

APPENDIX 13 - SCHEDULE OF RECENT CASES PROVIDED BY SOLICITORS PRACTISING IN THE TECHNOLOGY AND CONSTRUCTION COURT

CASE NUMBER	FORUM	COSTS CLAIMED	COSTS RECOVERED	% RECOVERY	STAGE AT WHICH CASE CONCLUDED	NOTES
1	TCC	£1,434,648	£1,100,000	76%	Judgment	Client was a Defendant who was found not liable, hence costs were awarded in its favour, the majority of which on an indemnity basis. A percentage of the costs (7%) were client's internal costs.
2	TCC	£236,518.52	£165,000	69%	Pre trial	This was a Part 20 claim which settled two weeks prior to trial with a £250K payment to Defendant. A percentage of the costs (15%) were client's internal costs.
3	TCC	£26,600 (including 40% uplift).	£26,600	100%	Pre trial	This was an adjudication enforcement case which settled in the Claimant's favour a few hours before the hearing. The Claimant was claiming £48K. The case was subject to a CFA which provided a 40% uplift for success (which was paid).
4	TCC (Birmingham)	£15,118	13,737	90%	Judgment	Value of claim: £112,213
5	TCC	£242,000	145,000	60%	Judgment	Declaration
6	TCC	£160,000	£160,000	100%	Judgment	Hearing was an appeal of an Arbitrator's award – value £2m.
7	TCC	£34,433	£25,016	73%	Judgment	This was an adjudication enforcement case where the adjudicator's decision was not enforced. The decision was for £204K.
8	TCC	£9,700	£8,500	88%	Judgment	The enforcement of an adjudicator's decision following non-payment of final account. Judgment sum (excl. interest) was £549,899.
9	TCC	£3,730	£3,730	100%	Settlement on day of enforcement hearing	The enforcement of an adjudicator's award on the final account which settled at the doors of the court. Settlement agreed at £22,627 (incl. interest)
10	TCC	£24,667	£18,000	72.97%	Judgment in favour of Claimant	The enforcement of adjudicator's decision regarding unlawful termination of the contract and the payment of adjudicator's fees. Judgment sum (excl interest) was £20,065.51
11	TCC	£406,673	£260,000 (agreed)	63%	Pre trial	Professional negligence claim for subsidence. Claimant (individual) and Defendants (insurance co/brokers). Matter settled prior to trial on basis of Defendants agreeing to pay £430K plus costs
12	TCC	£618,100	£452,000 (agreed)	73%	Pre trial	Building related dispute claim for c £1.3m and counterclaim for £1.7m; settled – Defendant agreeing to pay £750K damages, interest and costs
13	TCC	First instance: £395,000 Appeal: £78,000	No specific mention in settlement agreement as to the proportion of settlement sum attributable to costs but taking the settlement as a percentage of the claim and total costs, it equates to a recovery of 78%	78%	During trial	Claim for circa £3.5m and counterclaim for £1m. Claim and counterclaim settled at £3.1m net to the Claimant inclusive of Claimant's costs following trial of preliminary issues and an appeal in relation to same.
14	TCC (Birmingham)	£8,161	£4,750	58%	Judgment	Pre-action application for pre action disclosure. Claimant's application dismissed. Respondent's costs summarily assessed.
15	TCC (Birmingham)	£35,324	£27,797	78%	Judgment	Adjudication enforcement proceedings requiring payment to Claimant of £532,000
16	TCC (Birmingham)	£17,585	£13,489	77%	Judgment	Enforcement proceedings relating to expert determination requiring payment to the Claimant of £56,000 plus VAT.
17	TCC	£185,000	£140,000	75%	After judgment of prelim issues	Claim settled at £140K
18	TCC	£30,523	Included in settlement		Pre trial	Full and final settlement of £280,000, incl. costs
19	TCC	£9,000	Included in settlement		Pre trial	Full and final settlement of £35,000, incl. costs

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20	TCC	£1.1m	none		Pre trial	Claim settled on a "drop hands" basis
21	TCC	£147,000 (incl £40K counsel's fees)	Included in settlement		Post judgment but pre arbitration	Adjudication enforcement case which settled during course of subsequent arbitration. Value of claim £566K.
22	TCC	£2,162,327 (Claimant's costs) incl £800K pre issue fees	Included in settlement		Pre trial, at mediation post close of pleadings	Multi party claim for £17m.
23	TCC	Claimant's costs: £1,575,000 Defendant's costs £606K (including experts fees of £236K)	Included in settlement		Following a mediation, after issue of proceedings and before trial	Claim was £9,471,941 but settled for £1,880,000
24	TCC	Claimant's costs £83,889	£63,784	76%	Judgment	Value of claim: £136,867
25	TCC	Legal fees £3,332,917 Experts: £2,122,565 Counsel: £142,685 Mediator: £38,882 Claimant's total costs: £5,637,049	Included in settlement		Following mediation, before the issue of proceedings at the end of the PAP	Value of claim was £135,000,000 Settlement sum confidential
26	TCC	Legal costs £173,765 Counsel: £34,138 Claimant's total: £207,904	None: Defendant went into administration		The claim went to trial. The parties agreed a costs order by consent (detailed assessment on standard basis, if not agreed)	Claim concerned the construction of a contract i.e. declaratory
27	TCC	£175,321.62	Awarded: £75,000 on account of costs; and detailed assessment of remaining £100,321.62 (settled at 70 % of outstanding balance: £70,225.13) Total recovered: £145,225.13	83 % (settlement)	Judgment	Both parties appealed against an arbitrator's award. Neither party successful. Our client forced to appeal when other party appealed and had sought to avoid this outcome. "Without prejudice save as to costs" letter produced to court after judgment. Costs awarded in our client's favour.
28	TCC	£150,000	Included in settlement	N/A	Pre issue	Client was Claimant in multi party action with total claim of £440,000. Pre action protocol followed and a mediation at which settlement was reached. Claimant recovered £310,000 incl. of costs.
29	TCC	£26,000	Included in settlement	N/A	Pre issue	Developer client in dispute with Consultant Engineer. Value of claim was £89,000. Pre action Protocol followed and settlement reached without need for meeting. Claimant recovered £60,000 incl. of costs.
30	TCC	£14,328.50	£11,750	82%	At appeal hearing	Appeal from the decision of an arbitrator. Dealt with at a 3-hour hearing.
31	TCC	£1,241,658	£1,025,000	82.5%	Judgment	Claimant unsuccessful, recovery of Defendant's costs