

## Table of Cases

### *European Union (Court of Justice of the European Union; in chronological order)*

- ECJ Case C-6/64 *Costa v ENEL* [1964] ECR 585  
ECJ Case C-9/70 *Grad v Finanzamt Traunstein* [1970] ECR-I 826  
ECJ Case C-41/74 *van Duyn v Home Office* [1974] ECR-I 1338  
ECJ Case C-541/99 *Cape v Ideal Service* [2001] ECR I-9049  
ECJ Case C-464/01 *Gruber v Bay Wa AG* [2005] ECR I-439

### *England (alphabetical order)*

- Adams v Lindsell* (1818) 1 Barnewall and Alderson 681, 106 ER 250 (KB)  
*Anson v Trump* [1998] 1 WLR 1404 (CA)  
*Apple Corps Ltd v Apple Computer Inc* [2004] EWHC 768 (Ch), [2004] 2 CLC 720  
*Air Transworld Ltd v Bombardier Inc* [2012] EWHC 243 (Comm), [2012] 1 CLC 145 (QB)  
*Balfour v Balfour* [1919] 2 KB 571 (CA) [*Balfour v Balfour*]  
*Barry v Heathcote Ball & Co (Commercial Auctions) Ltd* [2000] 1 WLR 1962  
*Beckham v Drake* (1841) 9 Meeson and Welsby 79 (Exchequer), 152 ER 35  
*Berkley v Poulett* [1977] 1 Estates Gazette Law Reports (EGLR) 86 (CA); (1977) 241 Estates Gazette (EG) 911; [1976] EWCA Civ 1  
*Blue v Ashley* [2017] EWHC 1928 (Comm), 2017 WL 03129053 (official transcript)  
*Brinkibon Ltd v Stahag-Stahl und Stahlwarenhandels-gesellschaft mbH* [1983] 2 AC 34 (HoL)  
*Brogden v Metropolitan Railway* (1877) 2 App Cas 666 (HoL)  
*Byrne & Co v Van Tienhoven & Co* (1880) 5 CPD 344 (HC)  
*Carlill v Carbolic Smoke Ball Co* [1893] 1 QB 256 (CA)  
*Central London Property Trust Ltd v High Trees House Ltd* [1947] 1 KB 130  
*Chappell & Co Ltd v Nestlé Co Ltd* [1960] AC 87 (HoL)  
*Cook v Wright* (1861) 1 Best and Smith 559, 121 ER 822 (QB)  
*Cooke v Oxley* (1790) 3 Term Reports 653 (KB); 100 ER 785  
*Currie v Misa* (1875) LR 10 Exchequer 153

