



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) 48

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

Date: 30 October 2024

CASE NO: CTFIC0071/2023

AMBERBERG LIMITED

Claimant/Applicant

v

PRIME FINANCIAL SOLUTIONS LLC

1st Defendant

AND

THOMAS FEWTRELL

2nd Defendant

AND

~~NIGEL PERERA~~

3rd Defendant

AND

~~SOUAD NASSER GHAZI~~

4th Defendant

AND

~~REMY ABBOUD~~

5th Defendant

AND

~~MARC REAIDI~~

6th Defendant

AND

~~INTERNATIONAL BUSINESS DEVELOPMENT GROUP WLL~~

7th Defendant

AND

~~QATAR GENERAL INSURANCE & REINSURANCE COMPANY QPSC~~

8th Defendant

JUDGMENT

Before:

Justice Fritz Brand

Order

1. The application pursuant to paragraph 5 of the Litigation Restraint Order dated 5 June 2024 for permission to appeal against the Registrar's costs judgment dated 25 August 2024 ([2024] QIC (C) 10) is refused.

Judgment

1. The Applicant is Amberberg Limited, a company registered in the British Virgin Islands. On 5 June 2024, a Litigation Restraint Order was made with regard to the Applicant (and its authorised representative, Mr Rudolfs Veiss) in terms of Practice Direction No. 1 of 2024 (the '**LRO**'). As stated in paragraph 5 of the LRO, the effect of the Order is that absent permission by the President of this Court or a Judge nominated by him, the Applicant may not for a period of 2 years:
 - i. file any fresh claims or applications; or
 - ii. make any applications within extant claims.
2. This is an application for permission under paragraph 5 of the LRO. I am nominated by the President to consider the application. The application is for permission to appeal against a determination of the amount of legal costs made by the Registrar on 25 August 2024 ([2024] QIC (C) 10) in the matter between the Applicant and Ms Remy Abboud who was the Fifth Defendant (the '**Defendant**') in an action brought by the Applicant against eight Defendants in this Court under case number CTFIC0071/2023.
3. The background to the application is in broad terms:
 - i. On 4 April 2024, this Court upheld a jurisdictional challenge by the Defendant and in consequence the claim against her was dismissed for lack of jurisdiction

([2024] QIC (F) 15). The Court further ordered the Applicant to pay the reasonable costs incurred by the Defendant in defending himself against the claim, to be determined by the Registrar if not agreed.

- ii. Since the parties could not agree on the amount of costs, the matter came before the Registrar. The Defendant, who represented herself throughout the proceedings, claimed that she had spent 133 hours on the matter for which she claimed QAR 200 per hour, that is a total claim of QAR 26,600 in aggregate. In the event, the Registrar determined that 85 hours would be a reasonable number of hours and that QAR 100 per hour would be a reasonable rate. Accordingly, he awarded an amount of QAR 8,500. The Claimant refused to satisfy that order until its authorised representative was made subject to a travel ban preventing him from leaving the State of Qatar. That is the award against which the Applicant seeks leave to appeal.
4. 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 shown that the discretion had been improperly exercised. In the present context the question is thus whether the Applicant has shown reasonable prospects of passing that rather formidable hurdle.
5. The carefully drafted judgment shows that the Registrar carefully analysed the opposing arguments presented by the Applicant and the Defendant; that he applied the relevant principles proposed in earlier cases such as *Hammad Shawabkeh v Daman Health Insurance Qatar LLC* [2017] QIC (C) 1 paragraphs 10 – 12, and *Dominik Wernikowski v CHM Global LLC* [2023] QIC (C) 1; and after mature consideration, arrived at the conclusion that he did.
6. The Applicant’s arguments set out in its application are lengthy, convoluted and often make no sense at all. So, for example he complains that “*the Defendant did not even properly engage into same case law submissions and prevented thus respondent from having a fair costs determination (sic)*”. He makes sweeping statements, for instance that the Registrar “*fell into error because the established cost assessment procedure was not followed properly because of the exclusion or misinterpretation of some critical facts or factors*” without producing any basis for these statements at all.
7. The main focus of the Applicant’s objection appears to be, however, that the Registrar had failed to have regard to the improper conduct of the Defendant prior to litigation.

It further appears that the conduct it has in mind is the alleged conduct of Defendant relied upon in its Statement of Claim that formed the basis of its claim against her, which conduct, so it argues, had been accepted by the Court for purposes of considering the jurisdictional challenge.

8. But I find this objection misconceived. The fact that the Court accepted the Applicant's allegations against the Defendant for the purposes of considering the jurisdictional challenge does not mean that these allegations had been or should be regarded as having been established as a matter of fact. All it means is that even assuming that these allegations are true, the Applicant cannot succeed because it had sued the Defendant in the wrong Court. The second misconception is that this is not the type of conduct relevant for considering the quantum of costs. Conduct relevant for this purpose has to do with the conduct of a litigant which has a direct bearing on the litigation.
9. I therefore find that the Applicant has no reasonable prospect of success in the proposed appeal, and hence the application for leave to proceed is refused.

By the Court,



[signed]

Justice Fritz Brand

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

Representation

The Claimant was self-represented.