



Neutral Citation Number: [2024] EWHC 2988 (SCCO)

Case No: SC-2023-BTP-001029

**IN THE HIGH COURT OF JUSTICE**  
**SENIOR COURTS COSTS OFFICE**

Thomas More Building, Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 07/11/2024

**Before :**

**COSTS JUDGE NAGALINGAM**

**Between :**

**Dr Oluremi Agbaje**

**Claimant/  
Paying Party**

**- and -**

**The Robert Frew Medical Company Limited**

**Defendants/  
Receiving  
Party**

**Dr Oluwatoyin Ogunsanya**

**Dr Margaret Odufuye**

**Dr Atef Halim Wissa (deceased)**

**Dr Adegboyega Chakera**

**Dr Shoaib Ibrahim (deceased)**

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**Mr Browne KC (instructed by Ardens Solicitors Ltd) for the Claimant**

**Mr Ojo (instructed by Taylor Wood Solicitors) for the Defendants**

Hearing dates: 23-24/10/2024

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**Approved Judgment**

This judgment was handed down remotely at 4.00pm on 7 November 2024 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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COSTS JUDGE NAGALINGAM



**Costs Judge Nagalingam:**

1. This judgment concerns only the part of the detailed assessment where the item by item objections have been raised.
2. Such objections are set out at tab 16 of the electronic bill, in column AC. Whilst filtering may be applied to column AC to remove the ‘blanks’ to show only those items which are disputed, I elected to not apply any filtering so that I could consider each challenged item in its proper context.
3. During the course of the exercise, it came to my attention that, in certain instances, column AB (Point of Dispute No.) was blank, even where an item was challenged. For example, an objection to item 2 is clearly set out in column AC but there is no corresponding “Point of Dispute No.” in column AB.
4. For identification purposes, I have referenced the associated challenged item number (taken from column A / AA of tab 16) along with reference to column AB to ensure the correct challenge is applied to the correct item.
5. As was made clear to the parties, the decisions below take into account not only the pleaded objection set out in column AC of tab 16, but also general submissions made during the course of hearings in this matter to date, earlier points of principle already decided, and the master document containing the combined points of dispute, points of reply, and the additional comment I permitted be included – which created a document running to 35 pages. I also had the benefit of access to the receiving party’s 12,170 page bundle.
6. Where an item is allowed it is on the basis that I have concluded the work was reasonably incurred. Where I concluded an item was reasonably incurred, I then made an allowance for what was reasonable in amount.
7. The decisions are set out in the table below and the parties are invited to apply the resultant reductions to the bill, in addition to applying the rate reductions I have already ruled on, to produce an updated working copy of the bill.
8. The purpose of the working copy is so that I can clearly see in which phases the receiving party remains over budget.
9. Upon receipt of that working copy, which must be on the basis that the recalculations are agreed, I will release my judgment concerning good reason.
10. My table of item by item decisions is set out below:

Item No (AA)	Point of Dispute No (AB)	Decision
2		Point of principle 3 was dismissed. The time is allowed.
92	2	Time allowed.
93	3	Allow 0.5 hours.
94	4	Agree some duplication. Insufficient to disallow. Allow 1.3 hours.

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98	5	Time allowed.
102	6	Allow 2.8 hours.
105	7	Time allowed.
119	8	Allow 0.3 hours.
129	9	Allow 2.6 hours.
131	10	Allow 2.0 hours.
133	11	Time allowed.
134	12	Time allowed.
141	13	Allow 2.5 hours.
143	14	Agree some duplication. Allow 1.0 hour.
146	15	Allow 2.8 hours.
149	16	Agree some duplication. Allow 2.0 hours.
192	17	Allow 2.1 hours.
205	18	Allow 1.8 hours.
206	19	Allow 2.0 hours.
207	20	Agree some duplication. Allow 1.0 hour.
224	21	Allow 2.8 hours.
232	21*	<i>*in column AB, Tab 16, items 224 and 232 have been associated with Point of Dispute No. 21</i>  Allow 3.0 hours.
247	22	Time allowed.
248	23	Allow 2.6 hours.
252	24	Allow 1.5 hours.
255	25	Allow 1.5 hours.
256	25	Allow 1.8 hours.
263	27	Allow 2.5 hours.
265	28	Agree some duplication. Allow 2.5 hours.
		<i>NB. There is no Point of Dispute No. 29 therefore reference to the same has been purposely omitted.</i>
272	30	Agree some duplication. Allow 2.0 hours.
273	31	Allow 2.4 hours.
276	32	Time allowed.
277	33	Allow 1.9 hours.
282	34	Allow 3.0 hours.
283	35	Allow 1.2 hours.
287	36	Allow attendance of higher grade of fee earner only on this date.
292	37	Allow 2.2 hours.
293	38	Allow 3.0 hours.
320	39	Allow 1.9 hours.
		<i>NB. There is no Point of Dispute No. 40 therefore reference to the same has been purposely omitted.</i>
321	41	Allow 0.9 hours.
322	42	Allow 0.8 hours.
343	43	Allow 2.0 hours.