Table of Cases

- Daly v General Steam Navigation Co (The Dragon)* [1979] 1 Lloyd's Rep 257 (QB)  
*Dayman v Anfield Services Ltd* [2006] EWHC 2937 (QB), 2006 WL 3485359 (official transcript)  
*Denton v Great Northern Railway Co* (1856) 5 Ellis and Blackburn 860 (QB), 119 ER 701  
*Dickinson v Dodds* (1876) 2 Chancery Division 463 (CA)  
*Dunlop v Higgins* (1848) 1 House of Lords Cases 381, 9 ER 805 (HoL)  
*Eastwood v Kenyon* (1840) 11 Adolphus and Ellis 438 (QB), 113 ER 482  
*Eccles v Bryant and Pollock* [1948] Ch 93 (CA)  
*Edwards v Skyways Ltd* [1964] 1 WLR 349 (QB)  
*Elitestone Ltd v Morris* [1997] 1 WLR 687 (HoL)  
*Entores Ltd v Miles Far East Corporation* [1955] 2 QB 327 (CA)  
*Eso Petroleum Ltd v Commissioners of Customs and Excise* [1976] 1 WLR 1 (HoL)  
*Everwine Ltd and Ors v The Commissioners of Customs and Excise* [2003] EWCA Civ 953, 2003 WL 21353475 (official transcript)  
*Felthouse v Bindley* (1862) 11 Common Bench Reports (New Series) 869, 142 ER 1037 (HC)  
*First National Securities Ltd v Jones* [1978] 2 WLR 475 (CA), [1987] Ch 109  
*Firstpost Homes Ltd v Johnson* [1995] 1 WLR 1567 (CA)  
*Fisher v Bell* [1960] 3 WLR 919, [1961] 1 QB 394  
*Foakes v Beer* (1884) 9 App Cas 605 (HoL)  
*Golden Ocean Group Ltd v Salgaocar Mining Industries Pvt Ltd* [2012] EWCA Civ 265, [2012] 1 WLR 3674  
*Golding's Case* (1586) 2 Leonard 71, 74 ER 367 (KB)  
*Hadley v Baxendale* (1854) 9 Exchequer 341  
*Harvey v Facey* [1893] AC 552 (Privy Council)  
*Harvey v Pratt* [1965] 1 WLR 1025 (CA)  
*Heilbut, Symons & Co v Buckleton* [1913] AC 30 (HoL)  
*Henthorn v Fraser* [1892] 2 Ch 27 (CA)  
*Hillas & Co Ltd v Arcos Ltd* (1932) 147 LT 503 (HoL)  
*HSBC Trust Co (UK) Ltd v Quinn* [2007] EWHC 1543 (Ch), 2007 WL 1942791 (official transcript)  
*Hughes v Metropolitan Ry* (1877) 2 App Cas 439 (HoL)  
*J Pereira Fernandes SA v Mehta* [2006] EWHC 813 (Ch), [2006] 1 WLR 1543  
*Kingspan Environmental Ltd and Others v Borealis AS, Borealis UK Ltd* [2012] EWHC 1147 (Comm), WL 1469127 (official transcript)  
*L'Estrange v F Graucob Ltd* [1934] 2 KB 394  
*Lefkowitz v Great Minneapolis Surplus Stores* (1957) 86 NW 2d 689 (SC Minnesota)  
*Mackenzie v Coulson* (1869) LR 8 Eq 368 (Ch)  
*Marshall v N M Financial Management Ltd* [1997] 1 WLR 1527 (CA)

- May and Butcher Ltd v The King* [1934] 2 KB 17n (HoL)  
*Merritt v Merritt* [1970] 1 WLR 1211 (CA)  
*Morley v Boothby* (1825) 3 Bingham 107 (Court of Common Pleas), [1825] 130 ER 455  
*Newell v Tarrant* [2004] EWHC 772  
*OTV Birwelco Ltd v Technical & General Guarantee Co Ltd* [2002] EWHC 2240 (TCC) (QB), 2002 WL 31050475 (official transcript)  
*Pao On v Lau Yiu Long* [1980] AC 614 (PC)  
*Patridge v Crittenden* [1968] 1 WLR 1204 (QB)  
*Payne v Cave* (1789) 3 Term Reports 148 (KB); 100 ER 502  
*Percy Trentham Ltd v Archital Luxfer Ltd* 1993 WL 963649 (official transcript, CA)  
*Pham v Secretary of State for the Home Department* [2015] UKSC 19  
*Pharmaceutical Society of Great Britain v Boots Cash Chemists (Southern) Ltd* [1953] 1 QB 401 (CA)  
*Practice Statement (Judicial Precedent)* [1966] 1 WLR 1234  
*Quenerduaine v Cole* (1883) 32 Weekly Reporter (WR) 185  
*R (on the application of Miller) (Respondents) v Secretary of State for Exiting the European Union (Appellant)* [2017] UKSC 5  
*Re a Debtor* [1996] British Company Cases (BCC) 189 (CA)  
*Re Doran's Application for Judicial Review v re Decision of the Department for the Economy and the Minister for the Economy in Connection with the Renewable Heat Incentive Scheme (No. 2)* [2017] Northern Ireland QB (NIQB) 24, 2017 WL 00956529 (official transcript)  
*Reg v Morton* (1872-75) LR 2 Court for Crown Cases Reserved (CCR) 22 Criminal Appeal Court)  
*Reg v Secretary of State for Transport, Ex p Factortame Ltd. (No 2)* [1990] 3 WLR 818 (HoL), [1991] 1 AC 603  
*Rollersteam Ltd v Riley* [2016] EWCA Civ 1291, [2017] Ch 109  
*Rose and Frank Co v Crompton and Brothers, Ltd* [1923] 2 KB 261 (CA)  
*Rose and Frank Co v Crompton and Brothers, Ltd* [1925] AC 445 (HoL)  
*RTS Flexible Systems Ltd v Molkerei Alois Müller GmbH & Co KG (UK Production)* [2010] UKSC 14, [2010] 1 WLR 753  
*Sadler v Reynolds* [2005] EWHC 309 (QB)  
*Seward v Seward* (2014) WL 3535431 (HC; official transcript)  
*Shadwell v Shadwell* (1860) 9 Common Bench Reports (New Series) 159, 142 ER 62  
*Sharlington v Strotton* (1564) 1 Plowden 298, 75 ER 454 (KB)  
*Shipton v Dogge* (1442) B&M 391  
*Sidhu and Others v British Airways Plc* [1997] AC 430 (HoL)  
*Slade's case* (1595) 4 Coke 91a, 76 ER 1072 (KB)

