IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2025] SGHC 125

High Court Suit No 510 of 2021

Between

Diana Foo

… Plaintiff

And

Woo Mui Chan

… Defendant

JUDGMENT

[Civil Procedure — Costs — Whether plaintiff only entitled to costs based on the Magistrate's Court scale]
[Civil Procedure — Costs — Whether costs unreasonably incurred by plaintiff commencing and prosecuting action in the General Division of the High Court]

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Foo Diana
v
Woo Mui Chan

[2025] SGHC 125

General Division of the High Court — Suit No 510 of 2021
S Mohan J
23 May 2025

2 July 2025 Judgment reserved.

S Mohan J:

1 Every person is entitled to vindicate his or her rights in court and many do so robustly. But this entitlement is not open ended or without consequence. Litigants who conduct their case in an unreasonable manner may very well emerge victorious, only to find that their victory is Pyrrhic once it comes to the assessment of costs. It goes without saying that lawyers who accompany and guide their clients through the litigation process are under a duty to avoid such outcomes by assisting their clients with an honest and realistic evaluation of their case: see Rule 17(2)(*e*) of the Legal Profession (Professional Conduct) Rules 2015; *Lock Han Chng Jonathan (Jonathan Luo Hancheng) v Goh Jessiline* [2008] 2 SLR(R) 455 at [45]–[47].

2 The present case is one that is likely to result in a Pyrrhic victory for the plaintiff. This judgment deals with the costs of defamation proceedings brought by the plaintiff, an advocate and solicitor. The plaintiff seeks costs of the

proceedings in the sum of $175,268.00 (including disbursements).[1] I find the sum claimed unjustified and have awarded the plaintiff significantly lower costs on the Magistrate's Court scale (see below at [34]). I set out my reasons in this judgment.

Background facts

3 The background facts are set out in *Diana Foo v Woo Mui Chan* [2023] SGHC 221 ("*Diana Foo (Liability)*"), and I need only recount them in brief.

4 The plaintiff is an advocate and solicitor of around 20 years standing. She became acquainted with the defendant sometime in 2015, after which they became friends. Their relationship eventually soured and became litigious due to disagreements over some loans extended by the plaintiff to the defendant. Sometime in 2018, the defendant posted an online review relating to the plaintiff on the Google page of The Law Society of Singapore ("LSS") ("Statement 1"). On 3 March 2020, the defendant filed a written complaint to the LSS in respect of the plaintiff ("Statement 2"). The plaintiff sued the defendant for defamation in respect of these two statements.

5 Following a trial, I found the defendant liable for defaming the plaintiff in respect of both statements: see *Diana Foo (Liability)*. An assessment of damages hearing then followed, also before me. The plaintiff sought a sum of $300,000 in general damages and at least $50,000 in aggravated damages: *Diana Foo v Woo Mui Chan* [2025] SGHC 54 ("*Diana Foo (Assessment)*") at [9]. I disagreed with the plaintiff and ultimately awarded her damages in the sum of $41,250; this comprised general damages of $33,000 and aggravated

[1] Plaintiff's Costs Submissions dated 23 April 2025 ("PCS") at para 7.

damages of $8,250: *Diana Foo (Assessment)* at [144]–[145]. Upon releasing my judgment in *Diana Foo (Assessment)*, I directed the parties to file submissions on costs addressing a number of issues including whether there was any reason why costs should not be assessed on the Magistrate's Court scale.[2]

6 I have considered the submissions tendered by the parties and now turn to assessing the appropriate costs to be awarded.

Applicable principles and the parties' submissions

7 The plaintiff commenced her suit in the General Division of the High Court but was ultimately awarded a sum of $41,250 in damages. This was below the Magistrate's Court limit of $60,000 (see State Courts (Variation of Magistrate's Court Limit) Order (2001 Rev Ed)).

