

Case Number: NYSC-2021-0456

Title: Smith v. Acme Corp.

Jurisdiction: New York Supreme Court, Commercial Division

Date: June 15, 2021

Judge: Hon. Maria Gonzales

Parties & Counsel:

- Plaintiff: John Smith (counsel: Baker & Myers LLP)
- Defendant: Acme Corp. (counsel: Richards, Lee & Co.)

Background:

Smith was recruited in 2018 as Senior Sales Manager on a 3-year contract guaranteeing “cause-only” termination, plus a quarterly performance bonus of 20% of base salary. In Dec 2020, Acme accused him of policy breaches, terminated him without notice, and withheld his Q4 bonus.

Procedural History:

Filed Mar 2021; Acme’s motion to dismiss for failure to exhaust the internal grievance process was denied Apr 2021. Parties exchanged discovery by June.

Facts:

- Cl. 8.2 requires 30-day notice or pay in lieu.
- Bonus clause: “The Company shall pay...”
- Smith denies any misconduct; Acme points to two email warnings in Nov 2020.

Legal Issues:

1. Did Acme breach the notice/pay-in-lieu clause?
2. Is the bonus entitlement mandatory or discretionary?

Parties’ Arguments:

- Smith: Clause is unambiguous; bonus is “shall.”
- Acme: Warnings triggered “for cause” exception.

Legal Standard:

Contract interpretation under Corbin’s “plain meaning” rule; extrinsic evidence only if ambiguous.

Analysis:

Court finds warnings were informal performance notes, not “cause” under Cl. 2.1. Bonus language “shall” creates a duty; failure to pay is breach.

Holding & Relief:

Judgment for Smith. Damages: \$45,000 back pay, \$12,500 bonus, pre-judgment interest at 9%, and \$2,000 costs. No injunctive relief.

Case Number: DHC-2022-1120
Title: Patel v. Government of Delhi
Jurisdiction: Delhi High Court, Taxation Bench
Date: August 3, 2022
Judge: Hon. Ritu Mahajan

Parties & Counsel:

- Petitioner: Arun Patel (counsel: Verma & Associates)
- Respondent: MCD (counsel: Govt. Advocate Office)

Background:

Under the Municipal Tax Act, 2008, MCD assesses industrial property tax via prescribed slab valuations. Patel's factory assessed at ₹10.5 cr in Jan 2022 triggered demand notice.

Procedural History:

Writ petition filed Apr 2022 with stay on collection; counter-affidavit filed May 2022.

Facts:

- Notice lacked slab-by-slab worksheet and comparables list.
- Patel failed to file time-barred objections in Feb 2022.

Legal Issues:

1. Validity of notice under Sec. 78(2) MTA.
2. Whether procedural lapse vitiates assessment.

Parties' Arguments:

- Patel: Notice denied meaningful objection—violation of Audi alteram partem.
- MCD: Notice complied with Form-A; procedural errors are curable.

Legal Standard:

Natural justice in tax matters requires full disclosure of valuation data (see Delhi Mun. Corp. v. Garg, 2015).

Analysis:

Court cites Garg: omission of critical data renders notice void; time-bar is subordinate to principles of natural justice when notice itself is flawed.

Holding & Orders:

Assessment quashed. MCD to re-assess within 60 days with detailed notice. ₹50,000 awarded for costs. No further stay.

Case Number: LHC-2020-3578
Title: Johnson v. Barclays Bank PLC
Jurisdiction: London High Court, Commercial Court
Date: November 9, 2020
Judge: Sir Andrew Collins

Parties & Counsel:

- Claimant: Emily Johnson (counsel: Harrington & Co.)
- Defendant: Barclays Bank PLC (counsel: Linklaters LLP)

Background:

Johnson purchased a 5-year structured note in Apr 2019 marketed as “capital-protected, high-yield.” Returns plummeted in Mar 2020 market crash.

Procedural History:

Claim issued Aug 2020 under FSMA 2000. Barclays’ strike-out application denied Sept.

Facts:

- Promotional brochure: “Guaranteed 5% p.a.”
- Risk disclosures in Section 3 small-print.

Legal Issues:

1. Breach of s.138D(1) FSMA: fair, clear, non-misleading info.
2. Adequacy under FCA COB rules.

Parties’ Arguments:

- Johnson: Reasonable investor misled by emphasis on returns.
- Barclays: Full disclosure present; investor risk awareness.

Legal Standard:

“Fair, clear and not misleading” assessed by objective reasonable investor test (see Collidge v. UBS, 2012).

Analysis:

Contrasting bold headlines vs. tiny risk section, Court finds imbalance. Investor likely to overlook downside; FCA’s spirit breached.

