THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) THAMER ABDULAZIZ ALBULAIHID
(2) MOUSTAFA EL SAYED ABDULGHANI EL SHAFAEI

Claimants

and

(1) NASSER SHEHATA
(2) HEALTH INSIGHTS FZ-LLC
(3) HEALTH INSIGHTS ASIA (L) BHD

Defendants

ORDER WITH REASONS OF H.E. JUSTICE RENE LE MIERE

UPON the Order with Reasons of H.E. Justice Rene Le Miere dated 30 April 2025 dismissing the Third Defendant's Jurisdiction Application dated 25 July 2024 (the "Jurisdiction Application")

AND UPON the Order H.E. Justice Rene Le Miere dated 23 May 2025 ordered the Third Defendant to pay the Claimants' costs of the Jurisdiction Application

AND PURSUANT TO the Rules of the DIFC Courts

IT IS HEREBY ORDERED THAT the Third Defendant shall pay the Claimants' costs assessed in the amount if USD 40,000.

Issued by:
Delvin Sumo
Assistant Registrar
Date of issue: 25 June 2025
At: 10am

SCHEDULE OF REASONS

Summary

1. By Application No. CFI- 079-2023/3 dated 25 July 2024, the Third Defendant contested the Court's jurisdiction to hear the claim against the Third Defendant (the "Jurisdiction Application").

2. On 30 April 2025, the Court dismissed the Jurisdiction Application.

3. On 23 May 2025, the Court ordered the Third Defendant to pay the Claimants' costs of the Jurisdiction Application on the standard basis and gave directions for the assessment of those costs.

4. For the reasons below, the Court will order that the Third Defendant pay the Claimants' costs of USD 40,000.

Claimants' statement of costs

5. Three fee earners incurred the Claimants' costs:

Name	Position	Experience(years)	Rate (USD)
Aimy Roshan	Partner	12	935.00
Khadija El-Leithy	Associate	4	740.00
Christina Smith	Paralegal	1	395.00

6. Those rates are within the average hourly rates in Registrar's Direction No. 1 of 2023 on indicative hourly rates, except for Khadija El-Leithy. The average hourly rate in the Registrar's Direction for a lawyer with up to 5 years legal experience is USD 651. The rates in the Registrar's Direction are a guide when assessing costs.

7. The costs incurred and claimed by the Claimant are:

Attendances on: 3 hours
Work on documents 10 hours 6 minutes
Attendances at hearing (2x4) 8 hours

Disbursements total USD 27,366
Grand total USD 43,310.31

Third Defendant's submissions

8. The Third Defendant argues that the Claimants' statement of costs is excessive or should be reduced based on the following grounds:

9. Global Amount Claimed: The Third Defendant contends that the global amount of USD 43,310.41 claimed by the Claimants is excessive. This is because the hearing was only four hours long and concerned a narrow question of law. Additionally, some costs, such as attending the hearing, preparing a bundle, and instructing counsel, would have been incurred regardless, as the Jurisdiction Application hearing coincided with the Case Management Conference. Therefore, even if costs associated with the Case Management Conference have been removed, a sum exceeding USD 40,000 is deemed unreasonable and disproportionate, and not reasonably and proportionately incurred.

10. Disbursement Costs: The Claimants' disbursement costs of USD 27,366.31 are considered unreasonable and disproportionate. While the Claimants have the right to choose their legal representation, the amount incurred is not the lowest that could reasonably be expected to conduct the Jurisdiction Application proficiently. If the disbursement costs are attributed to counsel's work on documents, then the work done by fee earners on documents is excessive and should be reduced to a reasonable and proportionate level.

11. Involvement of Multiple Fee Earners and Counsel: The Third Defendant argues that the Claimants have engaged in proceedings with a disproportionate involvement of multiple fee earners and counsel. It was not reasonable or proportionate to instruct both leading and junior counsel, nor was it reasonable for both a partner and an associate, with a combined rate of USD 1675, to attend a hearing where both leading and junior counsel were also present.

12. The Third Defendant suggests that the Court should adopt a global approach and assess the claimants' costs of the Jurisdiction Application on the standard basis at 65% of the amount claimed.

Third Claimants' reply

13. The Claimants argue that the Third Defendant's objections to the costs are misconceived and that the full amount claimed should be awarded for the following reasons.

14. The Third Defendant's claim that the global amount of USD 43,310.41 is excessive is unfounded, as the Jurisdiction Application involved three separate legal grounds, not a narrow question of law.

15. The application required significant preparation, including witness statements and a fourhour hearing, making the costs reasonable and proportionate.

16. The Claimants have isolated the costs of the Jurisdiction Application and the time spent by fee earners is not excessive.

17. The Claimants' disbursement costs, constituted by counsel fees, are reasonable and reflect the market rate for complex commercial litigation.

18. The involvement of multiple fee earners and counsel was necessary and proportionate, given the complexity and significance of the proceedings.

19. The presence of both a partner and an associate at the hearing was justified to ensure effective coordination and accurate advice to the client.

Assessment

20. The Court accepts that the Jurisdiction Application involved three distinct grounds, each requiring careful legal analysis and strategic coordination. In such circumstances, the involvement of both leading and junior counsel, supported by a partner and associate, was reasonably necessary to ensure effective representation.

21. The fees charged for Associate Khadija El-Leithy exceed the average amount charged for a lawyer of 4 years' experience in the Registrar's Direction by about USD 1,375 in total.

22. The amount of counsels' fees suggests that they were involved in reviewing, drafting, and settling the documents, along with Ms Roshan and Ms El-Leithy. That results in excessive costs having been incurred in working on the documents.

23. I will reduce the amount claimed to USD 40,000 to account for the excessive work on the documents and the above-average rate charged for Ms El Leithy.

24. Having reviewed the submissions and supporting documents, the Court is satisfied that the global amount of USD 40,000 in relation to the Jurisdiction Application is reasonable and proportionate.

25. The Court accepts that the application involved complex legal and procedural issues, including the interpretation of Article 5A(1)(e) of the Judicial Authority Law, RDC 20.7, procedural matters concerning the joinder of the Third Defendant, and considerations under Article 13 of the Arbitration Law and forum non conveniens. These matters required detailed legal analysis and argument.

26. The Court further notes that significant procedural work was undertaken, including the preparation and filing of witness statements and exhibits. The hearing itself lasted four hours and involved substantial oral submissions, reflecting the depth of preparation required.

27. The costs claimed were isolated from those associated with the Case Management Conference, and the breakdown of time spent by the Claimants' legal representatives demonstrates a focused and reasonable allocation of resources.

28. Given the potential impact of the application-namely, the possibility of the Third Defendant being excluded from the proceedings-the Court finds that the legal work undertaken was justified and necessary.

29. Accordingly, the Court finds the claimed amount of USD 40,000 to be fair, reasonable, and recoverable.