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By email: JudithSwinhoe-Standen@bdbpitmans.com

Your ref: JSS/MAS/165443.0012

Our ref: DAW0011

Email: susanring@hglaw.co.uk

30 July 2021

Dear Sirs,

R (Jennifer Dawes) v Secretary of State for Transport (IP) Riveroak Strategic Partners Ltd - CO/ 2917/ 2020

Further to our correspondence in this matter, we make the following observations.

1. The Consent Order (copy enclosed for your ease of reference) provides that 'The Interested Party shall pay the Claimant's additional costs occasioned by the Interested Party of the claim on the standard basis to be subject to detailed assessment by the Court if not agreed. In accordance with the Order of Mrs Justice Lang dated 12 October 2020, such costs shall be limited to £35,000...' The Order of Lang J is also enclosed.
2. We have set out in our Schedule of Costs those costs which were the additional costs occasioned by the Interested Party.
3. Those costs now include the additional costs of dealing with the costs claim against the Interested Party and please note our hourly rate of £300 plus VAT applies.
4. You will recall that the Defendant requested an extension of time of 14 days to file Detailed Grounds of Defence and on 16 November 2020 the parties agreed to this. Nevertheless, the Interested Party the same day filed and served its own Detailed Grounds of Defence and supporting evidence, which the Claimant's legal team were obliged to review for the purpose of a Reply and further evidence within 21 days as ordered by Lang J in the Order dated 12 October 2020. This was unquestionably an additional cost occasioned by the Interested Party. These Detailed Grounds could not be materially in the same terms as the Defendant's, as the Defendant conceded the claim on 1 December 2020 and did not file any Detailed Grounds of Defence.
5. You say that your client cannot agree to pay unparticularised costs. Given these are relatively modest costs that would self-evidently have been incurred, we would have thought these could have been agreed without the expense of particularising. Nevertheless, we will at your request go through that exercise for you (but please note our hourly rate of so doing is £300 plus VAT).

6. We do not understand your comment about 'the unusual order your client is seeking'. We are not seeking an order; the costs Order in the Consent Order has been made and sealed on 15 February 2021.
7. Hourly rates. You will be well aware that the guideline rates were last set in 2010 and are guidelines for summary assessment by the Court, which has not happened here. We are specialist solicitors and as such should recover an hourly rate to reflect that specialism regardless of postcode. See the developing case law in this area. Our hourly rate is maintained.
8. We do not understand why you say that Counsel only became involved in this matter when Detailed Grounds were filed. Counsel Paul Stinchcombe QC was part of the legal team from the start of this case. When the IP served Detailed Grounds, it was agreed that he would review and respond in the first instance. Please speak to the fee earners involved for further information.
9. We have already agreed costs with the Defendant. These were limited to £35,000 in line with the Order of Lang J.

Given the above, we would suggest it is in your client's interests to agree costs without further delay.

Yours faithfully,

Harrison Grant

HARRISON GRANT