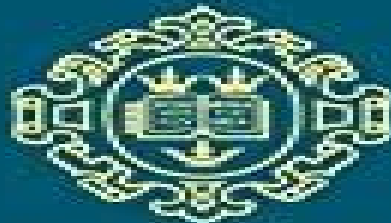


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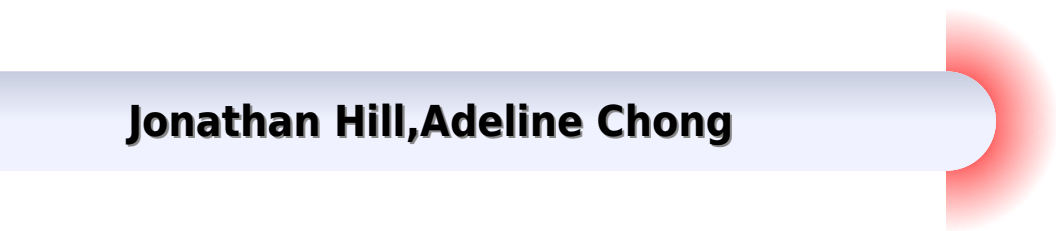
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Res Judicata, Estoppel, and Foreign Judgments Peter R. Barnett, 2001 This book re examines the doctrines of res judicata and abuse of process when applied to foreign judgments and analyses how they are relied upon in English proceedings The book clearly explains the four main pleas to which a foreign res judicata might give rise in subsequent proceedings in England

A Lawyer's Handbook for Enforcing Foreign Judgments in the United States and Abroad Robert E. Lutz, 2006-12-25 This 2007 book assists the practitioner seeking to enforce a foreign judgment in the United States or a US rendered judgment abroad in navigating the lack of procedural uniformity that exists and in planning strategies likely to ensure effective enforcement As a handbook it provides the practitioner with a framework and resources with which to approach and further research the laws of the relevant state or country In Part One the guide takes the practitioner chronologically through the process of obtaining a US court's recognition and enforcement of judgments rendered abroad Part Two takes the practitioner through the process of obtaining an overseas jurisdiction's recognition and enforcement of judgments rendered in the United States Part Three assesses the current trends in the US and in the international trade environment regarding enforcement of judgments which may be made by foreign courts

Finality in Litigation Jacob B. van de Velden, 2017-04-15 Ensuring finality in litigation preclusion is a challenge Res judicata and abuse of process are technical doctrines traps for the unwary The same doctrines can also be effective tools to avoid unnecessary or vexing duplicative proceedings or to determine how a case may affect the same or a related claim or issue in a subsequent case This practitioner's guide is a timely and comprehensive treatise on English law on the topic It addresses the entire spectrum of preclusion issues arising in an English court the court functus officio the finality of a judgment res judicata merger of the cause of action cause of action estoppel and issue estoppel abuse of process relitigation *Henderson v Henderson* and collateral attack abuse and preclusion by foreign judgments In a manner accessible to foreign lawyers this book further offers a treatise of Dutch law that is of the same breadth and depth It addresses all preclusion issues that may crop up in a Dutch court Moreover the cross border context is considered how domestic judgments fare abroad how preclusion operates in the Brussels and Lugano regime levels of preclusion set by European due process and more A contribution to conflicts theory this book finally suggests improvements to the process of preclusion between jurisdictions by clarifying the distinction between recognition of foreign judgments and preclusion by foreign judgments and by opening up a new field of choice of preclusion law A first class work which will be of considerable interest to practitioners and scholars Lord Collins of Mapesbury former Justice of the UK Supreme Court and General Editor of *Dicey and Morris on Conflict of Laws* Jacob van de Velden practises international arbitration and litigation at De Brauw Blackstone Westbroek a member of the Best Friends network of law firms with Slaughter and May UK Bredin Prat France BonelliErede Italy Hengeler Mueller Germany and Ur a Menendez Spain He was a co rapporteur for the International Law Association's Committee on International Civil Litigation

and a research fellow and director of the Private International Law programme at the British Institute of International and Comparative Law

