



Quiz

Appeals to the Court of Appeal of Costs Assessments

1. What orders did the District Court make as to costs in the substantive proceedings?
 - a. An order vacating the interim costs order
 - b. An order that Bookarelli pay Katanga's costs on a party-party basis
 - c. a and b
 - d. None of the above
2. How did Bookarelli seek to appeal the initial costs assessment made by the costs assessor?
 - a. By review by a Review Panel
 - b. By appeal to the District Court
 - c. By an application for judicial review by the Court of Appeal
 - d. All of the above
3. What are the grounds of appeal open to a party seeking to challenge a costs assessment in the District Court?
 - a. Appeals can be on questions of law only
 - b. Appeals are limited to whether there has been jurisdictional error
 - c. Appeals can be brought on questions of law or, if leave is granted on factual matters
 - d. None of the above

What is the "rule of thumb"?

- e. That a party pay its own costs
- f. That where a solicitor acts for two or more parties in the same proceedings, each successful party is only entitled to his proportion of the costs incurred on behalf of all, plus the costs, if any, incurred exclusively on his behalf
- g. That if there are two defendants, and one is successful but the other is not, the unsuccessful defendant is required to pay the costs of the successful defendant
- h. None of the above

4. What have courts said about satellite litigation?

- a. It is inappropriate for parties to accumulate significant expense solely to challenge the costs of litigation
- b. Where satellite litigation is brought without merit, indemnity costs may be awarded
- c. Excessive costs should not be incurred challenging costs awards that do not relate to significant amounts
- d. All of the above

Answers:

1. c 2. d 3. c 4. b 5. d