

AND: Bill Stephen
Claimant

AND: Martin Mahe
Defendant

Before: Justice Oliver A. Saksak

Counsel: Mr Silas Hakwa for the Claimant
Defendant in person

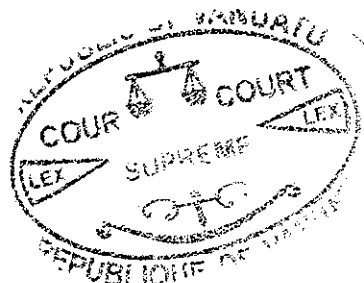
Date of Hearing: 28th August 2023

Date of Decision: 6th September 2023

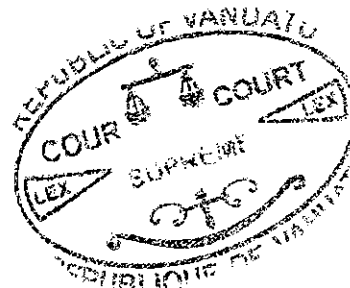
RESERVED DECISION

1. I heard Mr Hakwa and Mr Mahe formally in relation to an amount of VT 4,104,484 being the total interest and costs which Mr Mahe has yet to pay.

2. The amount was calculated as follows:
 - a) Total interest applied to 6th July 2023 - VT 4,007,111
 - b) Costs awarded on standards basis- VT 1,639,000
Wasted costs- VT25,000
Total costs awarded- VT 1,664,000
Plus Enforcement costs- VT 720,173
Total costs including Enforcement costs- VT 2,384,173
 - c) Payments as of 3rd May 2020- VT 1,595,800
Total paid between 4/05/20 to 25/7/23 VT 691,000
Total paid **VT 2,286,800**
 - d) Balance of total interest and costs to pay- VT 4,104,488



3. Mr Mahe did not dispute the total interest of VT 4,007,111 but he disputed the enforcement costs of VT 720,173 which he submitted was too high. He submitted it should be reduced by 50%.
4. Mr Hakwa submitted that VT 720,673 was reasonable party and party costs which the judgment creditor is entitled to be paid.
5. Mr Hakwa submitted a memorandum of fees, costs and disbursements dated 18th July 2023 showing party/ party costs incurred from 7/09/2015 to 07/07/2023. The total amount of costs is VT 579,168 plus disbursement costs of VT 626,238 and VAT at 15% of VT 93,936 arriving at the total of VT 720,173.
6. Costs is the discretion of the Court.
7. I note the hourly rate of VT 10,000 charged for each item. In my opinion this is a reasonable amount as some lawyers charge hourly rates of VT 15,000 to VT 20,000 being the current rates.
8. However I note that all conferences were for 30 minutes which is not altogether correct. In my recollection there were conferences that took less than 10 minutes.
9. I will therefore make a general disallowance from the total costs of 579,168 rather than being specific on each item.
10. I therefore reduce the sum of VT 79,168 from the costs of VT 579,168 leaving the balance of costs at VT 500,000 exactly. It is not necessary to disturb the amount of disbursement costs.
11. The total costs therefore is :
 - a) VT 500,000
 - b) VT 94,140- Disbursements
594,140
89,121- VAT 15%
VT 683,261



12. By my calculations the balance of the total interest and costs which the judgment debtor will pay is the sum of VT 4,067 432.

ORDER

13. I therefore Order that the judgment debtor pays the judgment creditor the sum of VT 4,067,432 by instalments pursuant to his current arrangement with the judgment creditor, to continue until the whole outstanding amount is fully paid.

DATED at Port Vila this 6th day of September 2023

BY THE COURT

Oliver A. Saksak

Judge