Holding & Remedy:

Barclays to pay £23,000 net loss + 4% interest from claim date and £5,000 costs. No punitive damages.

Case Number: CA-2023-0091
Title: Renault SA v. Peugeot SA
Jurisdiction: Cour d'appel de Paris, 3ème chambre
Date: February 12, 2023
Judge: Mme Chantal Dubois

Parties & Counsel:

- Appellant: Renault SA (counsel: Gide Loyrette Nouel)
- Respondent: Peugeot SA (counsel: CMS Bureau Francis Lefebvre)

Background:

Renault's patent FR-2015-1234 covers a 5-component variable injector. Peugeot's X-Flow launched in 2021 allegedly replicates Cl. 3's pressure valve.

Procedural History:

First-instance judgment in 2022 dismissed infringement. Renault appealed Jan 2023.

Facts:

- Claim construction under C.P.I. L. 613-14.
- Prior art: Gebra 2010 lacking flow-control ring.

Legal Issues:

1. Proper interpretation of claims.
2. Anticipation by prior art.

Parties' Arguments:

- Renault: X-Flow embodies each embryonic element.
- Peugeot: design differences "manner of operation" circumvent coverage.

Legal Standard:

Article 3 of the EPC Protocol: purposive construction, "informed person" test.

Analysis:

Court applies Directive 2004/25: focuses on technical effect. X-Flow's valve identical in operation. Gebra lacks element Cl. 3's calibrated orifice.

Holding:

Appeal granted. Injunction issued; damages €1.2 M + €150 K procedural. No dissent.

Case Number: SIAC-2021-045

Title: Li v. Singapore Telecommunications Ltd.

Jurisdiction: SIAC Arbitration (Rules 2016)

Date: May 27, 2021

Arbitrator: Prof. Wong Wei Lun

Parties & Counsel:

- Claimant: Ms. Li (counsel: Rajah & Tann)
- Respondent: SingTel (counsel: Drew & Napier)

Background:

Li's expatriate contract guaranteed 60-day notice or compensation. SingTel alleged she worked remotely without approval, breaching confidentiality Art. 15.

Procedural History:

Commenced July 2020; hearing in Feb 2021; briefs closed Mar.

Facts:

- Li's email logs show continuous reporting.
- SingTel's HR policy: progressive discipline.

Legal Issues:

1. Breach of notice clause Art. 12.
2. Justification under confidentiality Art. 15.

Party Arguments:

- Li: No misconduct; clause mandatory.
- SingTel: Email logs show policy breach warranting summary dismissal.

Legal Standard:

Arbitrator applies Singapore Contract Law: strict textual interpretation.

Analysis:

Award finds no prima facie evidence of unauthorized disclosure. SingTel circumvented its own policy by bypassing progressive discipline required under employee handbook.

Holding & Award:

SingTel to pay SGD 180,000 for notice + lost benefits, plus SGD 10,000 costs. Dissenting note: arbitrator warns parties to update termination policies.

Case Number: FCA-2022-302

Title: Nguyen v. Commonwealth Bank of Australia

Jurisdiction: Federal Court of Australia

Date: October 14, 2022

Judge: Justice Helen Murphy

Parties & Counsel:

- Plaintiff: Minh Nguyen (counsel: Herbert Smith Freehills)
- Defendant: CBA (counsel: Allens Linklaters)

Background:

Nguyen wired USD 200,000 via CBA from Singapore to Sydney. Bank's staff mis-keyed SWIFT code, causing loss.

Procedural History:

Filed under tort law Mar 2022; cross-motions for summary judgment heard Sept.

Facts:

- Internal protocol requires dual verification.
- Bank records show only single check.

Legal Issues:

1. Duty of care in international transfers.
2. Causation and remoteness under *Donoghue v. Stevenson*.

Party Arguments:

- Nguyen: Standard of care breached.
- CBA: Relies on client-provided instructions; no deeper duty.

Legal Standard:

Banking duty of care recognized in *Farah Constructions v. Say-Dee* (2007).

Analysis:

Court finds CBA owes elevated duty when processing instructions; breach clear. Loss direct and foreseeable.

Holding & Costs:

Judgment for Nguyen: AUD 270,000 + 5% interest from Feb 2022; AUD 15,000 costs. No appeal noted.

Case Number: SCC-2023-0019
Title: Tremblay v. Canada Post Corporation
Jurisdiction: Supreme Court of Canada
Date: January 19, 2023
Justices: McLachlin C.J., Abella and Côté JJ.

Parties & Counsel:

- Appellant: Marie Tremblay (counsel: Blake, Cassels & Graydon)
- Respondent: CPC (counsel: Department of Justice Canada)

Background:

Tremblay's P.O. box suspended for non-payment of \$25 fee; critical medical docs undelivered.