8 Where a claim is commenced in the High Court but the damages awarded fall within the jurisdiction of the State Courts, the general practice is to award costs on the applicable State Courts scale: s 39(1) State Courts Act 1970 (2020 Rev Ed) ("SCA"); *Cheong Ghim Fah and another v Murugian s/o Rangasamy* [2004] 3 SLR(R) 193 ("*Cheong Ghim Fah*") at [4]; *Michael Vaz Lorrain v Singapore Rifle Association* [2021] 1 SLR 513 at [51]–[52].

9 There are four exceptions to the general rule in s 39(1) SCA:

(a) if the court is satisfied that there was "sufficient reason" to bring the action in the High Court (s 39(4)(*a*) SCA);

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2 Correspondence from Courts dated 28 March 2025 at para 2(b)(iii).

(b) if the court is satisfied that the "the defendant or one of the defendants objected to the transfer of the action to a State Court" (s 39(4)(*b*) SCA);

(c) in the case of "any proceedings by the Government" (s 39(5) SCA); and

(d) "if it appears to the General Division of the High Court that there was reasonable ground for supposing the amount recoverable in respect of the claimant's claim to be in excess of the amount recoverable in an action commenced in a State Court" (s 39(6) SCA).

10 Only exceptions (a) and (d) are relevant to this case. The plaintiff submits that costs should be awarded on the High Court scale. She relies on the case of *Shanmugam Kasiviswanathan v Lee Hsien Yang and another matter* [2024] 5 SLR 194 ("*Shanmugam*"), where Justice Goh Yihan decided to assess costs on the High Court scale notwithstanding that a sum of $200,000 was awarded in damages (*ie*, within the District Court's jurisdictional limit of $250,000). Justice Goh found that there was "sufficient reason" to bring the action in the High Court because it could reasonably be said that the claims would "raise an important question of law concerning the court's power to grant injunctive relief in an application for judgment in default of a Notice of Intention under the Rules of Court 2021" (*Shanmugam* at [92]).[3]

11 The plaintiff argues that the principles applied in *Shanmugam* also apply to the present case. According to the plaintiff, her defamation claim "raises important public interest considerations concerning the integrity and reputation of legal professionals, as well as the misuse of digital platforms for defamatory

[3] PCS at para 4.

conduct".[4] She highlights that the defendant was "afforded every opportunity to resolve this matter amicably but chose instead to mount an untenable defence of justification", and had also persisted in her defamatory conduct even after the letter of demand.[5] Lastly, the plaintiff asks the court to have regard to the "nature of the proceedings and the damages awarded".[6]

12 The plaintiff provided the following tabular breakdown of costs:[7]

a. No. of PTCs attended - 15 PTCs at $500.00	$7,500.00
b. No. of Summonses attended - 11 Summons at $1,000.00	$11,000.00
c. Pleadings	$14,000.00
d. Pre-trial work (complexity and hours spent)	$50,000.00
e. Trial (5 days at $16,000.00) per day	$80,000.00
f. Elitigation and filing fees	$11,758.00
g. Photocopying and incidentals	$800.00
h. Oath Fees	$210.00
Grand total costs and disbursements	**$175,268.00**

13 In her reply submissions, the plaintiff instead sought the sum of $175,225, but nothing turns on this minor difference.[8]

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4 PCS at para 6.

5 PCS at para 2.

6 PCS at para 5.

7 PCS at para 7.

8 Plaintiff's Reply Submissions to the Defendant's Costs Submissions dated 23 May 2025 at para 9.

14 The defendant submits that the plaintiff's alleged "public interest" issues were actually "simple issues which could have been dealt with in the Magistrate's Court", and the plaintiff had been "misguided by characterizing them as important questions of law".[9] She highlights that in *Diana Foo (Assessment)*, I had rejected the plaintiff's argument that the reputation of lawyers could be worse than defaming a politician (at [80]).[10] I had also rejected the plaintiff's approach towards the assessment of damages arising from online defamation – this demonstrated that the issue was a simple one.[11] Finally, the defendant stressed that damages had been assessed at $41,250, within the jurisdiction of the Magistrate's Court.[12]

15 In her costs submissions, the defendant also attached a letter from a prisoner currently remanded in Changi Prison who apparently was a former client of the plaintiff and had "input" on the plaintiff.[13] I have ignored this letter. Its contents are vague, the provenance unverified, and in any event the letter is entirely irrelevant to the issue of costs I am deciding.

