



محكمة قطر الدولية  
ومركز تسوية المنازعات  
QATAR INTERNATIONAL COURT  
AND DISPUTE RESOLUTION CENTRE

In the name of His Highness Sheikh Tamim bin Hamad Al Thani,  
Emir of the State of Qatar

**Neutral Citation: [2023] QIC (C) 5**

IN THE QATAR FINANCIAL CENTRE  
CIVIL AND COMMERCIAL COURT

Date: 3 July 2023

**CASE NO: CTFIC0023/2021**

**STEPHEN FERRIS**

**Claimant/Applicant**

v

**SANGUINE INVESTMENT MANAGERS LLC**

**1<sup>st</sup> Defendant/1<sup>st</sup> Respondent**

**CHRISTOPHER JOHN LEACH**

**2<sup>nd</sup> Defendant/ 2<sup>nd</sup> Respondent**

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**COSTS JUDGMENT**

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**Before:**

**Mr Umar Azmeh, Registrar**

## Judgment

### Background

1. On 8 March 2023, the Applicant applied to this Court for an order – pursuant to article 34.3.2 of the Regulations and Procedural Rules of the Court – in the following terms:
  - i. *Each of the Defendants makes and serves on the Applicant’s counsel an affidavit, within 14 days, setting out their assets worldwide, whether in their own name or not and whether solely or jointly owned, giving the value, location and details of all such assets; and*
  - ii. *The Defendants do pay the Applicant’s reasonable costs of the application.*
2. The Defendants were given until 23 March 2023 to respond to the application. No response to the application was forthcoming.
3. On 30 March 2023 the Court requested that the Applicant provide a draft form of order that was sought in relation to the 8 March 2023 application. On 3 April 2023 a draft order was provided.
4. On 4 April 2023, an order was made in substantially the same terms as was sought by the Applicant. The order also included a notice that failure to comply “*may be a contempt of Court which can justify imposing sanctions pursuant to article 34.3 of the Court’s Regulations and Procedural Rules*”. The order also awarded the Applicant his reasonable costs of the application to be assessed by me if not agreed.
5. On 18 May 2023, an application for costs in the sum of USD 2610.00 was made by the Applicant in respect of the 8 March 2023 application. The Defendants were asked to provide a response to the application no later than 16.00 on 25 May 2023. No response was received. I will therefore proceed to assess the costs of this application without any assistance from the Defendant.

### Assessment

6. Rule 33 of the Court’s Regulations and Procedural Rules reads as follows:

*33.1 The Court shall make such order as it thinks fit in relation to the parties' costs of the proceedings.*

*33.2 The general rule shall be that the unsuccessful party pays the costs of the successful party. However, the Court can make a different order if it considers that the circumstances are appropriate.*

*33.3 In particular, in making any order as to costs the Court may take account of any reasonable settlement offers made by either party.*

*33.4 Where the Court has incurred the costs of an expert or assessor, or other costs in relation to the proceedings, it may make such order in relation to the payment of those costs as it thinks fit.*

*33.5 In the event that the Court makes an order for the payment by one party to another of costs to be assessed if not agreed, and the parties are unable to reach agreement as to the appropriate assessment, the necessary assessment will be made by the Registrar, subject to review if necessary by the Judge.*

7. In *Hammad Shawabkeh v Daman Health Insurance Qatar LLC* [2017] QIC (C) 1, the Registrar noted that the "... list of factors which will ordinarily fall to be considered" to assess whether costs are reasonably incurred and reasonable in amount will be (at paragraph 11 of that judgment):

- i. Proportionality.
- ii. The conduct of the parties (both before and during the proceedings).
- iii. Efforts made to try and resolve the dispute without recourse to litigation.
- iv. Whether any reasonable settlement offers were made and rejected.
- v. The extent to which the party seeking to recover costs has been successful.

8. *Hammad Shawabkeh v Daman Health Insurance Qatar LLC* noted as follows in relation to proportionality, again as non-exhaustive factors to consider (at paragraph 12 of that judgment):

- i. In monetary ... claims, the amount or value involved.
- ii. The importance of the matter(s) raised to the parties.
- iii. The complexity of the matters(s).

- iv. The difficulty or novelty of any particular point(s) raised.
  - v. The time spent on the case.
  - vi. The manner in which the work was undertaken.
  - vii. The appropriate use of resources by the parties including, where appropriate, the use of available information and communications technology.
9. One of the core principles (elucidated at paragraph 10 of *Hammad Shawabkeh v Daman Health Insurance Qatar LLC*) is that “*in order to be reasonable costs must be both reasonably incurred and reasonable in amount.*”
10. The Applicant is represented by Sultan Al-Abdulla & Partners who have rendered an invoice in the sum of USD 2,610.00 in respect of some five hours of work. Three hours of work have been undertaken by Mr Shanu Jain (an associate; USD 1,250/hour) and Mr Thomas Williams (a partner; USD 1,350).
11. The rates that have been charged by Sultan Al-Abdulla & Partners are commensurate with rates generally charged by comparable firms in this jurisdiction for fee earners at those levels. The total sum charged is clearly proportionate to the matter in the round, and the division of work between partner and associate is appropriate for this type of application.
12. I am satisfied that all of the items on the ledger dated 8 March 2023 are reasonable in that they are reasonably incurred and are reasonable in amount. Moreover, the Applicant has been wholly successful in its application for the order made on 4 April 2023.
13. This is a long-standing dispute which has generated a number of court orders and costs assessments, none of which appear to have been complied with by the Defendants. The conduct of the Defendants has prolonged this dispute and caused significant extra costs to be incurred, and there has therefore been no prospect of a timely and cost-effective resolution to these matters. This behaviour is unacceptable, but this Court will not allow recalcitrance to stymie the smooth administration of justice.

## **Conclusion**

14. The Defendants are jointly and severally liable to the Claimant in the sum of **USD 2,610**. That sum is to be paid forthwith.

**By the Court,**



**[signed]**

**Mr Umar Azmeh**

**Registrar**

A signed copy of this Judgment has been filed with the Registry.

## **Representation**

The Claimant was represented by Mr Thomas Williams of Sultan Al-Abdulla & Partners (Doha, Qatar).

The Defendants were not represented and made no representations.