*Table of Cases*

- Smith v Hughes* (1870-71) LR 6 QB 597  
*St Albans City and DC v International Computers Ltd* [1996] 4 All ER 481, [1997] Fleet Street Reports (FSR) 251 (CA)  
*Starline and Wessex Taxis Ltd v The Commissioners for Her Majesty's Revenue & Customs* (London Tribunal), 2007 WL 2187088 (official transcript)  
*Stevenson, Jaques & Co v McLean* (1880) 5 QBD 346  
*Stidolph v American School in London Educational Trust Ltd* (1969) 20 P&CR 802 (CA)  
*Stilk v Myrick* (1809) 2 Campbell 317 (Assizes), 170 ER 1168, (1809) 6 Espinasse's Nisi Prius Reports (Esp) 129  
*Storer v Manchester City Council* [1974] 1 WLR 1403 (CA)  
*Stratton v Swanlond* (1374) B&M 360  
*Suleman v Shahsavari* (1989) 57 P&CR 465 (HC Chancery Division)  
*Summit Invest Incorporated v British Steel Corporation* [1987] 1 Lloyd's Report 230 (CA), 1987 WL 492632 (official transcript)  
*Tanistry Case* (1607) Davis 28; 80 ER 516  
*Thornton v Shoe Lane Parking Ltd* [1971] 2 QB 163 (CA)  
*Wade v Simeon* (1846) 2 Common Bench Reports 548 (Court of Common Pleas), 135 ER 1061  
*Warlow v Harrison* (1858) 1 Ellis and Ellis 295, 120 ER 920  
*Williams v Roffey Bros & Nicholls (Contractors) Ltd* [1991] QB 1  
*Young v Bristol Aeroplane Co, Ltd* [1944] KB 718 (CA)

*Germany (by court in chronological order)*

Federal Constitutional Court (*Bundesverfassungsgericht*, 1951–)

- BVerfG order of 5 April 2005, 1 BVR 1664/04  
BVerfG order of 8 May 2007, 2 BvM 1/03, BVerfGE 118, 124–167  
BVerfG decision of 4 May 2011, 2 BvR 2365/09, BVerfGE 128, 326–409

Federal Court of Justice (*Bundesgerichtshof*, 1950–)

- BGH decision of 24 September 1952, II ZR 305/51, BGHZ 7, 187  
BGH decision of 22 June 1956, I ZR 198/54, BGHZ 21, 102–112  
BGH decision of 27 May 1957, VII ZR 223/56, WM 1957, 883–886  
BGH decision of 27 June 1973, VIII ZR 201/72, BGHZ 61, 80–84  
BGH decision of 13 November 1973, VI ZR 152/72, NJW 1974, 234  
BGH decision of 4 June 1975, I ZR 114/74, NJW 1975, 1705–1706