Discussion

16 I agree with the defendant that there was no sufficient reason for the claim to be brought by the plaintiff in the High Court.

17 There was nothing novel about the plaintiff's case. The plaintiff contends that hers was the "first case of a lawyer being maligned on the

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9 Defendant's Costs Submissions dated 5 May 2025 ("DCS") at para 3.

10 DCS at paras 5–6.

11 DCS at paras 8–10.

12 DCS at para 11.

13 DCS at para 12 and Annex C.

internet"[14]. I am unable to verify if this contention is accurate but even if it is, there is nothing novel about lawyers being defamed or defamation occurring on the internet. In particular, there is a substantial body of jurisprudence relating to online defamation in Singapore, where courts have used the level of interaction to gauge the extent of publication: see *Diana Foo (Assessment)* at [100]. A case does not become novel simply because well-settled principles are applied together for the first time.

18 I also find that there was no reasonable ground for supposing that the damages the plaintiff was likely to recover would have exceeded the jurisdiction of the State Courts (s 39(6) SCA). A proper and *objective* evaluation of the law would have revealed that obtaining damages within or even near to the High Court's jurisdiction was simply not a reasonably likely outcome for the plaintiff.

19 First, the plaintiff's attempt to place lawyers on equal (or even superior) footing to public figures was entirely misconceived. As the defendant has pointed out (see above at [14]), I had observed in *Diana Foo (Assessment)* that it was settled law that "defamation of public figures should generally sound in greater damages than defamation of individuals" (at [80]). The plaintiff's argument that she deserved greater damages as a senior lawyer completely missed the mark.[15] Seniority at the Bar does not in and of itself necessarily confer the prominence associated with public figures which makes them more susceptible to harm from defamation (thereby justifying higher damages). In this case, I found that "there [was] no evidence that the plaintiff possesses a

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14 Plaintiff's Closing Submissions (Assessment of Damages) dated 10 January 2025 ("PCS(AD)") at para 110.

15 PCS(AD) at para 68.

greater than ordinary reputation among the body of advocates and solicitors in Singapore": *Diana Foo (Assessment)* at [83].

20 Second, I had found that the plaintiff's evidence of her loss of earnings fell "woefully short": *Diana Foo (Assessment)* at [49]. Her claim that she had suffered at least $500,000 in losses from lost clients[16] was only supported by "general statements and sweeping assertions", and "to the tune of figures which, with respect, appear to have been pulled out of thin air without any evidential basis or rationalisation as to how they have been derived": *Diana Foo (Assessment)* at [53]. It was open to the plaintiff to amend her pleadings to properly plead special damages and to adduce the necessary evidence at the assessment of damages to support her assertion of loss of clientele and earnings. Had any such steps been taken, they might have provided some justification for this action being brought and continued in the High Court. But the point is academic as no such steps were ever taken by the plaintiff.

21 In these circumstances, the plaintiff's remarkable claim for $300,000 was quite simply unsupportable either as a matter of general or special damages. She did not come close to being a public figure which might justify anything near this amount, nor was she able to provide any tangible evidence of her lost earnings. Overall, one could not but get the sense that the plaintiff was, as the phrase goes, "taking a punt" – but taking such a course of action does not come without consequence.

