

COMMERCIAL DISPUTES WEEKLY – ISSUE 28

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BITE SIZE KNOW HOW FROM THE ENGLISH COURTS

We appreciate that our clients, partners and friends are currently facing unprecedented challenges as a result of the spread of the COVID-19 virus. Click [here](#) for a message from our Managing Partners, and [here](#) for all of our latest updates and articles on the subject. If you have any questions or require support, please do not hesitate to speak to your usual contact at WFW.

Conflicts

The Court of Appeal has refused to extend the principles which restrict a lawyer from acting against their former client, holding that they were not applicable in a case where a firm represented different defendants in separate proceedings brought by the same claimant. Any concerns regarding confidential information obtained in the course of settlement discussions in one case could usually be adequately protected through an injunction restraining the opponent or their advisor from misusing that information.

Glencairn IP Holdings Limited & Anr v Product Specialities Inc (t/a Final Touch) & Anr

"The proposed orders are exorbitant in that they affect property situated in this country over which the California court does not have subject matter jurisdiction, thereby infringing the sovereignty of the United Kingdom."

SAS Institute Inc v
World Programming Ltd

Covid-19

The English courts continue to demonstrate their determination to maintain the administration of justice during the Covid-19 pandemic, stressing that with increased use of electronic bundles in remote hearings, parties should consider engaging with counsel about the contents of bundles earlier on, and where possible they should include a searchable index for the bundle to ensure ease of use.

Re TPS Investments (UK) Limited (in administration)

Disclosure

Emphasising the importance of setting out precisely what documents are sought pursuant to a specific disclosure application, and supporting that application with evidence, the High Court has nonetheless refused to grant permission to appeal an order made in circumstances where the claimant had failed to do just that, noting that there had been apparent compliance with the order and an appeal would not be of sufficient significance to justify the resulting costs.

Hankin v Barrington & Ors

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Enforcement

In an important case concerning the enforcement of international judgments, the Court of Appeal has emphasised the principle that enforcement of judgments is territorial, and so proposed orders by a US court to take enforcement action in relation to debts situated in England would be exorbitant and an anti-suit injunction should be granted to restrain such actions.

SAS Institute Inc v World Programming Limited

Enforcement

The Court of Appeal has confirmed that where writs of control in respect of different debts are issued to multiple enforcement officers, they should be discharged in the order they are received. If this order of priority is not followed, proceeds from the exercise of a subsequent writ should be used to discharge the prior writ first.

365 Business Finance Ltd v Bellagio Hospitality WB Ltd & Anr

FOR MORE INFORMATION

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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