BGH decision of 2 June 1976, VIII ZR 97/74, BGHZ 66, 378–384  
BGH decision of 3 November 1976, VIII ZR 140/75, BGHZ 67, 271–279  
BGH decision of 6 December 1979, VII ZR 313/78, BGHZ 76, 43–50  
BGH decision of 27 October 1982, V ZR 24/82, NJW 1983, 929–931  
BGH decision of 1 February 1990, IX ZR 110/89, WM 1990, 603–606  
BGH decision of 28 March 1990, VIII ZR 258/89, BGHZ 111, 97–103  
BGH decision of 22 May 1991, IV ZR 107/90, NJW-RR 1991, 1177–1178  
BGH decision of 7 June 1995, VIII ZR 125/94, BGHZ 130, 71–76  
BGH decision of 29 February 1996, IX ZR 153/95, BGHZ 132, 119–132  
BGH decision of 10 July 1997, IX ZR 24/97, NJW 1997, 3380–3381  
BGH decision of 26 November 1997, VIII ZR 22/97, BGHZ 137, 205–211  
BGH decision of 24 April 1998, V ZR 197/97, BGHZ 138, 339–348  
BGH decision of 25 November 1998, VIII ZR 259/97, NJW 1999, 1259–1261  
BGH decision of 29 September 1999, XII ZR 313/98, NJW 2000, 354–359  
BGH decision of 20 June 2000, IX ZR 434/98, WM 2000, 1600–1605  
BGH decision of 18 October 2001, XII ZR 179/98, NJW 2001, 221–223  
BGH decision of 18 December 2002, XII ZR 253/01, NJW 2003, 1248–1249  
BGH decision of 21 January 2004, XII ZR 214/00, NJW 2004, 1320–1321  
BGH decision of 21 September 2005, VIII ZR 284/04, NJW 2005, 3567–3569  
BGH decision of 16 March 2006, III ZR 152/05, BGHZ 166, 369–383  
BGH decision of 4 February 2009, VIII ZR 32/08, BGHZ 179, 319–329  
BGH decision of 30 September 2009, VIII ZR 7/09, NJW 2009, 3780–3781  
BGH decision of 11 June 2010, V ZR 85/09, NJW 2010, 2873–2876  
BGH order of 12 September 2011, IV ZR 38/09, NJW 2012, 296–301  
BGH decision of 16 October 2012, X ZR 37/12, BGHZ 195, 126–134, NJW 2013, 598  
BGH decision of 5 December 2012, I ZR 92/11, BGHZ 196, 254–270  
BGH decision of 23 January 2013, XII ZR 35/11, NJW 2013, 1082–1083  
BGH default judgement of 7 June 2013, V ZR 10/12, NJW 2013, 3434–3436  
BGH decision of 10 July 2013, IV ZR 224/12, BGHZ 198, 32  
BGH decision of 27 September 2017, XII ZR 114/16, BGHZ 216, 68–83, JZ 2018, 789–792  
BGH decision of 17 October 2017, KZR 24/15  
BGH decision of 23 November 2017, IX ZR 204/16  
BGH decision of 7 March 2018, XII ZR 129/16, NJW 2018, 1540–1542

## Table of Cases

### Federal Labour Court (*Bundesarbeitsgericht*, 1954–)

BAG decision of 24 June 2003, 9 AZR 302/02, BAGE 106, 345–352

BAG decision of 19 April 2005, 9 AZR 233/04, BAGE 114, 206–218, NJW 2006, 1832–1836

BAG decision of 17 December 2009, NJW 2010, 1100–1103

### Higher Regional Courts (*Oberlandesgerichte*)

OLG Köln decision of 27 April 1971, 15 U 126/70, NJW 1971, 1367–1369

OLG Düsseldorf decision of 28 December 2004, 21 U 68/04, NJW 2005, 1515–1516

OLG Rostock order of 28 April 2006, 7 U 48/06, OLG-Report (OLGR) Rostock 2006, 601–602

