

**IN THE COURT OF FIRST INSTANCE AND THE COURT OF APPEAL
OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE**

21 October 2026

CASE No: AIFC-C/CFI/2023/0002

CASE No: AIFC-C/CA/2023/0040

CASE No: AIFC-C/CFI/2024/0018

MICHAEL WILSON & PARTNERS, LIMITED

Claimant

v

**(1) CJSC KAZSUBTON
(2) KAZPHOSPHATE LLP
(3) KAZPHOSPHATE LIMITED**

Defendants

- and -

MICHAEL EARL WILSON

Added Party

JUDGMENT AND ORDER ON COSTS

Justice of the Court:

Justice Sir Stephen Richards

ORDER

UPON the Judgment and Order of this Court dated 24 September 2026 allowing the application by the Third Defendant (“KPL”) for a costs order against Michael Earl Wilson (“Mr Wilson”) personally pursuant to Rule 26.26 of the AIFC Court Rules (“KPL’s Application”)

AND UPON the application by KPL for an order for its costs of KPL’s Application

IT IS ORDERED THAT:

1. Mr Wilson shall pay to KPL its costs of KPL’s Application, in the sum of USD 12,125.00.
2. Payment of that sum shall be made within 7 days of the date of this Order.

JUDGMENT

1. On 24 September 2026 I gave judgment on KPL’s Application for a personal costs order against Mr Wilson pursuant to Rule 26.26 of the AIFC Court Rules. At §56 of the judgment, I gave directions in respect of a consequential application by KPL for its costs of KPL’s Application.
2. Pursuant to those directions KPL submitted an application dated 5 October for costs in the total sum of USD 12,125. The application is supported by a written Statement of Costs and a Statement of Truth. The costs are stated to have been incurred in the instruction of counsel, preparation of KPL’s Application, review and analysis of Mr Wilson’s filings and submissions, preparation of responsive submissions and evidence, preparation for and attendance at the hearing, and preparation of the application for costs itself. Reference is made to the procedural history set out in my judgment, as substantially increasing the work burden on KPL. It is said that the resulting work was neither optional nor duplicative and that the costs associated with that work were reasonably and necessarily incurred in order to protect KPL’s position, ensure compliance with the procedural timetable and enable KPL’s Application to proceed to determination. Very properly, however, the time claimed for preparation of KPL’s Reply has been reduced to 2 hours in the light of the observations set out at §21 of my judgment.
3. The directions at §56 of my judgment allowed Mr Wilson 10 days within which to make any response to that application. No response was received within the period allowed and none has been received up to the date of this Order.
4. As indicated at §56 of my judgment, the application for costs is to be decided in writing, without a further hearing.
5. This is a proper case for the award of costs. By Rule 26.5(1) of the AIFC Court Rules the general rule is that the unsuccessful party will be ordered to pay the costs of the successful party unless the Court decides otherwise. I see no reason for departing from the general rule in this case. KPL is clearly the successful party, having achieved the relief sought in KPL’s Application.
6. I am satisfied that the Statement of Costs meets the requirement in Rule 26.14 for the preparation of a written statement of costs where immediate assessment is sought. I see no reason to doubt its accuracy or to require greater detail. Further, I consider that the costs claimed meet the criterion in

Rule 26.11 that they were reasonably and necessarily incurred and were proportionate to the matters in issue.

7. Accordingly, I will order Mr Wilson to pay the costs of KPL's Application in the full amount claimed by KPL, namely USD 12,125.00.

By the Court,

The Rt Hon. Sir Stephen Richards
Justice, AIFC Court

Representation:

The Claimant and the Added Party were represented by Mr Michael Wilson, Partner, Michael Wilson & Partners, Limited, Almaty, Kazakhstan.

The First Defendant and the Second Defendant were not represented.

The Third Defendant was represented by Mr Usen Tastanbekov, Associate, Kinstellar LLP, Almaty, Kazakhstan.