

APPENDIX E

Para. 131(3)(b)

E1: Sample Bill of Costs for Contentious Matters – Trials

IN THE GENERAL DIVISION OF THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Suit No. of 20

Bill of Costs No. of 20

GST Reg. No. (solicitors for claimants): 12345

GST Reg. No. (1st claimant): 67890 (20%)

2nd claimant: No GST Reg. No. (100%)

Between

(1) AAA

(2) BBB

..... Claimants

And

CCC

..... Defendant

BILL OF COSTS (for contentious business - trials)

Applicant: Solicitors for the claimants

Nature of bill: Party and party

Basis of assessment: Standard basis

Basis for assessment: Judgment dated _____ ordering the defendant to pay 2/3
of the claimants' costs

Section 1: Work done except for assessment			
<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
1.	The claim		
1.1	Nature of claim	Breach of contract, restraint of trade, breach of confidentiality.	
2.	Pleadings		
2.1	Originating Claim & statement of claim	Originating Claim: 3 pages Statement of claim: 20 pages	
2.2	Defence & counterclaim	Defence: 10 pages Counterclaim: 2 pages	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
2.3	Reply & defence to counterclaim	Reply: 5 pages Defence to counterclaim: 2 pages	
2.4	Relief claimed	Claimants' claim: <ul style="list-style-type: none"> • \$ 1 m damages plus interest • Permanent injunction Defendant's counterclaim: <ul style="list-style-type: none"> • \$500,000 damages plus interest • Declaration 	
2.5	Affidavits deemed or ordered to stand as pleadings	Not applicable	
3. Interlocutory attendances			
3.1	Interlocutory applications – costs fixed by Court	(1) HC/SUM 123/2021: claimants' application for striking out defence filed on [date]. 3 affidavits filed (300 pages including 35 exhibits). Costs awarded to claimants fixed at \$3000. (2) HC/SUM 789/2021: defendant's application for production of documents. 1 affidavit filed (5 pages including 2 exhibits). No order on application with no order on costs.	(1) Application dismissed. Hearing before AR for ½ day on [date]. (2) 6 categories requested and 3 allowed. Hearing before AR for ½ day on [date].
3.2	Interlocutory applications – costs not fixed by Court	(1) HC/SUM 456/2021: claimants' summons without notice for interlocutory injunction on [date]. 2 affidavits filed (total 200 pages including 25 exhibits). Written submissions of 30 pages with 10 cases cited. Order in terms with costs in the cause. (2) HC/SUM 567/2021: claimants' single application pending trial. Orders made with costs in the cause.	(1) Hearing before Justice ABC from 5.30 pm to 6.30 pm on [date]. (2) Heard together with case conference on [dates].

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
3.3	Appeals to Judge in Chambers	RA 1/2021: appeal on defendant's application for production of documents. Appeal dismissed with costs fixed at \$1000 to the claimants.	Special date – ½ day hearing before Justice XYZ on [dates].
3.4	Case Conferences	4 CCs on [dates]	By consent application for extension of time to exchange AEICs with costs in the cause heard during CC on [date].
3.5	Other attendances	Not applicable.	
4. Production of Documents			
4.1	Number of lists of documents	Claimants: list + 3 supplementary lists Defendant: list + 1 supplementary list All verified by affidavit.	1 of claimants' supplementary lists filed on 1st day of trial.
4.2	Total number of documents disclosed	Claimants: 3,500 pages Defendant: 200 pages	
5. Trial			
5.1	Opening Statement	Claimants: 20 pages Defendant: 18 pages	
5.2	Number of days and date(s) of trial	Number of days fixed: 15 days Number of days of actual hearing: 12 ½ days Dates of trial: 5-9 April 2021, 26, 29 April 2021, 3-5 May 2021	Parties negotiated on the 1st day and dispensed with 2 witnesses.
5.3	Part heard	2 week break after 5th day.	
5.4	Affidavits of evidence in chief – text and exhibits	Claimants: 5 affidavits • 250 pages of text; • 65 exhibits running to 2000 pages Defendant: 3 affidavits • 200 pages of text; • no exhibits, affidavits cross referenced to agreed bundle of documents; 30 documents referred to in the affidavits.	Overlap of 30 exhibits

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
5.5	Bundle of Documents	Core bundle: 2 volumes 500 pages Agreed bundle: 10 volumes 3000 pages Claimants' bundle: 1 vol 500 pages Defendant's bundle: 1 vol 90 pages	Exhibits C1 to C10 and D1 to D4 introduced during trial; 55 pages.
5.6	Witnesses at trial	Claimants: 5 (3 of fact; 2 experts) Defendant: 4 (3 of fact; 1 expert)	2 of the claimants' witnesses only spoke Russian. Claimants' experts not cross-examined. 1 of the defendant's witnesses gave oral evidence.
5.7	Closing submissions and authorities cited	Claimants: 60 pages and 12 cases Defendant: 30 pages and 6 cases	
5.8	Submissions in reply and authorities cited	Claimants: 10 pages and 2 cases Defendant: 6 pages and 5 cases	
5.9	Other post-trial filings/matters	Not applicable.	
6. Complexity of case			
6.1	Legal issues	(1) Whether acceptance of an offer in an email forms a binding contract in the absence of a formal contract. (2) ...	
6.2	Factual issues	(1) Whether the defendant sent the email that forms the basis of a binding contract between the parties; (2) ...	
6.3	Complexity	<ul style="list-style-type: none"> • Novel point of law involving... [summary of the points]; • Consideration of multiple alternative defences; • Major factual disputes in respect of definition of confidential information 	

