8	\$760.00	Item 59 – 61 are repetitive. Allow for 1 hour \$950.00	(\$1,892.50)	D1-D4 fees are reasonably claimed here. OC is the partner with conduct of the matter. CF is the leading legal practitioner on the	\$0.00	(\$40.00)	See next item.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
	60.	09/09/2021	Colleen Farrington	Minor comment from team and finalising comment son draft judgment. Comments from counsel and liaising re the same. Circulating draft judgment to the Court. Email with clerk in relation to counsel's availability for handing down and updating the clients re counsel's availability and expectations of the hearing. Preparing draft order and circulating for comments.	2.1	\$1,417.50			matter. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$675.00)	There is some duplication over all these items. Disallow \$675.
	61.	10/09/2021	Oliver Clifton	Email correspondence with COI team and ASQC re handing down of judgment, settling draft order.	0.7	\$665.00				\$0.00	(\$35.00)	(Deduction Included in the above)

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
46.	62.	10/09/2021	Colleen Farrington	Email with clerk to confirm counsel availability and chasing the same; further updates to draft order and circulating the same to other side for comments; responding to emails from other wise regarding the order; and circulating draft order to the court in anticipation of hearing. Updating client of terms of agreed draft order in anticipation of hearing on Monday 13 September.	1.8	\$1,215.00	Item 62 is unreasonable and is partially repetitive of Item 60.	(\$1,215.00)	D1-D4 fees are reasonably claimed here. The fees are proportionate and represents time reasonably spent with respect to the litigation. The fees are wholly within the scope of the litigation. The POD is not accepted.	\$0.00	0.00	Time spent is reasonable as is level of fee-earner. DN
47.	63.	12/09/2021	Oliver Clifton	Email correspondence with ASQC re handing down of judgment.	0.3	\$285.00	Item 63 is unreasonable.	(\$285.00)	D1-D4 fees are reasonably claimed here. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$285.00)	CF was already doing this. Disallow \$285.
48.	64.	12/09/2021	Oliver Clifton	Appearing to collect judgment, email correspondence.	0.6	\$570.00	Items 64 to 65 are unreasonable in terms of time. Allow	(\$837.50)	D1-D4 fees are reasonably claimed here. OC is the partner	\$0.00	(\$30.00)	Reasonable work for a partner. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
	65.	13/09/2021	Colleen Farrington	Reviewing draft costs schedule; all attendance at hearing and preparation of the same. Updating clients of the outcome of the hearing and also updating counsel. Circulating revised draft order to correct list of appearances. Circulating final judgment on costs and reviewing the same.	1.1	\$742.50	for .5 of an hour - \$475.00		with conduct of the matter. CF is the leading legal practitioner on the matter. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	DN
49.	66.	13/09/2021	Colleen Farrington	Reviewing Affidavit of Richard Rowe as filed in compliance with terms of Order and updating counsel.	0.4	\$270.00	Item 66 – Unreasonable time reviewing a short affidavit. Allow for .2 hours - \$135	(\$135.00)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	24 mins is reasonable. DN
50.	67.	14/09/2021	Oliver Clifton	Receipt and review of evidence from SL, internal discussion re contempt of court, email correspondence with COI team.	0.5	\$475.00	Item 67 is repetitive with item 66 and is partially irrelevant.	(\$475.00)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$25.00)	Reasonable time spent by a partner. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
51.	68.	14/09/2021	Oliver Clifton	Email correspondence with Court and SL re listing of adjourned costs hearing.	0.4	\$380.00	Item 68 is unreasonable - \$0	(\$380.00)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$110.00)	Not partner work. Disallow \$90.
52.	69.	14/09/2021	Colleen Farrington	Reviewing affidavit of Julian Willock and updating counsel; considering legal standing on issues raised. Email from the Court directing a hearing in light of evidence and updating clerk. Updating clients of the same. Internal discussions. Considering status of contract with government and whether publicly available based on asserted privilege stance by Silk Legal and Mr Willock.	2	\$1,350.00	Item 69 Time is unreasonable and incorrectly stated. Time accepted for reviewing affidavit is .5 hours \$337.50	(\$1,012.50)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Reasonable time spent by an appropriate level of fee earned. DN.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
53.	70.	15/09/2021	Yegâne Güley	Email correspondence from the Court, review of ELP files, downloading HJW from ELP. Email to ASQC clerk.	0.8	\$380.00	Item 70 is repetitive of previous item. \$0.	(\$380.00)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Appropriate work for an associate. Time spent is reasonable. DN
	71.	15/09/2021	Yegâne Güley	Legal research on Public Finance act and Legislative Council (Immunities and Powers) Act.	0.9	\$427.50	N/A	\$0.00	N/A	\$0.00	N/A	N/A
54.	72.	15/09/2021	Oliver Clifton	Review of evidence from SL and the Claimant, advice to clients, discussion with internal team re response to claim for privilege.	1.1	\$1,045.00	Item 72 Repetitive of Item 69. \$0.	(\$1,045.00)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent for with respect to the litigation. The POD is not accepted.	\$0.00	(\$55.00)	Reasonable for a partner to consider privilege claim. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
