



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: [2024] QIC (C) 16

**IN THE QATAR FINANCIAL CENTRE
CIVIL AND COMMERCIAL COURT
COSTS ASSESSMENT**

Date: 15 December 2024

CASE NO: CTFIC0011/2024

EVERSHEDS SUTHERLAND (INTERNATIONAL) LLP

Claimant/Applicant

v

PETROSERV LIMITED

Defendant/Respondent

JUDGMENT

Before:

Mr Umar Azmeh, Registrar

Order

1. The Defendant is to pay the Claimant **QAR 51,750** forthwith.

Judgment

Background

1. On 30 April 2024, the First Instance Circuit (Justices George Arestis, Fritz Brand and Dr Yongjian Zhang) issued judgment in favour of the Claimant in the sum of QAR 84,154.21 plus interest amounting to QAR 7,850.11 as at the date of judgment, continuing at a daily rate of QAR 21.46 ([2024] QIC (F) 18).
2. The Defendant is or was a client of the Claimant. They contracted for the Claimant to provide legal services to the Defendant. Between 15 December 2022 and 5 September 2023, the Claimant rendered invoices to the Defendant for its outstanding fees and expenses amounting to QAR 84,164.21. These invoices remained unpaid, and the Defendant has never denied liability for this sum.
3. Unfortunately, the sum remained unpaid, and the Claimant successfully commenced proceedings for the recovery of that sum, resulting in the judgment described in paragraph 1 of this judgment. The claim was uncontested.
4. Unfortunately, the Defendant did not meet the judgment sum and the Claimant commenced enforcement proceedings for its recovery.
5. The First Instance Circuit also ordered that the Defendant pay the Claimant's reasonable costs of the proceedings, to be assessed by me if not agreed. No agreement was reached and therefore it falls to me to assess the Claimant's reasonable costs.

Approach to costs assessment

6. Article 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. It is also established in this Court that self-represented law firms are entitled, as a matter of principle, to recover professional costs incurred in furtherance of bringing a claim, provided the costs claims are reasonable (see *Pinsent Masons LLP (QFC Branch) v Al-Qamra Holding Group* [2018] QIC (C) 2018 at paragraphs 18-29, *Dentons & Co (QFC Branch) v Bin Omran Trading & Contracting LLC* [2020] QIC (C) 3 at paragraph 9, *Whitepencil LLC v Ahmed Barakat* [2024] QIC (C) 3 at paragraph 18, *Eversheds Sutherland (International) LLP v Harinsa Contracting Company (Qatar) WLL* [2024] QIC (C) 5 at paragraphs 14 and 18, and *Eversheds Sutherland (International) LLP v Gulf Beach Trading & Contracting WLL* [2024] QIC (C) 12).

Costs submissions

11. On 2 September 2024, the Claimant filed and served its costs submissions. The Defendant was invited to respond no later than 16.00 on 30 September 2024. No response was forthcoming, in keeping with the Defendant’s attitude throughout these proceedings, it also not engaging with the First Instance proceedings, either.

12. The Claimant filed and served the following:

- i. Costs submission.
- ii. Factual exhibits including correspondence, narratives for the costs of the various stages of the proceedings (claim documentation, summary judgment, costs and enforcement), and an offer letter to the Defendant.
- iii. Legal exhibits which comprised three judgments relating to costs.

13. The Claimant claims a total of QAR 70,615 by way of reasonable costs, broken down as follows:

- i. QAR 24,467.50 for the preparation of the claim and its filing.
- ii. QAR 13,257 for the summary judgment application.
- iii. QAR 21,406 for the enforcement application.
- iv. QAR 11,484.50 for the costs application.

14. The Claimant's submissions focused on the test in *Hammad Shawabkeh* and made, inter alia, the following points:

- i. The First Instance Circuit costs are reasonable and proportionate taking account of the work that was required and that was done, which included a detailed and comprehensive Claim Form, an extensive internal review and investigation into the factual aspect of these matters, and an application for summary judgment.
- ii. The breakdown of work in the narratives shows that resources were allocated properly, and in proportion to the size and length of the different submissions.