OLG Dresden decision of 30 November 2010, 10 U 0269/10, Internationales Handelsrecht (IHR) 2011, 142–145

OLG München order of 15 March 2012, Verg 2/12, Neue Zeitschrift für Baurecht und Vergaberecht (NZBau) 2012, 460–464

OLG München decision of 10 January 2019, 29 U 1091/18, MMR 2019, 532–535

### Regional Courts (*Landgerichte*)

LG Berlin decision of 20 July 2004, 4 O 293/04, NJW 2004, 2831–2833

LG Hamburg decision of 7 July 2009, 312 O 142/09, Kommunikation & Recht (K&R) 2010, 207–208

LG Dortmund decision of 21 April 2017, 10 O 12/17

### Local Courts (*Amtsgerichte*)

AG Meldorf decision of 29 March 2011, 81 C 1601/10, NJW 2011, 2890–2892

### Imperial Court (*Reichsgericht*, 1879–1945)

RG decision of 15 February 1910, IV 241/09, Deutsche Juristen-Zeitung (DJZ) 1910, 594

RG decision of 21 June 1918, II 121/18, RGZ 93 175–176

RG decision of 25 March 1930, VII 440/29, RGZ 128, 187–191

Other German Courts

Bavarian Administrative Court (*Bayerischer Verwaltungsgerichtshof*) order of 16 August 1976, 118 VIII/75, NJW 1978, 510–511]

*Japan (by court in chronological order)*

Great Court of Judicature (*Dai-shin'i*, 大審院, 1875–1947)

*Dai-shin'i* decision of 8 May 1901 (Meiji 34), Minroku 7 Vol 5 52

*Dai-shin'i* decision of 11 March 1920 (Taishō 10), Minroku Vol 27 514

*Dai-shin'i* decision of 14 January 1933 (Shōwa 8), *Dai-shin'i Saiban-rei* Vol 7 min 4

*Dai-shin'i* decision of 25 April 1935 (Shōwa 10), (Hōritsu) Shinbun No 3835 5, 'カ  
フェー丸玉女給事件'

*Dai-shin'i* decision of 28 June 1944 (Shōwa 19), Takahashi v Matsuba, Minshū Vol  
23 387

Japanese Supreme Court (*Saikō Saiban-sho*, 最高裁判所, 1947–)

*Saikō Saiban-sho* decision of 4 October 1955 (Shōwa 30), Minshū Vol 9 No 11 1521

*Saikō Saiban-sho* decision of 20 April 1961 (Shōwa 36), Minshū Vol 15 No 4 744

*Saikō Saiban-sho* decision of 26 March 1965 (Shōwa 40), Minshū Vol 19 No 2 526

*Saikō Saiban-sho* decision of 4 October 1965 (Shōwa 40), Minshū Vol 19 No 8 2019

*Saikō Saiban-sho* decision of 17 December 1968 (Shōwa 43), Minshū Vol 22 No 13  
2998

*Saikō Saiban-sho* decision of 20 December 1976 (Shōwa 51), Hanji No 843 46

*Saikō Saiban-sho* decision of 29 November 1985 (Shōwa 60), Minshū Vol 39 No 7  
1719

Japanese District Court (*Chihō Saiban-sho*, 地方裁判所)

*Tōkyō Chihō Saiban-sho* decision of 25 December 1989 (Heisei 1), Hanrei Jihō Vol  
1362 63

*Tōkyō Chihō Saiban-sho* decision of 13 April 2019 (Heisei 29)

*Table of Cases*

Other Courts

*Chwee Kin Keong v Digilandmall.com Pte Ltd* [2004] SGHC 71 (Singaporean High Court)

*Hanwha Corporation v Cedar Petrochemicals Inc*, decision of the Southern District Court of New York on 18 January 2011, 09 Civ 10559