

Braun v Brantridge Estates Ltd

April 2015

Dr Braun was formerly represented by another Guernsey firm in Royal Court proceedings commenced in 2006 directed towards recovery from a Guernsey company of antecedent payments under German insolvency law. Dr Braun's claim was effectively struck out under the Guernsey law principle of peremption, as his former Advocates neglected to progress the matter for some 26 months.

Collas Crill was instructed to succeed the former Advocates in responding to the Defendants' cost applications. Collas Crill obtained a partial wasted costs order at first instance requiring the former Advocates to personally pay the majority of the Defendants' costs. The decision was appealed - the Court of Appeal affirmed the first instance decision.

This is a rare example of a wasted costs order being made in Guernsey, particularly so where it was obtained by a client against its own former lawyers. The Court of Appeal took the opportunity to issue a guideline judgment setting out the principles and procedure applicable to the wasted costs jurisdiction in Guernsey.

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