

澳洲 膚潤康 藥業有限公司  
**AUSTRALIAN MEDIC-CARE COMPANY LIMITED**

Katrina Bochner  
Deputy District Registrar (SA)  
Registry  
Federal Court of Australia  
Commonwealth Law Courts  
3 Angas Street  
Adelaide 5000

By E-mail & by Post

4 January 2011

Dear Ms. Bochner,

Setting aside of the Certificate of Taxation dated 11 November 2010

Australian Medic-care Company Limited v Hamilton Pharmaceutical Pty Ltd  
Federal Court No SAD 17 of 2007

There will be a hearing on the above matter on 17 February 2011. I wonder if you can confirm if the following factors had been taken into consideration when the amount of the Estimate was calculated by the taxing officer in the Registry. They were presented to the court during the hearing on 9 December 2010. Your answers are required for our company to ask for discretion in setting aside the certificate of taxation dated 11 November 2010. In addition, I want to make an enquiry with and petition to Mr. Robert French, the Chief Justice of Australia, about my need to pay the Respondent/Cross-claimant when the Estimate was assessed upon misleading and deceptive misconduct of the Respondent/Cross-claimant.

1. Unreasonable quantum and inappropriate apportionment of expert witness fees; for example, A Yeung report. The report has never been quoted in trial or submissions. Item 1195 charging \$43976.18 with many fringe charges, such as drafting instructions, travelling allowances, perusal by lawyers, etc.
2. Inclusion of unrelated jobs under damages or breach of confidence by addition of words to the original description of jobs on the bill of costs. Some jobs which were not originally related to breach of confidence on the invoice of counsels but another phrase added after the description of jobs on the bill of costs to change the nature of the jobs, making it related to BOC, (1308, \$1750), 1309, \$1250.
3. Failure to satisfy the cost applicant's onus of proof on the majority of attendances (including providing sufficient particulars to satisfy the party/party test per se);
4. Failure to appropriately apportion costs in accordance with the extremely limited costs order;
5. Failure to appropriately apply Federal Court Rules, Schedule 2 ("Scale")

6. Unreasonable claiming of inter office conferences (regularly claimed between solicitor and clerk);
7. Unreasonable claiming of dual and duplicatory attendances of two practitioners on counsel, in witness conferences and on hearing days;
8. Unreasonable quantum claimed overall and inappropriate apportionment of senior counsel;
9. Unreasonable quantum claimed overall and inappropriate apportionment of Counsel fees;
10. Excessive and Unreasonable claims for Trial including failure to apportion trial days in accordance with costs order and the reasons for judgment;
11. No application of Federal Court of Australia National Guide to Discretionary items generally;
12. No application of Federal Court of Australia National Guide to Discretionary items in relation to General Care and Conduct and excessive Item 41 Claim;
13. Regular and consistent application of full perusal rate (Item 17) and claim for \$18+ where folios not identified and if 1 folio claim should be reduced to \$4 subject to scale period;
14. Unskilled attendances claimed at skilled rate;
15. Unparticularised administrative attendances;
16. Unparticularised correspondence claims (including as to content, purpose and length);
17. Unreasonable claiming of solicitor client attendances
18. Half of the breach of confidence issue should be deducted in the bill since Kenneth Kin Wah Keung was found not liable to this issue.

The above views were given me by a legal costing company, Pattison Hardman in Sydney. A copy of their advice dated 7 December 2010 on Hamilton's Bill of Costs previously submitted to the court is attached hereto again for your ease of reference. With regard to the above paragraph 2, the break-down of jobs from counsels dated 23 Dec 2008 were printed as follows (page 191 in the bill of costs):

November	22	Perusing applicant's submissions	1,750.00
November	24	Conferring	1,250.00


In items 1308 and 1309, the following phrases "relevant to hearing of Wait" were added so that these two items were considered as belonging to the breach of confidence issue as Wait was a witness in this issue. I wonder if they were

intentionally added to misguide or deceive the court. As the bill was prepared by a costs consultant, the chance of making such mistakes or adding these phrases through negligence should not occur.

If further details or clarification are required, please do not hesitate to contact me.

Thanking you very much in anticipation and looking forward to your reply soon,

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kenneth Kin Wah KEUNG', with a long horizontal flourish extending to the right.

Kenneth Kin Wah KEUNG  
Australian Medic-care Co Ltd

Copied to Crawford Legal