

NCN: [2024] EWHC 1679 (Admiralty)

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
KING'S BENCH DIVISION
ADMIRALTY COURT

Rolls Building, Fetter Lane,
London, EC4A 1NL

Date: 24 May 2024

Before:

MRS JUSTICE COCKERILL

Between:

(1) SHELL UK LTD
(2) FLUOR LTD

Claimants

- and -

(1) GREENPEACE UK LTD
(2) GRREENPEACE LTD
(3) STICHTING GREENPEACE COUNCIL
(4) IMOGAN MICHEL
(5) CARLOS MARCELO BARIGGI AMARA
(6) YAKUP CETINKAYA
(7) USNEA GRANGER
(8) YEB SANO
(9) WAYA PESIK MAWERU
(10) MASTER OF M/V "SEA BEAVER"
(11) PASCAL HAVEZ
(12) SILJA ZIMMERMANN

Defendants

ALEX GUNNING KC (instructed by **Norton Rose Fulbright LLP**) for the **Claimants**
RICHARD LORD KC and **NAOMI HART** for the **Defendants**

APPROVED JUDGMENT

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MRS JUSTICE COCKERILL:

1. I have listened very carefully to what has been said and was very impressed with all the points that were made in oral argument which Ms Hart has picked up to deploy in her costs submissions. She makes a good point, which was partially acknowledged by Mr Gunning, that this has an element of case management about it. I am going to bring an element of that into what I do on costs.
2. The strict analysis of this is that Mr Justice Andrew Baker was alarmed by the sound of the length of the pleading and he obviously did not think it was likely to be compliant and he expressed concerns about it, ultimately this has come to a hearing and I have said that it is not compliant, and so effectively the defendants have lost this. However at the same time it has nonetheless had a useful case management role, in that we have discussed exactly how the case stacks up, the way in which there are going to be issues as to evidence and what the best use of schedule 1 is.
3. So although I am going to broadly award costs to the claimants because they have effectively won this, it seems to me it was necessary to come to this hearing - because every indication that I have had during the course of this morning has been that the claimants are very, very wedded to their pleading and it was only in the face of my determination to bring down the length of the pleading that the length of the pleading has come down. So as I say, I think it was necessary to come to this hearing and although there was an offer halfway to resolution, as Ms Hart put it, halfway to resolution is not quite there at all. So overall we did need to come to a hearing but also we have got something useful out of it.
4. That being the case, I am going to award the claimants £17,500 of their costs. That reflects a little bit of a reduction in the light of the specific point which Ms Hart made

on the documents schedule, which was a good point. The fee earners point is not so fantastic, 10 hours approving a bundle which was not that complicated a bundle is a bit much. There is also just generally a little reduction to reflect that case management element highlighted in Ms Hart's submissions.

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