



Case No: HT-2016-000318

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**TECHNOLOGY AND CONSTRUCTION COURT**

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

Date: 17 February 2017

**Before:**

**THE HON MR JUSTICE COULSON**

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**Between:**

<b>McGee Group Limited</b>	<b><u>Claimant</u></b>
<b>- and -</b>	
<b>Galliford Try Building Limited</b>	<b><u>Defendant</u></b>

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**Simon Hargreaves QC** (instructed by **Birketts LLP**) for the **Claimant**  
**Adrian Williamson QC** (instructed by **CMS Cameron McKenna LLP**) for the **Defendant**

Hearing dates: 25 and 26 January 2017

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**RULING ON COSTS**

**The Hon Mr Justice Coulson**

**The Hon. Mr Justice Coulson :**

## **1. INTRODUCTION**

1. On 25 and 26 January 2017 I heard this case and by my Judgment at [2017] EWHC 87 (TCC) I gave judgment in favour of the claimant, preferring their interpretation of the sub-contract to that of the defendant.
2. It is agreed that the defendant must pay the claimant's costs. I am asked to summarily assess those costs.

## **2. OVERVIEW**

3. The point at issue in this case was worth £2.2 million. The claimant's costs are in the total sum of £35,326.33. Those costs are plainly proportionate.
4. I note that the claimant's costs are slightly less than those of the defendant, claimed in the sum of £41,940.11. That only confirms my view that the claimant's costs are proportionate.
5. In those circumstances, I do not accept the defendants' submission that there is a 70% rule of thumb which should be applied to the assessment of the claimant's costs in this case. In my view, there is no basis for reducing the sum claimed (of £35,326.33) by 30%.

## **3. GENERAL DEDUCTIONS**

6. Whilst the matter in issue was a short point of construction, I do not consider that the hearing bundles were disproportionate. It is always difficult to predict precisely what documents will be relevant.
7. I do accept that some costs were incurred unnecessarily because of the claimant's full-back cases. These were unnecessarily complex and of little assistance. I would make a general reduction of £2,000 across the board to reflect that point.

## **4. SPECIFIC DEDUCTIONS**

8. It is said that the £250 per hour for a Grade A fee earner was too high and a comparison is made with the guideline rate of £217 per hour. I make no reduction in respect of this. The guideline rate is simply a guideline and, by comparison with many firms who undertake this sort of work, I accept that the claimant's solicitors represent good value for money.
9. I do not accept that the preparatory work should have been done by a lower grade solicitor. In my view, the fact that much of the work was done by a Grade A solicitor saved time and money.
10. I consider that a deduction should be made in respect of the 12 hours attending on the claimant and 14 hours attending on others. I consider that both those figures were too high. In my view a reduction of £1,000 overall to reflect these excessive hours would be appropriate.

11. I do not consider that there should be any reduction in respect of counsel's fees. Again I consider that the early and extensive involvement of counsel (on both sides) made for a short and efficient hearing.

## **5. SUMMARY**

12. Accordingly, for the reasons set out above, I would reduce the sum sought by the sum of £3,000. Thus I summarily assess the costs in the sum of **£32,326.33**.