

# Who is Bound by the Brussels Regulation? LMCLQ November 2007

Adrian Briggs (*Oxford*) has written a note in the November issue of the L.M.C.L.Q. (2007, 4(Nov), 433-438) on the recent decision of the Court of Appeal in *Samengo-Turner v J&H Marsh & McLennan (Services) Ltd* [2007] EWCA Civ 723. The *Westlaw* abstract reads:

*Discusses the Court of Appeal judgment in Samengo-Turner v J&H Marsh & McLennan (Services) Ltd on whether to grant an anti-suit injunction to stop New York proceedings. Examines whether the insurance broker should be allowed to sue an associate's former employees in New York to recover incentive payments, under a contract which stipulated the New York court. Considers whether the rules on contracts of employment under Regulation 44/2001 (Brussels Regulation) applied to an action by the employer's associate.*

There is also an article in the same issue on "Ship Mortgagees and Charterers" by David Osborne which touches on conflict of laws issues:

*Explores the circumstances in which the mortgagee of a ship could be liable to a charterer or cargo interest when it enforces its mortgage, thereby preventing performance of a charterparty or contract of affreightment by the owner, in light of the Commercial Court's consideration of the issue on an obiter basis in Anton Durbeck GmbH v Den Norske Bank ASA. Assesses the often conflicting case law on the question and the re-shaping of the law regarding economic torts.*

Several book reviews are also in the LMCLQ this month:

- R. Cox, L. Merrett & M. Smoth, *Private International Law of Insurance and Reinsurance* (LLP, 2007), reviewed by Johanna Hjalmarsson
- J. Fawcett, J. Harris & M. Bridge, *International Sale of Goods in the Conflict of Laws* (OUP, 2005), reviewed by Christopher Hare
- L. Collins et al, *Dicey Morris & Collins on the Conflict of Laws* (Sweet & Maxwell, 14th edn, 2006), reviewed by Andrew Scott

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