

## COMMERCIAL DISPUTES WEEKLY – ISSUE 6

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### BITE SIZE KNOW HOW FROM THE ENGLISH COURTS

#### Construction

The Court of Appeal has rejected an appeal concerning the existence of alleged profit share agreements in relation to two property developments, emphasising the relevance of “subject to contract” wording.

Farrar & Anr v Rylatt & Ors

#### Litigation

In an “extraordinary” case, the High Court has refused a claimant’s efforts to prevent the defendant knowing his name, highlighting that basic common law fair trial requirements require a defendant to know who it is being sued by and that relief from sanctions applications should not be used to attack the underlying order.

ABC v Google LLC

#### Litigation

Successful cases of recusal for apparent bias are unusual, but this week the High Court held that a judge’s intemperate language and his comments regarding future costs and liability would lead a fair-minded and informed observer to conclude there was a real possibility that he was biased.

Dorman & Ors v Clinton Devon Farms Partnership

#### Litigation

In a useful warning to dishonest litigants, the Court of Appeal has confirmed that contempt proceedings can be brought in relation to witness statements provided in purported compliance with a pre-action protocol, even if the claim is not actually made.

Jet 2 Holidays Limited v Hughes & 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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