

## STATEMENT REGARDING FINLAND'S STATE DEMAND FOR LEGAL COSTS

### Case:

L706/2022/1504

### Statement:

The plaintiff fundamentally believes that, according to the court's announcement on Friday, April 12, 2024, the deadline for submitting a precise claim for legal costs expired on Monday, April 15, 2024, at 11:59 p.m., and any claims submitted after this time cannot be considered. The state does not have the right to special treatment, especially considering that the other parties to the trial have adhered to the court's deadline.

The State has declared the following for its claim for legal costs:

The Finnish state's claim for legal costs (€121,284.82) consists of the work done by the attorneys and other lawyers of Merilampi Attorneys Ltd in the matter according to the fee breakdown attached (total fees €113,960) and the costs incurred in handling the assignment (€7,324.82). Attorney Teemu Taxell was the responsible partner for the assignment in 2022, and attorney Jussi Ikonen from February 2023 onwards. Assistant lawyer, LL.M. Iris Paavola, has been involved in handling the case throughout. The costs incurred for the assignment consist of the fee of expert Janne Salminen and the taxi expenses of the attorneys.

We accept the taxi expenses.

### Use of multiple lawyers and officials

The State has stated in the preparatory session that it bills solely for the use of one assistant, just as the plaintiff does.

However, the legal cost invoice bills for the use of two different lawyers, two other presumably experts, and additionally for the use of officials from the Ministry of Social Affairs and Health (STM).

The court must accept only the use of one legal assistant on the part of the state.

### The amount of hours used is completely unreasonable

The State has stated in its invoice that it has used 382 hours for handling the case. This is entirely unreasonable for the following reasons:

- a) The state has stated as its position that the lawsuit would be completely baseless from the outset. However, the state has used significantly more hours in handling the case than the plaintiff, which is at least peculiar considering the state's view of the lawsuit's complete lack of merit. It is evident that the state has unnecessarily stretched the number of hours solely to cause inconvenience to the plaintiff with its demands, which must be considered as harassment.
- b) The plaintiff's submitted claim for legal costs includes 216.85 hours, and it is entirely exceptional that the defendant's hours are nearly double this amount. The plaintiff has also spent time on handling the lawsuit against Fazer Ravintolat Oy. **We believe that a reasonable amount for the state would be about 70 percent of the hours used by the plaintiff.** This amount would be a realistic number of hours to be used for handling the lawsuit on behalf of the state. A more detailed breakdown follows.

The amount billed by the state for hours is unjustified considering the following factors:

- a) The state's representative in court has focused heavily on disparaging the opposing party by expressing contemptuous and even demeaning views about the plaintiff and their attorney, as well as about our legal expert Muukkonen and our medical expert Malhotra. This goes against the guidelines of the Finnish Bar Association on Good Advocacy:  
Section 8.4: An attorney shall not make statements that are likely to bring a witness into contempt unless making such statements is necessary for handling the matter or otherwise safeguarding the client's interests. The above applies also to experts and other witnesses. Section 9.1: An attorney must show courtesy and respect to other representatives of their profession without endangering the client's interests, and must not subject them to improper criticism.  
Disputes related to attorneys' professional activities should primarily be resolved amicably.
- b) The state's representative in their opening statement focused on presenting the plaintiff's public relations regarding the ongoing legal process. The representative also mentioned that they, along with their team, had collected a large number of the plaintiff's social media posts. Naturally, this is not part of the legal process and demonstrates poor professionalism.
- c) During the legal process, the state's representative has shown poor expertise in, among other things, international human rights conventions and their history, as well as the roles of witnesses and experts (for example, former Prime Minister Marin has been considered an expert witness).

For these reasons, we believe that the court can only accept the state's claim for legal costs for the same amount as what the plaintiff and Fazer Ravintolat Oy have requested, i.e., €200 per hour (excluding VAT, which the state had not requested by the deadline).

#### Regarding Janne Salminen's expert opinion

We completely dispute the state's claim to replace Janne Salminen's expert opinion.

Firstly, we refer to our assessment made before the main hearing that, according to the principle of *jura novit curia*, the court must, from the outset, be familiar with the law, and there have been no grounds to call in a legal expert to present their views on the matter.

Secondly, we believe that Janne Salminen has merely relied on his previous statement to the Constitutional Law Committee in his expert opinion, so his hearing could have been entirely replaced by documents.

Thirdly, we believe that when Janne Salminen was heard in court, he only read his written statement previously submitted to the court, so his summons to the main hearing was unnecessary, and the state should have known this.

#### Regarding Finland's state party's costs

We completely dispute Finland's state party's claim for costs solely on the basis that the plaintiff has only had one billable attorney available, and because the state has claimed that our lawsuit was entirely groundless. If the lawsuit had been entirely groundless, there would have been no need to involve especially officials from the Ministry of Social Affairs and Health, not to mention two legal assistants.

Additionally, these are salaried officials of the Ministry of Social Affairs and Health, who have not been specifically hired to deal with the lawsuit against the state. The state cannot demand that the plaintiff pay the salaries of the officials of the Ministry of Social Affairs and Health.

