

**IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU**  
(Civil Jurisdiction)

**Civil**  
**Case No. 19/2678 SC/CIVL**

**BETWEEN:** **Nicon Limited**  
Claimant

**AND:** **Light Ship Limited**  
First Defendant

**AND:** **Stephen Quinto and Nicola  
Quinto**  
Second Defendants

*Date:* 25 March 2021  
*Before:* Justice V.M. Trief  
*Counsel:* Claimant – Mrs C. Hamer  
Defendants – Ms S. Mahuk  
Mrs M.N. Ferrieux Patterson

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**ORDERS AS TO COSTS OF APPLICATION TO AMEND CLAIM**

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1. In my Judgment as to Application to Amend Claim dated 26 June 2020, I:
  - a. granted the Claimant's Application for Leave to Amend the Claim (the 'Application'); and
  - b. required Mrs Ferrieux Patterson's written response (then lawyer for the First Defendant) as to why the costs of the Application should not be paid on an indemnity basis and why those costs should not be personally paid by Mrs Ferrieux Patterson.
2. Having considered Mrs Ferrieux Patterson's submissions filed on 10 July 2020, I regard the course taken by Mrs Ferrieux Patterson as optimistic in addressing in the submissions the form only of the Application and not its substance. However, it was open to the First Defendant to file written submissions. I consider that doing so did not incur unnecessary expense for the Claimant that was not already likely given that the Claimant filed an Application for Leave to Amend the Claim. In those





circumstances, I will not order that Mrs Ferrieux Patterson personally pay the Claimant's costs of the Application.

3. The First Defendant is to pay the Claimant's costs of the Application on a standard basis as agreed or taxed by the Master.

**DATED at Port Vila this 25<sup>th</sup> day of March 2021  
BY THE COURT**

*V.M. Trief*

V.M. Trief  
Judge