<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
6.4	Grounds of decision	30 pages. In particular Judge commented on the complexity of case or novelty of issues at para [highlight relevant paragraphs in the grounds of decision]. 5 authorities cited in the grounds.	
7.	Urgency and importance to client		
7.1	Urgency	Preparation for interlocutory injunction was made over the Chinese New Year.	
7.2	Importance to client	The claimants have invested approximately \$1 m into research and it is critical that confidentiality of their information is maintained.	
8.	Skill, specialised knowledge and responsibility required of, time and labour expended by, solicitor		
8.1	Number of letters/faxes/emails exchanged between the parties	Claimants to defendant: 100 Defendant to claimants: 50 Claimants to Court: 3	
8.2	Number of letters/faxes/emails to client	150	
8.3.	Meetings with opposing counsel	6 meetings comprising in total approximately 15 hours during part heard break between 5th and 6th day of trial	
8.4	Time spent	200 hours	
8.5	Others	Not applicable.	
9.	Number of solicitors involved		
9.1	Counsel	Claimants: Mr ABC 15 years Ms DEF 2 years Defendant: Ms GHI 10 years Mr JKL 5 years	Ms DEF was however an in-house counsel in an MNC for 5 years prior to practice.

No.	Item	Description	Remarks
10.	Proportionality		
10.1	Amount claimed	<p>For Mr ABC – Work done in 2019: \$ <i>a</i> Work done in 2020: \$ <i>b</i> Work done in 2021: \$ <i>c</i></p> <p>Percentage of input tax for which the 1st claimant is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1st claimant is not entitled credit in respect of –</p> <p>Work done in 2019: \$ <i>d</i> Work done in 2020: \$ <i>e</i> Work done in 2021: \$ <i>f</i></p> <p>Percentage of input tax for which the 2nd claimant is not entitled to credit: 100%.</p> <p>Amount of input tax for which the 2nd claimant is not entitled credit in respect of –</p> <p>Work done in 2019: \$ <i>g</i> Work done in 2020: \$ <i>h</i> Work done in 2021: \$ <i>I</i></p> <p>GST for work done in 2019: \$ <i>j</i> GST for work done in 2020: \$ <i>k</i> GST for work done in 2021: \$ <i>l</i></p> <p>For Ms DEF-</p> <p>Work done in 2019: \$ <i>m</i> Work done in 2020: \$ <i>n</i> Work done in 2021: \$ <i>o</i></p> <p>[Set out claim for GST as above].</p>	
11.	Conduct of the parties		
11.1	Parties attempted ARD by attending mediation sessions at the Singapore		

	Mediation Centre on 10-11 December 2020, but mediation was not successful.		
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Section 2: Work done for and in the assessment of costs			
<i>No</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
12.	Work done	Drawing up bill of costs, perusing documents and vouchers, attending hearing for assessment of costs and drawing up Registrar's certificate.	
13.	Amount claimed	<p>\$p Percentage of input tax for which the 1st claimant is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1st claimant is not entitled credit : \$ q</p> <p>Percentage of input tax for which the 2nd claimant is not entitled to credit: 100%.</p> <p>Amount of input tax for which the 2nd claimant is not entitled credit : \$ r</p> <p>GST for work done: \$ s</p>	

Section 3: Disbursements			
<i>No.</i>	<i>Item</i>	<i>Description</i>	<i>Remarks</i>
14.	15/5/20	Originating Claim (Court fees): \$ xxx	
15.	3/6/20	Reply and defence to counterclaim (Court fees): \$ yyy	
16.	3/6/20	HC/SUM 123/2021 (Court fees): \$ zzz	
17.	xxxx	[Nature of each disbursement and the amount claimed.]	

18.		<p>Total amount claimed: \$ <i>t</i></p> <p>Percentage of input tax for which the 1st claimant is not entitled to credit: 20%.</p> <p>Amount of input tax for which the 1st claimant is not entitled credit in respect of –</p> <p>Disbursements incurred in 2019: \$ <i>u</i> Disbursements incurred in 2020:\$ <i>v</i> Disbursements incurred in 2021:\$ <i>w</i></p> <p>Percentage of input tax for which the 2nd claimant is not entitled to credit: 100%.</p>	
		<p>Amount of input tax for which the 2nd claimant is not entitled credit in respect of –</p> <p>Disbursements incurred in 2019: \$ <i>x</i> Disbursements incurred in 2020: \$ <i>y</i> Disbursements incurred in 2021: \$ <i>z</i></p> <p>GST for work done in 2019: \$ <i>aa</i> GST for work done in 2020: \$ <i>bb</i> GST for work done in 2021: \$ <i>cc</i></p>	