International Commercial Arbitration Gary B. Born, 2020-11-23 International Commercial Arbitration is an authoritative 4 250 page treatise in three volumes providing the most comprehensive commentary and analysis on all aspects of the international commercial arbitration process that is available The Third Edition of International Commercial Arbitration has been comprehensively revised expanded and updated To include all legislative judicial and arbitral authorities and other materials in the field of international arbitration prior to June 2020 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law The revised 4 250 page text contains references to more than 20 000 cases awards and other authorities and will enhance the treatise's position as the world's leading work on international arbitration The first and second editions of International Commercial Arbitration have been routinely relied on by courts and arbitral tribunals around the world including the highest courts of the United States United Kingdom Singapore India Hong Kong New Zealand Australia the Netherlands and Canada and international arbitral tribunals including ICC SIAC LCIA AAA ICSID SCC and PCA e g U S Supreme Court GE Energy Power Conversion France SAS Corp v Outokumpu Stainless USA LLC 590 U S U S S Ct 2020 BG Group plc v Republic of Argentina 572 U S 25 U S S Ct 2014 Canadian Supreme Court Uber v Heller 2020 SCC 16 Canadian S Ct Yugraneft Corp v Rexx Mgt Corp 2010 1 R C S 649 661 Canadian S Ct U K Supreme Court Jivraj v Hashwani 2011 UKSC 40 78 U K S Ct Dallah Real Estate Swiss Federal Tribunal Judgment of 25 September 2014 DFT 5A_165 2014 Swiss Fed Trib Indian Supreme Court Bharat Aluminium v Kaiser Aluminium C A No 7019 2005 138 39 142 148 49 Indian S Ct 2012 Singapore Court of Appeal Rakna Arakshaka Lanka Ltd v Avant Garde Maritime Servs Ltd 2019 2 SLR 131 Singapore Ct App PT Perusahaan Gas Negara Persero TBK v CRW Joint Operation 2015 SGCA 30 Singapore Ct App Larsen Oil Australian Federal Court Hancock Prospecting Pty Ltd v Rinehart 2017 FCAFC 170 Australian Fed Ct Hague Court of Appeal Judgment of 18 February 2020 Case No 200 197 079 01 Hague Gerechtshof Arbitral Tribunals Lao Holdings NV v Lao People's Democratic Republic I Award in ICSID Case No ARB AF 12 6 6 August 2019 Gold Reserve Inc v Bolivarian Republic of Venezuela Decision regarding the Claimant's and the Respondent's Requests for Corrections ICSID Case No ARB AF 09 1 15 December 2014 Total SA v The Argentine Republic Decision on Stay of Enforcement of the Award ICSID Case No ARB 04 01 4 December 2014 Millicom Int'l Operations B V v Republic of Senegal Decision on Jurisdiction of the Arbitral Tribunal ICSID Case No ARB 08 20 16 July 2010 Lemire v Ukraine Dissenting Opinion of J rgen Voss ICSID Case No ARB 06 18 1 March 2011 , **The Hague Judgments Convention and Commonwealth Model Law** Abubakri Yekini, 2021-08-12 This book undertakes a systematic analysis of the 2019 Hague Judgments Convention the 2005 Hague Choice of Court Convention 2005 and the 2017 Commonwealth Model Law on recognition and Enforcement of Foreign Judgments from a pragmatic perspective The book builds on the concept of pragmatism in private international law within the context of recognition and enforcement of

judgments It demonstrates the practical application of legal pragmatism by setting up a toolbox pragmatic goals and methods that will assist courts and policymakers in developing an effective and efficient judgments enforcement scheme at national bilateral and multilateral levels Practitioners national courts policymakers academics students and litigants will benefit from the book s comparative approach using case law from the United Kingdom and other leading Commonwealth States the United States and the Court of Justice of the European Union The book also provides interesting findings from the empirical research on the refusal of recognition and enforcement in the UK and the Commonwealth statutory registration schemes respectively

