



محكمة قطر الدولية
ومركز تسوية المنازعات
QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

**In the name of His Highness Sheikh Tamim bin Hamad Al Thani,
Emir of the State of Qatar**

Neutral Citation: [2024] QIC (F) 54

**IN THE QATAR FINANCIAL CENTRE
CIVIL AND COMMERCIAL COURT
FIRST INSTANCE CIRCUIT**

Date: 27 November 2024

CASE NO: CTFIC0014/2021

AMBERBERG LIMITED

1st Claimant

PRIME FINANCIAL SOLUTIONS LLC

2nd Claimant

v

THOMAS FEWTRELL

1st Defendant

NIGEL PERERA

2nd Defendant

LOUISE KIDD

3rd Defendant

CHRISTOPHER IVINSON

4th Defendant

JUDGMENT

Before:

Justice Fritz Brand

Order

1. The application for permission to review the Registrar's Costs Judgment ([2024] QIC (C) 14), is refused.

Judgment

1. The Applicant, Amberberg Limited, a company incorporated in the British Virgin Islands, seeks permission to initiate proceedings to review the Registrar's determination of the quantum of two costs orders, one awarded against the Applicant and one in its favour, by the First Instance Circuit (the '**Court**') in a case between the Applicant as the Claimant against three Defendants (the '**Defendants**') in the matter of *Amberberg Ltd and another v Thomas Fewtrell and others* (Case No. CTFIC0014/2021). The determination of the Registrar which is the subject of the proposed challenge was handed down on 15 September 2024 ([2024] QIC (C) 14).
2. The reason for this application is that on 5 June 2024, the Applicant was made the subject of a Litigation Restraint Order ('**LRO**'). Under the terms of the LRO, the Applicant is precluded from making any claims or applications – whether fresh cases or within extant cases – without permission; hence, the preliminary application for permission to bring the review proceedings.
3. The litigation between the Applicant and the Defendants has traversed a long and winding road, including several detours. One such detour involved an unsuccessful

challenge of the Court's jurisdiction raised by the Defendants while another resulted from an application for a freezing order by the Applicant which was subsequently abandoned by it.

4. On 9 November 2023, the Court ordered that the Defendants must pay the costs of their unsuccessful jurisdiction challenge while the Applicant was ordered to pay the costs of the freezing order application, in both instances to be assessed by the Registrar if not agreed. Since the parties did not agree on the quantum of either costs order, the Registrar was required to do so.
5. With reference to the jurisdictional challenge, the Applicant's claim was for an amount of QAR 230,000 plus QAR 45,000 for preparing written submissions in the proceedings before the Registrar. This was taxed down by the Registrar to QAR 182,000 in total. As to the freezing order application, the Defendants' claim was for QAR 39,139 which was reduced by the Registrar to QAR 29,000.
6. While the application for leave to appeal is purportedly aimed at both awards, the motivation appears to be confined to the award of QAR 29,000 against the Applicant for the costs incurred by the Defendants in the freezing order application. I say "apparently" because the content of the application is generally confusing and often difficult to understand. By way of illustration, I give two examples of the challenges raised in the application:

*12. The assessment findings of the Court were arrived at: (a) without giving full and proper consideration to "... list of factors which will ordinarily fall to be considered " based on the established approach of the core principles of case law as set out in Hammad Shawabkeh v Daman Health Insurance Qatar LLC to a comprehensive assessment of the **reasonableness** test; and/or (b) following serious procedural irregularities or otherwise errors applying set of rules or assessment procedures that meant the error was prejudicial in that it resulted in a miscarriage of justice. The mistakes were made during the cost assessment process by the First Instance Circuit thus the Claimant was denied equality of arms and/ or a fair cost trial.*

And,

14 The Appellant submits that the Court erred at least one major respect such there are substantial grounds for considering that its judgment was erroneous and there is a significant risk of injustice:

- a. the Registrar of the Court fell into error because the established cost assessment procedure was not followed properly; the exclusion or*

misinterpretation of some critical facts or factors “which will ordinarily fall to be considered” to establish whether the costs reasonably incurred which had a material impact upon the assessment process of the set of submissions (whereby the Defendants did not even engage into same case law submissions at all) and thus prevented the Appellant from having a fair cost determination”.

7. If the Applicant intended to convey that the Registrar had failed to have regard to the relevant considerations suggested in earlier determinations, the short answer is that this proposition is simply not borne out by the facts. On the contrary, the judgment by the Registrar reflects a careful application of the guidelines proposed in earlier determinations to the facts of this case. In addition, the judgment shows a detailed evaluation of the opposing contentions by the parties before him, and the exercise of mature judgment coupled with common sense. In fact, after critical analysis, I can find no ground for criticising the judgment in any material respect.
8. As I have tried to explain with regard to an earlier application by the Applicant of a similar kind: *“the overarching approach in matters of this kind is that the Registrar has a wide discretion which will only be interfered with if it can be showed that the discretion had been improperly exercised”*. In this case, where the Registrar provided clear and well-motivated reasons for his conclusion, the Applicant has no prospect of clearing that bar.
9. These are my essential reasons for holding that the application for leave sought should be refused.

By the Court,



[signed]

Justice Fritz Brand

A signed copy of this Judgment has been filed with the Registry.

Representation

The Claimant/Applicant was self-represented.