55.	73.	15/09/2021	Colleen Farrington	Preparing fee estimate for clients of time spent to date up to judgment on the matter including costs.	1.3	\$877.50	Item 73 is administrative. Reduce to \$0. Alternatively, no more \$167.50 should be allowed.	(\$710.00)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(\$202.50)	Excessive time spent. Disallow \$202.50.
56.	74.	16/09/2021	Yegâne Güley	Email correspondence sending sealed order.	0.4	\$190.00	Item 74. Time is unreasonable. Allow for 18 mins – \$285.	(\$0)	The sum proposed is unclear and relatively higher than the fee claimed. The POD is not accepted as D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation.	\$0.00	0.00	Reasonable time spent. DN
57.	75.	16/09/2021	Oliver Clifton	Email correspondence re letter from AG and public contract, internal team meeting re next steps, email correspondence with SL re "mistaken" amendment to order re status of Claimant.	0.7	\$665.00	Item 75 repetitive of Item 74. \$0	(\$665.00)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	0.00	(\$35.00)	Appropriate use of partner time. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
	76.	16/09/2021	Colleen Farrington	Correspondence from AG Chambers re status of contract and confirming date of lodging.	0.1	\$67.50	N/A	\$0.00	N/A	\$0.00	0.00	
58.	77.	17/09/2021	Oliver Clifton	Email correspondence with Court re sealed letter, email correspondence with Mr Sutcliffe QC's clerk re adjourned hearing.	0.6	\$570.00	Item 77 unreasonable time. Reduce to .3 hours - \$285	(\$285.00)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(300.00)	Excessive use of partner time. Disallow \$270.
59.	78.	17/09/2021	Colleen Farrington	Requesting High Court Search for contract 2021/292. Reviewing court's email re directions for hearing on 21 September. Discussions with client re hearing and taking instructions on appearances. Email with clerk re counsel's availability and requesting updating costs.	0.6	\$405.00	Item 78 allow for High Court Search request. The balance is spurious. Reduce to \$67.50	(\$337.50)	D1-D4 fees are reasonably claimed here. The fees are proportionate and represents time reasonably spent for with respect to the litigation. The entry is also adequate. The POD is not accepted.	\$0.00	0.00	The work done and time spent are reasonable. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
60.	79.	17/09/2021	Colleen Farrington	Email from court re envelope from Mr Willock. Updating counsel by way of information.	0.2	\$135.00	Item 79– Unreasonable and repetitive of Item 77 – Reduce to \$0	(\$135.00)	D1-D4 fees are reasonably claimed here. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Very reasonable amount claimed. Serving the sealed envelope was very strange behaviour. DN
61.	80.	20/09/2021	Colleen Farrington	Reviewing contract 2021/292 and circulating the same internally. Discussing the legal effect on arguments raised and whether issues raised by Silk Legal for the purpose of costs are affected.	1.3	\$877.50	Item 80 – Time unreasonable allow for .5 hours \$337.50	(\$540.00)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Reasonable time spent. DN
62.	81.	20/09/2021	Colleen Farrington	Emails with counsel re contract 2021/292 and discussions on next steps.	0.5	\$337.50	Item 81 – unreasonable – \$0	(\$337.50)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Time reasonably spent. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
63.	82.	21/09/2021	Colleen Farrington	Circulating contract and discussing the same with counsel. Requesting concall with counsel to discuss. Emails with clients regarding the same and next steps.	1	\$675.00	Item 82 is repetitive of 80 and 81	(\$675.00)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Reasonable time spent. DN
	83.	24/09/2021	Oliver Clifton	Review of contract, email correspondence with Mr Sutcliffe, re JW funding.	1	\$950.00	N/A	\$0.00	N/A	\$0.00	(50.00)	Reasonable involvement by partner. DN
64.	84.	24/09/2021	Colleen Farrington	Emails with counsel re concall and items for consideration. Requesting updated costs from counsel.	0.3	\$202.50	Item 84 – Unreasonable – reduce to \$0.	(\$202.50)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Reasonable time spent. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
65.	85.	27/09/2021	Yegâne Güley	Telecon, discussion with O Clifton and C Farrington, email correspondence to counsel, review of supplemental bundle index, updating costs schedule, email correspondences. Preparing supplemental bundle.	4	\$1,900.00	Item 85 – Padding – reduce to \$0	(\$1,900.00)	D1-D4 fees are reasonably claimed here. The fees are within the scope of the litigation. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(475.00)	Time spent is excessive. 3 hrs.
66.	86.	27/09/2021	Colleen Farrington	Concall with counsel and discussing steps in anticipation of the hearing on 28 September. Preparing draft affidavit; preparing bundle index.	2.1	\$1,417.50	Item 86 – Allow .5 for preparation of affidavit – 337.50	(\$1,080.00)	D1-D4 fees are reasonably claimed here. CF is the leading legal practitioner on the matter. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Reasonable for CF to attend consultation with leading counsel and draft affidavit. DN
67.	87.	27/09/2021	Oliver Clifton	Review of email correspondence sent on behalf of the Hon Justice Jack, discussion of logistics points with Ms Farrington, telecon with Mr Sutcliffe QC re terms of SL contract and approach to hearing and costs recovery. Update and advice to COI team by email.	1.6	\$1,520.00	Item 87 is repetitive of items 81, 82 and 83 reduce to \$0.	(\$1,520.00)	D1-D4 fees are reasonably claimed here. OC is the supervising partner with conduct of the case. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	80.00	Reasonable for OC to attend consultation with leading counsel. DN