International Arbitration: Law and Practice Gary B. Born, 2021-06-07 International Arbitration Law and Practice Third Edition provides comprehensive and authoritative coverage of the basic principles and legal doctrines and the practice of international arbitration The book contains a systematic but concise treatment of all aspects of the arbitral process including international arbitration agreements international arbitral proceedings and international arbitral awards The Third Edition guides both students and practitioners through the entire arbitral process beginning with drafting enforcing and interpreting international arbitration agreements to selecting arbitrators and conducting arbitral proceedings to recognizing enforcing and seeking to annul arbitral awards The book is written in clear accessible language suited for both law students and non specialist practitioners as well as more experienced readers This highly regarded work addresses both international commercial arbitration and the related fields of investment and state to state arbitration and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field The Third Edition has been comprehensively updated to include recent legislative amendments judicial decisions and arbitral awards Among other things the book provides detailed treatment of the New York Convention the UNCITRAL Model Law on International Commercial Arbitration all leading institutional arbitration rules including ICC SIAC LCIA AAA and others the ICSID Convention and ICSID Arbitration Rules and judicial decisions from leading jurisdictions The Third Edition is integrated with the author s classic International Commercial Arbitration and with the online Born International Arbitration Lectures enabling students teachers and practitioners to explore particular topics in more detail About the Author Gary B Born is the world s leading authority on international arbitration and litigation He has practiced extensively in both fields in Europe the United States Asia and elsewhere He is the author of International Commercial Arbitration Kluwer Law International 3rd ed 2021 International Arbitration and Forum Selection Agreements Drafting and Enforcing Kluwer Law International 6th ed 2021 International Commercial Arbitration Cases and Materials Aspen 3rd ed 2021 and International Civil Litigation in United States Courts Aspen 6th ed 2018

International Commercial Disputes Jonathan Hill, Adeline Chong, 2014-11-24 This is the fourth edition of this highly regarded work on the law of international commercial litigation as practised in the English courts As such it is primarily concerned with how commercial disputes which have connections with more than one country are dealt with by the English courts Much of the law which provides the framework for the resolution

of such disputes is derived from international instruments including recent Conventions and Regulations which have significantly re shaped the law in the European Union The scope and impact of these European instruments is fully explained and assessed in this new edition The work is organised in four parts The first part considers the jurisdiction of the English courts and the recognition and enforcement in England of judgments granted by the courts of other countries This part of the work which involves analysis of both the Brussels I Regulation and the so called traditional rules includes chapters dealing with jurisdiction in personam and in rem anti suit injunctions and provisional measures The work s second part focuses on the rules which determine whether English law or the law of another country is applicable to a given situation The part includes a discussion of choice of law in contract and tort with particular attention being devoted to the recent Rome I and Rome II Regulations The third part of the work includes three new chapters on international aspects of insolvency in particular under the EC Insolvency Regulation and the final part focuses on an analysis of legal aspects of international commercial arbitration In particular this part examines the powers of the English courts to support or supervise an arbitration the effect of an arbitration agreement on the jurisdiction of the English courts the law which governs an arbitration agreement and the parties dispute and the recognition and enforcement of foreign arbitration awards This title is included in Bloomsbury Professional s International Arbitration online service

Cross-Border EU Competition Law Actions
Mihail Danov, Florian Becker, Paul Beaumont, 2013-06-18 This book written within the framework of a research project funded by the European Commission Civil Justice Programme identifies the ways in which cross border EU competition law actions can best be handled in Europe Employing traditional library based legal research methods as well as qualitative interviews with legal practitioners in Germany and England countries sharing different legal traditions and policy makers in Brussels the book considers how private EU competition law actions are functioning at the moment and how they could and should be developed The study proposes solutions for some of the most pressing practical problems and includes chapters by the following academics legal practitioners and judges Judge I Pelik nov General Court of the EU J Lawrence and A Morfey Freshfields P Lasok QC Monckton Chambers H Mercer QC Essex Court Chambers J Webber Shearman T Reher CMS Hasche Sigle Germany P Bos and J M hlmann BarentsKrans the Netherlands P Beaumont Aberdeen S Bariatti Milan G Howells Manchester D Fairgrieve BIICL J Fitchen Aberdeen A Andreangeli Edinburgh D Tzakas Athens Bar Greece S Dnes Sidley Austin Brussels F Becker and J Kammin Kiel University Germany and M Danov Brunel University

Extraterritoriality and Collective Redress
Duncan Fairgrieve, Eva Lein, 2012-09-27 An expert analysis of the relevant law and jurisprudence in mass litigation this edited work examines the diverse and complex transnational considerations and issues of collective redress With contributions from distinguished and authoritative commentators on this topic the coverage is broad thorough and practically focused The book offers new perspectives on the challenges of collective redress as it innovatively combines a comparative and cross border approach Organized clearly into sections it provides in depth comment on these challenges

from a national European and global perspective With detailed analysis of the relevant law and jurisprudence in this area offering a significant practical impact this book also examines possible solutions to the challenges identified covering important topics and issues within collective redress mechanisms the private international law perspective on collective redress reception of foreign collective redress and extraterritoriality and US law Including contributions from the jurisdictions most relevant to these conflict of laws issues this book unites global expertise to provide information on a complex topic and offer a solution based approach to the collective redress landscape

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