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345	44	Allow 1.0 hour.
347	45	Allow 2.0 hours.
350	45*	<i>*in column AB, Tab 16, items 347 and 350 have been associated with Point of Dispute No. 45</i> Allow 1.5 hours.
357	46	Allow 2.7 hours.
358	47	Allow 1.3 hours.
363	48	Allow 0.5 hours.
364	49	Allow 1.5 hours.
369	50	Allow 2.8 hours.
378	51	Time allowed.
387	52	Allow 0.8 hours.
391	53	Allow 2.5 hours.
392	54	Time allowed.
397	55	Time allowed.
399	56	Time allowed.
403	57	Allow 3.0 hours.
404	58	Allow 3.0 hours.
408	59	Allow 2.5 hours.
410	60	Allow 2.0 hours.
417	61	Allow 4.5 hours.
418	62	Time is allowed.
419	63	Allow 2.0 hours.
421	64	Duplication. Disallow.
422	65	Allow 2.0 hours.
423	66	Allow 2.0 hours.
429	67	Time allowed.
432	68	Allow 2.7 hours.
433	69	Allow 3.5 hours.
434	70	Allow 2.0 hours.
437	71	Allow 3.5 hours.
438	72	Allow 2.5 hours.
443	73	Allow 2.5 hours.
445	74	Allow 3.7 hours.
452	75	Time allowed.
454	76	Allow 3.4 hours.
455	77	Allow 2.5 hours.
459	78	Allow 4.5 hours.
461	79	Allow 1.5 hours.
470	80	Allow 3.0 hours.
		<i>NB. Where the objections to the items below refer to "disproportionate", the fact any allowance has been made does not preclude the paying party from raising arguments as to proportionality once the bill has been recalculated and good reason ruled upon.</i>
473	81	Allow 5.0 hours.

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480	82	Allow 1.8 hours.
483	83	Allow 2.5 hours.
486	84	Allow 2.8 hours.
491	85	Allow 0.5 hours.
493	86	Allow 2.7 hours.
496	87	Allow 2.9 hours.
497	88	Allow 2.5 hours.
498	89	Allow 3.0 hours.
500	90	Allow 1.2 hours.
501	91	Allow 1.5 hours.
502	92	Allow 2.5 hours.
505	93	Time allowed.
506	94	Allow 2.4 hours.
507	95	Allow 1.0 hour.
508	96	Allow 1.0 hour.
512	97	Allow 1.8 hours.
518	98	Allow 1.3 hours.
519	99	Time allowed.
520	100	Allow 2.5 hours.
521	101	Allow 3.5 hours.
522	102	Allow 3.0 hours.
523	103	Allow 1.5 hours.
526	104	Allow 0.8 hours.
535	105	Time allowed.
541	106	Time allowed.
542	107	Time allowed.
545	108	Time allowed.
547	109	Allow 1.7 hours.
548	110	Allow 2.0 hours.
551	111	Allow 2.7 hours.
553	112	Allow 0.4 hours.
556	113	Allow 1.5 hours.
560	114	Time allowed.
562	115	Allow 0.8 hours.
563	116	Time allowed.
576	117	Allow 2.8 hours.
577	118	Allow 1.0 hour.
578	119	Allow 0.7 hours.
579	120	Allow 0.5 hours.
580	121	Allow 1.2 hours.
581	122	Time allowed.
584	123	Allow 0.8 hours.
585	124	Allow 1.5 hours.
587	125	Allow 1.0 hour
591	126	Time allowed.
605	127	Allow 1.3 hours.