#### Detailed handling

Although the state stated in the preparatory session that a bill would not be submitted for the use of a second legal assistant, billing for Iris Paavola's work began on May 8, 2023. The state has stated that its assistant was Jussi Ikonen, not Iris Paavola, who, according to the invoice, however, seems to have done significant work on the matter. Fundamentally, the state does not have the right to bill for the use of more than one assistant unless the billing was intended to intentionally harm the plaintiff by creating additional costs through excessive work.

Regarding the first billed hours of legal work by the state, 33.75 hours, we believe that either the state has:

- a) actually recognized the initial significance of the lawsuit through excessive work,
- or
- b) created additional costs for the plaintiff intentionally through excessive work, which must be considered harassment.

We accept a maximum of 15 hours from the state's claim for legal costs until March 14, 2023.

Due to the aforementioned reasons (fundamentally, the state could have used only one assistant in the case under consideration), we do not accept the use of Iris Paavola's work as a billing basis. For Iris Paavola's work, the state has submitted a claim for 188.75 hours, which we demand to be removed when assessing the claim for legal costs.

Furthermore, the state's representative has not taken into account meal breaks during the main hearings, with a total duration of 3 hours, which we also do not accept in the claim for legal costs.

The use of Sylvia Laulaja's work for 2.5 hours to research case law related to COVID restrictions was not related to the case under consideration, so we do not accept this portion in the claim for legal costs.

#### The approved portion of the state's claim for legal costs

We approve, in terms of amount, but naturally not in terms of justification, the state's claim for legal costs as follows:

From the original claim, 382 hours must be deducted:

- a) Iris Paavola's work portion of 188.75 hours

- b) Sylvia Laulaja's work portion of 2.5 hours
- c) from the claim for legal costs until March 14, 2023, a deduction of 18.75 hours
- d) deduction of 3 hours for meal breaks during the main hearings

Total deductions: 213 hours

The total approved hours are 169 hours.

**Considering that, based on the aforementioned reasons, the hourly billing can be at most €200, and the VAT portion cannot be accepted due to the claim being late, we approve the amount of legal costs to be €33,800.**

#### Regarding the attorney's claim for legal costs

We completely dispute Finland's state's demand that the plaintiff's attorney be ordered to pay a portion of the state's legal costs.

The guidelines of the Finnish Bar Association on Good Advocacy define the following aspects related to the state's demand:

Section 5.8 defines the obligation to withdraw from a task. The obligation arises if, after accepting the task, a circumstance arises that makes the attorney ineligible or has become ineligible. The attorney is obliged to withdraw from the task if 1. a legal obstacle or a comparable compelling reason prevents the performance of the task, or 2. the client requires the attorney to act contrary to the law or good advocacy, and despite the warning, does not give up their demand. According to these guidelines, there has been no reason for Attorney Nummelin to withdraw from his task at any stage.

Furthermore, according to Section 3.1, the attorney must be loyal to their client. The attorney is obliged to, while adhering to the law and good advocacy, to the best of their ability, protect their client's interests and rights.

According to Section 3.2, the attorney must be independent of external influences that may hinder their ability to fully protect their client's interests. The attorney must not allow embarrassing or other similar circumstances related to the matter to affect the performance of the task. The attorney

must maintain their independence in their actions, even if it requires actions or decisions that are not pleasing to their client, the opposing party, authorities, or other parties.

According to Section 2.2, defending fundamental and human rights and maintaining the rule of law require the independence of the legal profession from public authority. The state's demand, which, if implemented, would have led to Vauhkala being left without legal representation, is considered contrary to the guidelines on Good Advocacy.

The state's view that the lawsuit, based on the allegation of a violation by the state of the European Convention on Human Rights, would be obviously baseless from the outset, has been based from the beginning on the state's desire to prevent a lawsuit uncomfortable for the state from being brought to trial. However, the state has taken advantage of its opportunity to request the District Court to dismiss the lawsuit as groundless, and the District Court has not agreed to this. Thus, even according to the District Court, the lawsuit is sufficiently justified to be considered.

For the state's view of the lawsuit being entirely groundless to be acceptable to the attorney, the attorney would have to completely reject the legal rationale presented in the case, consider that Vauhkala would not have the right to enter a restaurant, regard significant medical studies and the views of the medical experts who testified on the matter as complete nonsense, and dismiss the only Finnish legal article written on the subject by Doctor of Law Muukkonen as likewise nonsense. However, reaching such a view is entirely impossible from the standpoint of pure reason and legal comprehension. We also note that Attorney Nummelin has not obtained a medical degree, so the assumption that he would be able to assess the medical studies presented and the accuracy of the opinions of medical experts as nonsense would require him to have at least obtained a medical degree. However, this has not been the case in this instance, so Nummelin had no choice but to rely on the conclusions of the medical studies and the accuracy of the opinions of medical experts.

Contrary to the state's view, neither the grounds of the lawsuit, the legal facts related to the case, nor the demands have changed.

#### On the reimbursement of legal costs

Based on the arguments presented in the trial, we, of course, continue to demand that both the state and Fazer Ravintolat Oy be jointly liable for reimbursing the plaintiff's legal costs in the manner presented on Monday, April 15, 2024.

If, contrary to our view, the court finds that the plaintiff's case did not involve a violation of his fundamental and human rights as presented in the trial, we nevertheless request the court to consider that Vauhkala had sufficient grounds to bring his lawsuit before the court and that each party to the trial would bear its own legal costs.

Respectfully,

Aki Nummelin, Master of Laws