- iii. The Claimant spent 15.2 hours in total including for the application for summary judgment; the Claim Form was compiled in 9.7 hours with 8.6 being by an associate and 1.1 being by a partner: this comprised proportionate time. 5.2 hours was spent on the application for summary judgment with only 0.8 hours being partner hours. This is reasonable and proportionate.
- iv. The fees charged for the work were markedly in line with professional rates in the marketplace in Doha in 2023 and 2024.
- v. The Claimant was entirely successful in the proceedings.
- vi. As far as the enforcement costs are concerned, the Claimant expended 10.6 hours (only 1.1 hours were allocated to a partner) and the total sum was reasonable and proportionate to the scale and complexity of the application, which also required liaising with the Claimant's internal finance team to inform the Defendant of the fees incurred ahead of the submission.
- vii. The costs submission costs are reasonable and proportionate for a submission of this size and complexity; the submission had to review different streams of work. The time spent on this submission was 9.5 hours of paralegal time, with only 1.2 hours of partner and associate input.
- viii. In relation to the conduct of the parties, the Claimant noted that it had made an offer to the Defendant – "*Without Prejudice Save as to Costs*" – prior to the proceedings commencing. That offer, included within the submissions, was for a net payment of QAR 80,000 on a "*hands-down*" basis. This was followed by an email. The Defendant ignored the offer.
- ix. The Claimant finally asks for costs on the indemnity basis and also QAR 10,000 for further anticipated costs during this costs assessment process.

Analysis

15. I agree with the Claimant as to the hourly rates it has claimed: they are broadly commensurate with market rates for similar firms in Doha. The total hours spent on this matter were a little over 36, and there were less than 3 partner hours. The matter was largely split between an associate and a paralegal. The time was clearly apportioned appropriately given the nature of the case.

16. Summary judgment applications are not required in Small Claims Track cases; see for example *Aegis Services LLC v Diamond Worldwide Trading Contracting & Services WLL* [2023] QIC (F) 23 at paragraph 2, and *Qatar Financial Centre Authority v MJ Masha LLC* [2023] QIC (F) 43 at paragraph 3. I am therefore going to disallow the hours and fees claimed for the summary judgment application. This is a reduction of **QAR 13,257**.

17. The leaves circa 31 hours. Having reviewed the narratives for the First Instance Circuit proceedings along with the enforcement and costs phases, I am satisfied that all of the items on the narratives are reasonably incurred.

18. I am also satisfied that 9.5 hours on the First Instance Circuit proceedings is reasonable and proportionate. This excludes the summary judgment application which I have already disallowed. The Claimant had to conduct work including reviewing the paperwork, preparing the Claim Form and ancillary documents, and compiling and conveying the offer to the Defendant. I will disallow 30 minutes for the preparation of the witness statement which is not necessary for service under article 18 of the Regulations and Procedural Rules of the Court. This is a reduction of **QAR 1,250**.

19. As far as enforcement is concerned, as mentioned in an earlier judgment (*Eversheds Sutherland (International) LLC v Harinsa Contracting Company (Qatar) WLL* QIC (C) 5 at paragraph 25), enforcement proceedings can be slightly complex from a procedural perspective, and therefore slightly more time than one may expect is reasonable in these circumstances. I also bear in mind that this case only had to go into the enforcement phase given that the Defendant has simply ignored the Court's orders and not satisfied the judgment debt at the time the enforcement application was made. I am going to

reduce the enforcement time claimed to 9 hours, and round that sum down to reduce the figure by **QAR 2,406**.

20. The costs submission expended some 10.7 hours and the Claimant claimed QAR 19,538.50 for this phase of work. The costs submission was a detailed 9-page document which made appropriate reference to a number of exhibits, and which also covered each phase of the work and explained each sum claimed by reference to the relevant test(s). I am going to disallow the 0.8 hours of associate time for a reduction of **QAR 1,952** as I am not of the view that this was necessary where there was a partner to supervise.
21. The total reductions I have made, therefore, are QAR 18,865, which results in a preliminary figure of **QAR 51,750**. I am of the view that this is proportionate: (i) compared to the judgment debt (a little over QAR 80,000); (ii) this was also a matter of importance to the Claimant given that the driver of its business is the fees that it earns from work for clients; and (iii) while it was not a complex matter, the Claimant acted entirely properly, deployed appropriate resources to this claim, and spent a reasonable amount of time on each phase (save for the items I have disallowed).
22. I repeat what I said in a previous judgment – *Eversheds Sutherland (International) LLP v Gulf Beach Trading & Contracting WLL* [2024] QIC (C) 12 at paragraph 35 (upheld in *Eversheds Sutherland (International) LLP v Gulf Beach Trading & Contracting WLL* [2024] QIC (F) 55) – that there is a minimum amount that a law firm must charge when pursuing a debt from its clients or former clients. The conduct of the Defendant has been disgraceful – ignoring the claim and the entire court process; by contrast the Claimant has acted properly and tried to avoid litigation with its offer to settle pre-action; that was a reasonable offer which actually comprised a discount, albeit small one, on the actual fees to which the Claimant was entitled. The Claimant has also been completely successful in the claim.
23. The Defendant is to pay the Claimant **QAR 51,750** forthwith. I do not have the jurisdiction to award future unquantified costs against the Defendants. As I am of the view that the final sum awarded is proportionate, the question of indemnity costs falls away.

By the Court,



[signed]

Mr Umar Azmeh, Registrar

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

Representation

The Claimant was self-represented.

The Defendant did not appear and was not represented.