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
68.	88.	27/09/2021	Colleen Farrington	Emails. Reviewing Supplemental Bundle and commenting. Reviewing submissions by the Hon Attorney General, internal discussions.	2.1	\$1,417.50	Item 88 – Padding and unreasonable save for attorney general's submissions. Allow for .5 hour - \$337.50.	(\$1,080.00)	D1-D4 fees are reasonably claimed here. CF is the leading legal practitioner on the matter. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	0.00	Reasonable time spent. DN
69.	89.	28/09/2021	Oliver Clifton	Final preparation for hearing before the Hon Justice Jack, appearing at costs claim hearing.	2.5	\$2,375.00	Item 89 -Padding - \$0	(\$2,375.00)	D1-D4 fees are reasonably claimed here. OC is the supervising partner with conduct of the case. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	\$0.00	(125.00)	Reasonable time spent and reasonable for a partner to do the work. DN
70.	90.	28/09/2021	Yegâne Güley	Preparing for hearing and attending hearing.	2	\$950.00	Items 90 and 91 are padding. No need for all lawyers to be in attendance.	(\$2,300.00)	D1-D4 fees are reasonably claimed here. D1 - D4 will accept 1 hour as reasonable at the rate claimed for each fee earner as it is reasonable for at least one legal practitioner in addition to the partner to attend the hearing. The POD is partially accepted.	(\$475.00)	(475.00)	One fee-earner would have been enough to support OC. Disallow \$475.
	91.	28/09/2021	Colleen Farrington	All attendance in anticipation of hearing. Preparation and discussion with counsel.	2	\$1,350.00				(\$675.00)	(675.00)	Ditto. Disallow \$675.

Point No. ³	Item No. ⁴	Date ⁵	Fee Earner ⁶	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
		Total				\$102,505		(\$80,760.50)		(\$11,562.50)	(\$13,495.00)	\$89,010

Counsel's Fees

Point No.	Item No.	Date	Fee Earner	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
81.	N/A	N/A	Andrew Sutcliffe QC	N/A	N/A	N/A	No indication of hourly rate or time spent or units.	N/A	D1-D4 fees are reasonably claimed here. It is not disputed that Mr Sutcliffe was retained as leading counsel for this matter. The rate sought is significantly lower than what any leading counsel of his equivalent in the City of London, or within the jurisdiction would charge.	N/A		
82.		24/08/2021	Andrew Sutcliffe QC	Advising by emails with clerks and instructing solicitors regarding instructions to appear at injunction hearing listed to take place on 26/8/21		Fees: £100.00	As a matter of law, any amount charged between 24 August 2021 and 30 August 2021 is irrecoverable as Andrew Sutcliffe QC had no practicing certificate.	(£2,300.00)	Counsel's fees are reasonable and proportionate. The POD is not accepted. Counsel has been on the roll of legal practitioners and authorized to practise in the BVI since 2007. It matters not that the certificate is dated 30 August 2021. The certificate was sought as soon as counsel was instructed which was shortly after the injunction was applied for and	£0.00	Fees: £100.00	Disallow.
		25/08/2021	Andrew Sutcliffe QC	Reviewing email with instructions; downloading and reading enclosures to instructions; listening to excerpts from COI hearing; conference call with instructing solicitors		Fees: £1,066.67					Fees: £1,066.67	Disallow

