

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Common Law and Equity Division

2020/CLE/gen/00662

BETWEEN

**ANDREW SMITH
SOPHIA SMITH**

Claimants

AND

FIRST CARIBBEAN INTERNATIONAL BANK (BAHAMAS) LIMITED

First Defendant

AND

INSURANCE MANAGEMENT (BAHAMAS) LIMITED

Second Defendant

Before: The Honourable Chief Justice Sir Ian R. Winder

**Appearances: Beryn Duncanson and Lashanda Bain for the Claimants
Michelle Deveaux and Berchel Wilson for the First Defendant
Viola Major for the Second Defendant**

On the papers

DECISION ON COSTS

WINDER, CJ

This is my brief decision on the costs which I had promised to summarily assess in this matter.

[1.] The costs arose in relation to the decision acceding to the Claimants' application for relief from sanctions. Costs were awarded to the defendants, to be summarily assessed.

[2.] Each of the Defendants lodged draft statements of costs, which I have considered. The claimants have not responded or expressed any view in respect of the bills notwithstanding service upon them.

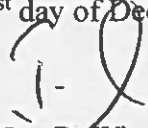
[3.] The First Defendant submitted a statement of costs in the amount of \$15,057.35, while the Second Defendant submitted a statement of costs in the amount of \$24,598.75

[4.] The discretion to fix costs must be exercised judicially in the circumstances of the case. In the case of **McPhee (as Administrator of the Estate of Thelma Mackey) v Stuart** [2018] 1 BHS J. No. 18, Charles J (as she then was) identified the following factors that inform whether costs are reasonable:

- "a) any order that has already been made;
- b) the care, speed and economy with which the case was prepared;
- c) the conduct of the parties before as well as during the proceedings;
- d) the degree of responsibility accepted by the legal practitioner;
- e) the importance of the matter to the parties;
- f) the novelty, weight and complexity of the case; and
- g) the time reasonably spent on the case."

[5.] In the present case I have considered the statements of costs setting out the work done on behalf of each Defendant and the factors identified by Charles J. I am also mindful that this was not the costs awarded for defending the entire action but only for the Claimants' application for relief from sanctions. Notwithstanding the paperwork was somewhat convoluted, requiring involved submissions, there was only two attendances before the court (inclusive of receiving the ruling) lasting a total of 2 ½ hours. Taking into account all of the circumstances of the case, including the time spent before me, the work reasonably expended, the seniority of counsel, the importance of the matter, the nature of the issues which required determination, I order that that the Claimant to pay to each of the First and Second Defendants the gross sum of \$7,500 by way of assessed costs.

Dated this 31st day of December 2025


Sir. Ian R. Winder
Chief Justice