22 I thus agree with the defendant that there was simply no basis for this action to have been commenced or prosecuted in the High Court. Accordingly, the plaintiff's costs should be assessed on the Magistrate's Court scale. In this

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16 PCS(AD) at paras 37–38.

regard, I reproduce here for convenience O 59, Appendix 2, Part IV, para (1) of the Rules of Court (2014 Rev Ed), from which I have obtained guidance in relation to the quantum of costs to be awarded:

Sum settled or awarded (where the plaintiff succeeds) or sum claimed (where the plaintiff fails)		*Costs (excluding disbursements) to be allowed*
(i)	Up to $20,000	$3,000 to $6,000
(ii)	More than $20,000 to $40,000	$4,000 to $12,000
(iii)	More than $40,000 to $60,000	$5,000 to $18,000

23 Para (2) provides that these scales "apply to the entire proceedings irrespective of whether the issues of liability and quantum are tried together or separately".

24 I note that under s 39(4) SCA, the court has the discretion to award any part of the costs on the High Court scale if, *inter alia*, there was "sufficient reason" for bringing the action in the High Court. I decline to exercise this discretion and proceed on the basis that the costs of the entire proceedings, both the trial on liability and the assessment of damages hearing, are assessed on the Magistrate's Court scale. The plaintiff's decision to proceed in the High Court at the liability stage would also have been infected by the same misconceived notion that she was entitled to more than $250,000 in damages. Beyond what I have already canvassed and rejected above, there was no suggestion that this case concerned any special point of law or public interest that required determination by the High Court. Thus, proceeding in the High Court at the liability stage was also inappropriate and unreasonable, and those costs should not be recovered on the basis of the High Court scale.

25 The plaintiff was awarded damages amounting to $41,250. Since she did prevail on liability and to an extent on quantum, I am prepared to proceed on the basis that costs should follow the event but on the basis that the plaintiff is only entitled to costs on the Magistrate's Court scale and not the High Court scale. Thus, costs would ordinarily fall somewhere within the range of $5,000 and $18,000 (see above at [22]). Having regard to the circumstances of this case, I consider that a base figure of $15,000 would be appropriate for costs of the trial on liability and the assessment of damages. That said, and in the exercise of the court's discretion, I am prepared to allow an uplift of this amount to $25,000 in view of the following three factors.

26 First, although I have decided to assess and fix costs on the Magistrate's Court scale, the fact remains that the proceedings were on the more complex end of the range. The trial on liability lasted for four days and the assessment of damages hearing lasted one day. This may have been partially due to how the plaintiff ran her case, but in my view it would be unduly harsh to stick rigidly to the Magistrate's Court scale.

27 Second, the defendant's conduct was also not beyond reproach. She had pursued a defence of justification which I had found was based on falsehoods: *Diana Foo (Liability)* at [35]–[38]. In this regard the defendant had also contributed to the complexity of the matter and the length of hearing by taking untenable positions. While I had awarded the plaintiff aggravated damages in *Diana Foo (Assessment)* on account of the defendant's conduct, I do not think any issue of double counting arises – this is because aggravated damages serve to compensate the plaintiff for the enhanced hurt which she has suffered (*Diana Foo (Assessment)* at [121]), while costs serve to compensate her legal expenses.

28 Third, I think the defendant also bears some responsibility for the assessment of damages hearing proceeding in the High Court. By way of background, the defendant had previously applied to transfer the proceedings to the District Court in HC/SUM 2289/2022 ("SUM 2289"). At the time, I expressed my concerns over the lateness of the application which was made on the doorstep of the trial. Leave was granted for the defendant to withdraw SUM 2289 without prejudice to her right to file a fresh application for transfer after the trial on liability had concluded. This right was however not exercised. In a request made to the court dated 17 January 2024, plaintiff's counsel stated that defendant's counsel had consented to the plaintiff's proposal that the assessment of damages hearing should also proceed before me.[17] Accordingly, it would not be right to hold the plaintiff fully responsible for the additional costs incurred as a result of the matter continuing at the High Court. However, the burden nevertheless remains on the plaintiff to demonstrate that she was justified in starting *and* maintaining the proceedings in the High Court. The mere fact that the assessment of damages continued in the High Court cannot in and of itself provide that justification. Steps should have been immediately taken to transfer the proceedings upon realising that the "upper limit of recoverability falls within the subordinate courts' jurisdiction": *Cheong Ghim Fah* at [14]. Ultimately, the plaintiff has failed to persuade me that any justification existed for her decision to either start or continue the proceedings in the High Court.