Point No.	Item No.	Date	Fee Earner	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
		26/08/2021	Andrew Sutcliffe QC	Reviewing emails from instructing solicitors with attachments; work on draft submissions for hearing on 2/9/21		Fees: £400.00			counsel was entitled, indeed professionally obliged, to advise on the merits of the injunction as soon as he was instructed.		Fees: £400.00	Disallow
		27/08/2021	Andrew Sutcliffe QC	Reviewing emails from instructing solicitors with attachments; work on draft submissions for hearing on 2/9/21		Fees: £733.33			Given that counsel was in the roll of legal practitioners authorized to practise in the BVI, obtaining the certificate was no more than a formality.		Fees: £733.33	Disallow
	1.	31/08/2021	Andrew Sutcliffe QC	Reviewing emails from instructing solicitors; listening to further excerpts from COI hearing; reviewing judgment of Jack J as handed down; reading hearing bundle and correspondence attached to emails from instructing solicitors; further work on draft submissions and authorities; reviewing relevant provisions of ECSC CPR		Fees: £1,300.00						DN

Point No.	Item No.	Date	Fee Earner	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
83.	2.	01/09/2021	Andrew Sutcliffe QC	Further work on, and finalising, written submissions for hearing on 2/9/21; conference call with instructing solicitors and clients; reviewing numerous emails from instructing solicitors with attachments, including submissions of Attorney General		Fees: £1,800.00	Item 2 is repetitive with all the other instances of working on submissions.	(£2,160.00)	D1-D4 fees are reasonably claimed here. The fees are proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted.	£0.00	£0.00	DN
84.							Items 2 and 5 contains irrelevancies – Listening to “COI Hearings”. Impossible to tell how long spent on these irrelevancies.	N/A	D1-D4 fees are reasonably claimed here. The work is within the scope of the litigation. The sum claimed is proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted despite the absence of a proposed sum.	£0.00		The fee for the work other than listening to COI hearings is in itself reasonable. (No amount charged for COI.) DN
	3.	02/09/2021		Reviewing and responding to emails regarding hearing on 2/9/21 and preparing for same; attending hearing		Fees: £700.00						DN
	4.	02/09/2021		Further work following hearing; reviewing and responding to emails; conference call with instructing solicitors and then with instructing solicitors and clients		Fees: £500						DN

Point No.	Item No.	Date	Fee Earner	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
84.	5.	08/09/2021		Reviewing and responding to emails; considering draft order regarding costs and drafting further submissions to court in relation to costs affidavit filed by claimant		Fees: £500	Items 2 and 5 contains irrelevancies – Listening to “COI Hearings”. Impossible to tell how long spent on these irrelevancies.	N/A	D1-D4 fees are reasonably claimed here. The work is within the scope of the litigation. The sum claimed is proportionate and represents time reasonably spent with respect to the litigation. The POD is not accepted despite the absence of a proposed sum.	£0.00		The fee for the work other than listening to COI hearings is in itself reasonable. (No amount charged for COI.) DN
	6.	09/09/2021		Perusing draft judgment, reading and responding to emails, amending draft order		Fees: £150.00						DN
	7.	10/09/2021		Perusing and responding to emails re-court order and costs hearing		Fees: £66.67						DN
	8.	12/09/2021		Reading and responding to emails re-privilege issue		Fees: £33.33						DN
	9.	14/09/2021		Reading and responding to emails with attached affidavit		Fees: £66.67						DN
	10.	15/09/2021		Reading and responding to email with attached further affidavit		Fees: £66.67						DN

Point No.	Item No.	Date	Fee Earner	Narrative	Hours	Amount	Points of dispute	Proposed reduction	Response	Agreed reduction	Judge's Reduction	Judge's Decision
	11.	18/09/2021		Reading and responding to email with update on costs position		Fees: £50.00						DN
	12.	23/09/2021		Reading and responding to email with update on costs position		Fees: £100.00						DN
		Total				£8,333.34		(£4,460)		0.00	(£2,300)	£6,033.34

TOTAL AMOUNT

- (1) Walkers' fees: \$89,010 (\$102,505 - \$13,495)
(2) Walkers' disbursements: Counsel Fees: \$9,666.51 (\$8,333.85 (£6,033.34 x \$1.3813) + \$1,332.66)

Grand Total: \$98,676.51, which I certify as payable by the claimant to the first to fourth defendants.

Adrian Jack
Commercial Court Judge [Ag.]

By the Court

Registrar