

SUPREME COURT OF QUEENSLAND

CITATION: *QCoal P/L & Anor v Cliffs Australia Coal P/L & Anor*
[2009] QCA 390

PARTIES: **QCOAL PTY LTD** ABN 99 010 911 234
(first plaintiff/first appellant)
QCOAL SONOMA PTY LTD ABN 72 117 116 784
(second plaintiff/second appellant)
v
CLIFFS AUSTRALIA COAL PTY LTD
ACN 123 583 326
(first defendant/first respondent)
**CLIFFS AUSTRALIA WASHPLANT OPERATIONS
PTY LTD** ACN 123 748 032
(second defendant/second respondent)

FILE NO/S: Appeal No 6807 of 2009
SC No 9591 of 2007

DIVISION: Court of Appeal

PROCEEDING: General Civil Appeal – Further Order

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED ON: Judgment delivered 20 November 2009
Further order delivered 15 December 2009

DELIVERED AT: Brisbane

HEARING DATE: Heard on the papers

JUDGES: Holmes and Fraser JJA and White J
Judgment of the Court

ORDER: **The appellants to pay the respondents' costs of and incidental to the appeal on the standard basis**

CATCHWORDS: PROCEDURE – COSTS – RECOVERY OF COSTS – where unsuccessful party does not challenge application of the rule that costs follow the event
QCoal P/L & Anor v Cliffs Australia Coal P/L & Anor [\[2009\] QCA 358](#), cited

COUNSEL: W Sofronoff QC SG, with J Chapple, for the appellants
G J Gibson QC, with G D Beacham, for the respondents

SOLICITORS: Russell and Company for the appellants
Mallesons Stephen Jaques for the respondents

- [1] **THE COURT:** On 20 November 2009 the Court dismissed the appellants' appeal.¹ The parties have since made written submissions about costs pursuant to the leave granted for that purpose which the appellants had sought. The appellants did not challenge the respondents' contention that costs should follow the event and be assessed on the standard basis.
- [2] The Court orders the appellants to pay the respondents' costs of and incidental to the appeal on the standard basis.

¹ *QCoal P/L & Anor v Cliffs Australia Coal P/L & Anor* [2009] QCA 358.