Procedural History:

Quebec CA upheld CPC's policy; SCC granted leave Oct 2022.

Facts:

- Policy: automatic suspension after 30 days non-payment.
- No individualized notice beyond generic reminder.

Legal Issues:

1. Does mail delivery engage s.7 Charter?
2. Does policy violate "principles of fundamental justice"?

Party Arguments:

- Tremblay: Mail is essential life-support service.
- CPC: Fee policy is administrative, not a Charter matter.

Legal Standard:

Applying Oakes test for overbreadth (R v. Oakes, 1986).

Analysis:

Majority finds service indispensable to life-liberty; policy overbroad, no meaningful notice.
Proportionality fails.

Holding:

Appeal allowed; policy invalid; remit for redesign. No costs. Abella JJ concurs; Côté JJ dissenting, arguing administrative policy not subject to s.7.

Case Number: ICSID-ARB/22/004
Title: Global Ventures v. Republic of Zambia
Jurisdiction: ICSID Tribunal (UK–Zambia BIT)
Date: March 8, 2022
Tribunal: Petrova (Chair), Okoro, Tan

Parties & Counsel:

- Claimant: Global Ventures Ltd. (counsel: White & Case)
- Respondent: Zambia (counsel: Govt. Legal Dept.)

Background:

Under the 1998 UK–Zambia BIT, GV invested USD 50M mining concession subject to environmental review.
License revoked Jan 2020.

Procedural History:

Notice Aug 2020; preliminary objections denied Nov 2020.

Facts:

- Zambia cites non-compliance with environmental regs.
- No written warnings or remediation opportunity provided.

Legal Issues:

1. Indirect expropriation under Art. 6 BIT.
2. Fair compensation standard (prompt, adequate, effective).

Party Arguments:

- GV: Revocation equivalent to deprivation of property.
- Zambia: Legitimate regulatory action in public interest.

Legal Standard:

Salini test for indirect expropriation; Chorzów Factory principle for compensation.

Analysis:

Tribunal finds revocation disproportionate, lacked procedural safeguards. Regulatory act crossed into expropriation.

Award:

Compensation USD 35M + 5% compound interest from Jan 2020. Costs split 60/40. Unanimous.

Case Number: ECHR-2020-0842
Title: Andersson v. Council of Europe
Jurisdiction: ECHR, Grand Chamber
Date: July 22, 2020
Judges: Panel of 7

Parties & Counsel:

- Applicant: Lars Andersson (pro bono)
- Respondent: Council of Europe (Secretary General's office)

Background:

Andersson's extradition delayed 30 months due to successive adjournments.

Procedural History:

Chamber judgment Mar 2020 found violation; referred to Grand Chamber.

Facts:

- Delays due to procedural re-filings and ministerial review.
- No interim remedies sought effectively.

Legal Issues:

1. Breach of Art. 6(1) "reasonable time."
2. Appropriate remedy under Art. 41.

Party Arguments:

- Andersson: State failed to justify lengthy adjournments.
- Council: Complexity justified some delays.

Legal Standard:

"Reasonable time" balancing complexity vs. applicant's interests (Kudła v. Poland).

Analysis:

Grand Chamber finds delays excessive given straightforward extradition. State had alternate mechanisms to expedite.

Holding:

Violation Art. 6(1). €8,000 non-pecuniary damages + €3,500 costs. No dissent.

Case Number: KHC-2021-2104
Title: Kumar v. State of Kerala
Jurisdiction: Kerala High Court, Writ Jurisdiction
Date: December 5, 2021
Judge: Justice Anil Menon

Parties & Counsel:

- Petitioner: Rajesh Kumar (counsel: Kochery & Co.)
- Respondent: State of Kerala (counsel: AG's Office)

Background:

Under KMC Act 1994 §215, municipality may demolish unauthorized structures after hearing.

Procedural History:

Writ filed Oct 2021; interim stay granted.

Facts:

- Demolition notice delivered to wrong address.
- Survey used unverified GPS data; no triangulation.

Legal Issues:

1. Violation of audi alteram partem (Art. 14 IPC).
2. Validity of survey report.

Party Arguments:

- Kumar: No hearing; survey flawed.
- State: Emergency public safety justified summary order.

Legal Standard:

Natural justice principles in administrative action (Maneka Gandhi v. Union of India).

Analysis:

Court finds notice jurisdictional; survey inadmissible without calibration. Public safety argument fails absent immediate hazard evidence.

Holding & Directive:

Demolition quashed. Municipality to re-issue proper notice, conduct hearing, fresh survey within 90 days. ■20,000 costs awarded. Concurring opinion: propose guidelines for remote-notice service.