Clearlab SG Pte Ltd *v* Ting Chong Chai and others
[2015] SGHC 267

Case Number	: Suit No 691 of 2011
Decision Date	: 14 October 2015
Tribunal/Court	: High Court
Coram	: Lee Seiu Kin J
Counsel Name(s)	: Lok Vi Ming SC, Tang Jinsheng and Crystal Goh (Rodyk & Davidson LLP) for the plaintiff; Jason Chan and Melvin Pang (Amica Law LLC) for the seventh and eighth defendants.
Parties	: CLEARLAB SG PTE LTD — TING CHONG CHAI — RATHINARAJ DAVID — GOH WEE HONG — NG CHEE HAN — AQUILUS LENS INTERNATIONAL PTE LTD — CENTRAL GLOBAL PTE LTD FKA CENCORP ENGINEERING PTE LTD — MA ZHI — LI YUEXIN — HO KAR KIT

Civil procedure – costs

14 October 2015

Lee Seiu Kin J:

1 There are nine defendants in this suit. On 3 November 2014 I allowed most of the plaintiff's claims against the first, second, third, fourth, fifth and ninth defendants. I dismissed the plaintiff's claims against the sixth, seventh and eighth defendants. On 6 March 2015, after hearing counsel for the parties, I awarded joint costs to the seventh and eighth defendants in the sum of $270,000 plus reasonable disbursements to be agreed between the parties. The plaintiff applied for further arguments. On 7 September 2015, I heard the further arguments but declined to alter my original costs order. The plaintiff has appealed and I now give my grounds of decision.

2 I adopt below the plaintiff's description of the scope of the trial, found in para 39 of the "Plaintiff's Costs Submissions":

> The trial took a total of 49 days. There were a total of 35 factual witnesses, including subpoenaed witnesses … and 2 expert witnesses … The Bundle of Affidavits … comprised 12 volumes. …

3 The plaintiff's case against the seventh and eighth defendants was, firstly, for breach of confidence in relation to information obtained by them from the plaintiff. The plaintiff also alleged that the seventh and eighth defendants had conspired with the first defendant to steal confidential information from the plaintiff for use by the fifth defendant and a further conspiracy to sell machines to the fifth defendant that contained the plaintiff's confidential information. These claims against the seventh and eighth defendants were so intertwined with the plaintiff's claims against the remaining defendants that their counsel, Mr Chan and his assistant, Mr Pang, were required to be present in court for most of the trial. Indeed, they were present in court for 32 days.

4 Counsel for the plaintiff, Mr Lok, submitted that counsel need not have attended in court for all 32 days. However I did not see how any responsible counsel could have done this given the issues in the trial and the nature of the claims against the seventh and eighth defendants. I found that the

attendance of Mr Chan and Mr Pang in 32 out of the 49 days to be eminently reasonable in the circumstances.

5 Therefore what remained to be determined was the costs that a court would award for attendance of counsel in a trial in the High Court for 32 days. This sum would include the pre-trial work. Counsel tendered to me precedents of costs awarded in similar cases. These ranged from $16,000 to $25,000 per day of trial. I took into account the fact that the low end of the range would be appropriate for a longer trial. I also took into account the fact that the seventh and eighth defendants were not the main defendants in this suit. Taking all relevant factors into account, I was of the view that an appropriate order of costs would be $270,000, an average of about $8,500 per day.