

**Title:** Court orders costs budgeting in £340m Black Cab Drivers v Uber claim brought by Mishcon

**Author(s):** [Richard Leedham, Partner](#)  
[richard.leedham@mishcon.com](mailto:richard.leedham@mishcon.com)

[Hazel Chambers, Partner](#)  
[hazel.chambers@mishcon.com](mailto:hazel.chambers@mishcon.com)

[Josh Goodman, Managing Associate](#)  
[josh.goodman@mishcon.com](mailto:josh.goodman@mishcon.com)

## Full Article

Our clients, in a £340 million group claim against Uber, secured the court's approval for costs budgeting. This is a relatively rare example of a public judgment explaining the principles that apply for budgeting large group actions.

The Claimants comprise approximately 13,300 black cab drivers, as well as the individual assignee of Kabbee Exchange Ltd (dissolved) and Iride London Ltd (in liquidation). They are suing Uber London Ltd and its Dutch and US parent companies for losses sustained as a result of Uber's unlawful activities in the London taxi market. [See our previous article](#) for more detail on the claim.

At the first Case Management Conference in the proceedings, which took place on 22 October 2025, the court ordered a preliminary issue trial on limitation. At the same time, it heard Uber's application to dispense with costs budgeting. Under CPR 3.12, the default position was that costs budgeting would apply to this case because, even though it was accepted that the claim value is above the normal £10 million threshold for automatic costs budgeting, the claim forms did not state a claim value.

Judgment was handed down ex tempore, with the written approved ruling published on 13 November 2025: [\[2025\] EWHC 2972 \(Comm\)](#). Despite arguments against costs budgeting from Uber, the court agreed with the Claimants and made a costs budgeting order.

The court summarised the relevant principles:

1. The court has discretion to do what it thinks is just and appropriate and in accordance with the overriding objective.
2. There is no presumption for or against requiring costs budgets for claims that exceed the normal threshold of £10 million. The court's discretion is wholly unfettered.
3. The threshold at which costs budgeting ceases to apply is in part because the higher the value of the claim, the less likely it is that issues of proportionality will be important or even relevant.
4. The court must weigh the advantages and disadvantages of costs budgeting when deciding whether to exercise its discretion in all the circumstances of the case.

A key factor in the court's decision was the fact that, while the aggregate value of the claim is very large, the individual claims by each black cab driver are very modest. That makes the Claimants particularly concerned that they are sufficiently protected by After-The-Event (ATE) insurance against future adverse costs. Without costs budgets, the Claimants might only discover that Uber's costs have exceeded the ATE cover at a much later stage in the proceedings, at which point it would be (to the extent cover is available) prohibitively expensive to top up the cover. Further, the Claimants should not be compelled to over-insure (thus paying for unnecessary and expensive insurance premiums), as a result of any uncertainty as to adverse costs.

The court agreed with the Claimants that the real advantage of cost budgeting in this case is that they will have visibility of their exposure in respect of Uber's costs at an early stage of the case. The court was concerned that

if the Claimants succeed on the preliminary issue, too much may have been eaten into their funding and ATE insurance at that stage. There was a risk that this could adversely impact the Claimants' ability to fight the subsequent proceedings.

The court acknowledged that costs budgeting is itself a burden on both sides, in terms of the work required and costs that will be incurred. However, it held that those burdens are outweighed by the real advantage in having visibility at this stage as to the estimates of costs in respect of the period up to the end of the preliminary issue trial. It will more easily enable the court to keep an eye on and manage the costs of this litigation.

The parties will now prepare costs budgets through to the end of the preliminary issue trial. If the Claimants succeed at that trial, the remainder of the claim will then also be budgeted.