





## Phaestos Ltd & Anor v Peter Ho and IKOS & Ors v Sam Gover [2016]

Just Costs Solicitors acted as solicitor agents on behalf of the Claimant.

The parties then went to court in April 2016 to argue over who should be paid the costs of the Defendants' claim for costs.

As receiving parties, the Defendants would normally recover such costs but the claimants argued that, given the particular circumstances, the rule should be reversed and that, instead, the Claimants (the paying parties) should receive these costs due to reasons of conduct.

Costs Judge Howarth was scathing of the Defendants' attempt to introduce new evidence, and ordered disclosure of the Defendants' privileged bundle of invoices. During an adjournment, the Defendants sought settlement on the basis that they would pay the Claimants their (effectively) wasted costs in the sum of £400k, and this proposal was agreed and then certified by the Court in an open consent order. The Defendants had wanted the agreement to remain confidential but it was successfully argued that the terms of agreement should be disclosable to all.

**“ It is rare for paying parties to be awarded their costs assessment and even rarer that such costs should be paid in full ”**

### Comment

This was an outstanding result for our client who described the outcome as a '100% comprehensive victory and a vindication of their arguments'.

It is rare for paying parties to be awarded their costs of assessment, and even rarer that such costs should be paid in full.

**As a result of Just Costs' input, our clients were refunded nearly half a million pound, then had their costs of this process paid for entirely by their opponents.**