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610	128	Allow 1.7 hours.
611	129	Allow 0.9 hours.
614	130	Allow 1.4 hours.
616	131	Agree duplication. Disallow.
629	132	Allow 3.0 hours.
630	133	Agree duplication. Disallow.
635	134	Time allowed.
636	135	Time allowed.
637	136	Allow 1.0 hour.
639	137	Time allowed.
644	138	Allow 4.0 hours.
649	139	Dual fee earner attendance allowed.
665	140	Allow 1.8 hours.
667	141	Allow 2.7 hours.
670	142	Allow 1.7 hours.
678	143	Attendance of senior fee earner only permitted.
680	144	Allow 1.0 hour.
689	145	Time allowed.
690	146	Allow 0.7 hours.
692	147	Allow 2.5 hours.
699	148	Allow 1.2 hours.
702	149	Allow 3.0 hours.
714	150	Attendance of senior fee earner only permitted.
728	151	Allow 1.0 hour.
734	152	Allow 1.7 hours.
735	153	Time allowed.
736	154	Allow 0.8 hours.
740	155	Allow 0.8 hours.
742	156	Allow 1.7 hours.
744	157	Allow 3.5 hours.
751	158	Allow 0.8 hours.
755	159	Allow 2.0 hours.
774	160	Allow 1.2 hours.
781	161	Time allowed.
786	162	Time allowed.
800	163	Allow 2.5 hours.
803	164	Allow 0.5 hours.
804	165	Allow 1.0 hour.
805	166	Allow 0.6 hours.
807	167	Time allowed.
808	168	Allow 0.6 hours.
809	169	Allow 0.5 hours.
815	170	Allow 0.8 hours.
820	171	Allow 0.8 hours.
847	172	Allow 0.5 hours.
848	173	Time allowed.

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849	174	Allow 0.5 hours.
852	175	Time allowed.
873	176	Allow 1.0 hour.
885	177	Time allowed.
886	178	Allow 2.1 hours.
896	179	Allow 0.3 hours.
900	180	Time allowed.
		<i>NB. There is no Point of Dispute Nos. 181 to 188 (inclusive) therefore reference to the same has been purposely omitted.</i>
901	189	Time allowed.
902	190	Time allowed.
917	191	Allow 1.3 hours.
921	192	Allow 0.9 hours.
924	193	Allow 2.0 hours.
925	194	Allow 6.0 hours.
926	195	Allow 2.0 hours.
928	196	Allow 0.8 hours.
957	197	Allow 0.9 hours.
958	198	Allow 2.0 hours.
966	199	Allow 0.8 hours.
988	200	Allow 4.5 hours.
989	201	Allow 2.3 hours.
1009	202	Allow £25,000.
1016	203	Allow 0.8 hours.
1022	204	Allow 0.8 hours.
1023	205	Allow 0.5 hours.
1025	206	Allow 0.3 hours.
1036	207	Allow 2.4 hours.
1045	208	Allow 3.0 hours.
1047	209	Allow 0.8 hours.
1063	210	Allow 0.7 hours.
1065	211	Time allowed.
1067	212	Allow 1.5 hours.
1070	213	Allow 4.0 hours.
1072	214	Allow 95.0 hours.
1073	215	Allow 6.0 hours.

11. I direct that the parties recalculate the bill, based on the decisions above and decisions already given generally in this assessment. The recalculated bill, once agreed, shall be re-submitted to the court for my consideration.
12. That bill will be accompanied by a revised Precedent Q which should make clear the extent to which any of the budgeted phases remain in excess of the amounts allowed under the costs management order in this matter.
13. The revised Precedent Q should be the product of decisions made in this assessment only. It is not an opportunity nor invite to rephrase some of the costs. As the receiving



party is aware, submissions have been made in relation to good reason. Those submissions were made on the basis of the bill has originally phased, hence why I issue a clear warning that now is not the time to rephase the bill.

14. My judgment as to good reason will be released upon receipt of the revised, recalculated bill and Precedent Q.
15. As outlined during the course of the last hearing, there is no reason why this assessment cannot be completed on the papers and, if necessary, a further short remote hearing. However, if either party is shown to be the cause of delays in recalculating the bill then a hearing date will be listed, in person, where an explanation of the cause of any such delays will be required.
16. At any time in the interim period, the parties are at liberty to compromise their costs dispute. If the parties can compromise their dispute in relation to the bill but require from the court, for example, decisions as to interest and/or costs of assessment, then such matters may be dealt with by way of a short remote hearing.