29 In respect of disbursements, it would also not be reasonable to allow the plaintiff to claim for court fees incurred on the High Court scale. If these proceedings had been prosecuted in the Magistrate's Court (as they should

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[17] Other Hearing Related Request filed by the Plaintiff dated 17 January 2024.

have), lower court fees would have been incurred. Disbursements relating to court fees are thus only allowed on the Magistrate's Court scale.

Conduct of counsel

30 Before I conclude, I feel compelled to make a final observation regarding the conduct of plaintiff's counsel in this matter when it came to filing costs submissions.

31 When the court gives directions and imposes timelines for written submissions to be filed and served, it expects the timelines to be complied with. Judges appreciate that the demands of practice (and life) will at times necessitate a certain amount of latitude to be extended by the court to the parties and their counsel. But the court's generosity should not be abused. It was unfortunate that in this case, plaintiff's counsel treated the timelines imposed by the court with a disconcerting degree of nonchalance.

32 Following the release of *Diana Foo (Assessment)* on 28 March 2025, the parties were directed to file and serve their costs submissions if they were unable to reach an agreement on costs for the action. In particular, the plaintiff's costs submissions were due to be filed by 21 April 2025, the defendant's costs submissions by 5 May 2025, and the plaintiff was given liberty to file reply submissions by 13 May 2025.[18] Following the plaintiff's first set of costs submissions, the defendant's costs submissions were duly filed on 5 May 2025. 13 May 2025 came and went, and no reply submissions were filed by the plaintiff. After ten days of silence, on 23 May 2025 at about 10.30am, the court informed parties in writing that it would no longer entertain any further costs

[18] Correspondence from Courts dated 28 March and 2 April 2025.

submissions as the deadline for the plaintiff's reply submissions had long passed.[19] Approximately 45 minutes later, plaintiff's counsel filed the plaintiff's reply submissions. Counsel for the plaintiff did not see it fit to provide any notice to the court as to whether or not the plaintiff intended to file reply submissions, even after the deadline imposed by the court had passed. When the reply submissions were finally filed, they were filed ten days late, and only after the court had indicated to the parties that it would no longer be considering any further submissions. Worse still, the submissions were filed with no apology or explanation from plaintiff's counsel as to the reason for the delay, effectively rendering the court *fait accompli*. That remains the case to date. This state of affairs is regrettable and unacceptable. Needless to say, this is not conduct that this court expects from the Bar.

Conclusion

33 This was, from its inception, a straightforward defamation action involving the application of well-established legal principles. The plaintiff's claim for damages was hopelessly (and unreasonably) optimistic and went far beyond what a well-advised litigant should have sought. To now seek costs in excess of $175,000 on the High Court scale, more than four times the amount

[19] Correspondence from Courts dated 23 May 2025.

of damages assessed, simply flies in the face of any measure of reasonableness or proportionality.

34 For the aforementioned reasons, I award costs of the entire action (including the assessment of damages) to the plaintiff but fix costs on the basis of a Magistrate's Court action in the sum of $25,000 (excluding disbursements).

35 Within seven days from the date of this judgment, the plaintiff is to tender to the court, a breakdown for the court's approval of (a) the court fees payable for every document filed by the plaintiff in the action as if it had been filed in the Magistrate's Court, and (b) the total revised amount of disbursements. The breakdown and revised amount of disbursements are also to be served on the defendant at the same time they are filed in court.

36 The defendant is at liberty to file and serve a response to the plaintiff's breakdown and revised list of disbursements within seven days after the plaintiff has filed and served the same. Thereafter, no further responses are to be filed or served unless otherwise directed by the court. I will then determine and fix the amount of disbursements recoverable by the plaintiff from the defendant.

S Mohan
Judge of the High Court

Alfred Dodwell (Dodwell & Co LLC) for the plaintiff;
the defendant in person.
