

## COMMERCIAL DISPUTES WEEKLY – ISSUE 13

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### BITE SIZE KNOW HOW FROM THE ENGLISH COURTS

#### Arbitration

In an important decision on the limits of the court's powers in support of arbitration, the Commercial Court has confirmed that a foreign individual who was not a party to an arbitration agreement could not be made subject to a freezing order under the jurisdiction in section 44 Arbitration Act 1996, and so permission to serve out was refused.

Trans-Oil International SA v Savoy Trading LP & Anr

"the applicant has not shown a good arguable case that the court has jurisdiction in the circumstances of this case to make a freezing order"

Trans-Oil International  
SA v Savoy Trading LP  
& Anr

#### Contract

Acknowledging that relational contracts such as distribution agreements may be more likely to give rise to issues the parties have not provided for and lead to questions of construction and implied terms, the High Court has nevertheless emphasised that the usual approach to construction and implication remains the same.

Demand Media Limited v Koch Media Limited

#### Litigation

In a useful reminder to parties, the Commercial Court has emphasised the importance of complying fully with court orders, holding that defendants had failed to provide sufficient detail in affidavits concerning the disclosure of confidential

information and that if they failed to purge that contempt, they could face an application for committal.

Saab & Anr v Dangate Consulting Ltd & Ors

#### Pleading

The TCC has highlighted the risks in making unsupported and vague allegations of fraud, finding that a defendant who had failed to plead its case with the required degree of clarity should be liable for the successful claimants' costs on the indemnity basis.

Nua Facades Limited & Ors v Brady t/a Terry Brady Developments Limited

#### FOR MORE INFORMATION

# WATSON FARLEY & WILLIAMS

Should you wish to discuss any of these cases in further detail, please speak with a member of our London dispute resolution team below, or your regular contact at Watson Farley & Williams:

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