

Harrison Grant
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Our Ref
JSS/MAS/165443.0012
Date
2 July 2021

By Email

Dear Sirs

R (Jennifer Dawes) v Secretary of State for Transport (Defendant) and Riveroak Strategic Partners Ltd (Interested Party)
Claim number: CO/2917/2020

We are in receipt of your email of 10 June 2021 attaching a schedule of costs claiming £21,960.24 from our client.

We cannot see that your client could have been forced to incur costs at that level that she would not otherwise have incurred due to the defendant defending her claim. We refer to an exchange of emails between our respective firms in December 2020 in which we resisted your implication that substantial costs had been generated by our client's involvement as an interested party in this matter. We accept that our client filed summary and detailed grounds (which we assume are the documents referred to in your schedule of costs, although your counsel appears only to have reviewed our client's detailed grounds) but, as set out in our email of 9 December 2020, we do not accept that doing so would have generated significant additional costs since, as you said, the grounds were in materially the same terms as the Defendant's.

In any event, you have failed to particularise in adequate detail the work you allege to have carried out in respect of our client's position. Our client cannot agree to pay costs relating only to "work on documents", "attending to file" or "emails". Given the unusual order your client is seeking, we will require much greater detail about the precise nature of the work for which your client is claiming costs before we are able to reach an informed view whether those costs are reasonable and/or can be agreed.

In the meantime, we note that your client is claiming your fees at rates higher than the guideline hourly rates for your postcode, which are £229-267 for a Grade A fee earner and £172-229 for a Grade B fee earner. The rates of £300 and £226 respectively are not accepted in any event.

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Further, we fail to see how a sum as large as £15,000 plus VAT could possibly have been incurred by your counsel on work occasioned solely by the interested party. That sum is all the more unreasonable given that he only became involved in this matter when Detailed Grounds were filed, as indicated in the narrative you have supplied.

Finally, you have not provided any information about the costs that you seek from the Defendant. We look forward to receiving that information as soon as possible, in order to enable us to understand the full context of your client's position.

For the avoidance of doubt, and pending receipt of the information requested in this letter, our view is that your client is claiming an unreasonable level of costs from our client and neither the amount, nor our client's liability for it, is agreed.

Yours faithfully

A handwritten signature in dark blue ink that reads 'BDB Pitmans LLP'.

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