

Neutral Citation Number: [2020] EWHC 2026 (Comm)

Case No: CL-2019-000204

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT

Royal Courts of Justice, Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 10 July 2020

Before :

Mrs Justice Cockerill

Between :

AerCap Ireland Ltd and Others
- and -
Hainan Airlines Holding Co. Ltd

Claimant

Defendant

Akhil Shah QC (instructed by **Clifford Chance LLP**) for the **Claimant**
Andrew Pearson (instructed by **Winter Scott LLP**) for the **Defendant**

Hearing dates: **10th July 2020**

APPROVED JUDGMENT

Mrs Justice Cockerill
(3.41 pm)

Friday, 10 July 2020

Judgment by **MRS JUSTICE COCKERILL**

1. In relation to the costs, obviously sensibly no issue was taken as to the incidence of costs generally. The overall point which Mr Pearson has taken is that, while this is a large claim, he says it is not a complicated claim, and the amounts both for the summary judgment phase and for the claim overall are completely out of proportion.
2. As an overall question, I am not particularly attracted by that submission because, as is very apparent from what has happened today, both in the points which Mr Pearson has taken in relation to the substance of the application and in the detailed and careful attention which he has given to the costs application, the Claimants were obviously well aware that with the Defendants putting them to proof they needed to be very careful to get everything as right as possible, and dotting i's and crossing t's takes time. So that is the background against which a thorough job was justified.
3. However, when I look at the costs schedule, I think that that goes a little bit beyond what is reasonable, even given doing a proper job in relation to a fairly substantial claim.
4. I am not particularly attracted by the submissions in relation to the hourly rates of the grade C and D fee earners. The hourly rates charged in major London firms are now, as everybody knows, significantly out of step at all levels with the guideline rates, which have not been updated for some considerable time. However, there are a number of points which seem to me to give an indication that there is what one might colloquially call a degree of fat in the costs schedule. So, for example, 25 hours of attendances and communications on the client in relation to the claim generally, and nearly 6 hours of partner time attending on the client in relation to the summary judgment application. There are really quite surprisingly high numbers of hours of attendances on counsel: so 18 hours for the claim generally plus 12 hours in relation to summary judgment, that totals 30 hours, which is something over four days of attendances on counsel, which sounds quite a lot. I appreciate that some

of the fee earners will be both at the same time on the same call and that there will be a degree of overlap, but it is not necessarily the case that that overlap ought to be paid for by the Defendant.

5. Then there are such small points as the hearing being put down for slightly too long; one of my own favourites, no need for two people to attend throughout the hearing. Then we get onto the schedule of work done on documents, which is always interesting. So there is 30 hours on particulars of claim. That, again, equates to somewhat close to four days of time; 38 hours, even longer, on the later witness statements; and then the equivalent of ten working days on documents regarding the summary judgment application.
6. I am not going to do a complex mathematical exercise working out exactly how much would be reasonable at each stage. As I say, the points I have noted give me an indication that there is some fat to trim on this costs schedule. I am therefore going to order payment of an amount which is not unadjacent to the kinds of figures you would expect to come out of a costs assessment and which I think fairly reflect what looks like a degree too much in the costs schedule. The figures sought overall were £78,848.86 for the claim. I am going to order £50,000. What was sought was £99,170.22 for the summary judgment. I am going to order the £70,000 for that. So that is £50,000 and £70,000.