

# Briefs



## US Energy Firms Facing Law Suits

**US** — Eight US states have joined to file law suits against five giant power firms, challenging their gas emissions. The case based on the common law of 'public nuisance' is to demand cuts.

The five firms are American Electric Power, Southern C, Xcel Energy, Cinergy and the Federal Tennessee Valley Authority. The New York AG's office described the combined action as 'precedent-setting'.

The states — California, Connecticut, Iowa, New Jersey, New York, Rhode Island, Vermont and Wisconsin — contend that the five abovementioned companies are the biggest emitters of carbon dioxide. However, none of the companies are in the states that are suing. The AG has said that the law of 'public nuisance' gives the right to curb pollution coming from sources in other states. The combined action follows the refusal of President Bush's administration to take part in the Kyoto agreement on climate change.

Scientists worry that if the pollution is not curbed or contained, it will eventually result in rising temperatures and damage to crops and humans. (Source: news.bbc.co.uk)

## Sperm Donor Must Pay Child Support

**US** — An appeal court has ruled that a verbal agreement between a woman and her sperm donor was invalid and ordered the man to pay child support for the woman's twins.

Ivonne Ferguson had been in a relationship with Joel McKiernan and as their relationship waned, Ferguson convinced McKiernan to act as a sperm donor with no responsibility for any child born as a result.

The three-judge panel found that the deal between the two of them, that McKiernan would not have to pay any child support, was unenforceable because of 'legal, equitable and moral principles'. The court found that despite the agreement appearing to be a binding contract, the father is obligated to provide financial support. 'It is in the interest of the children we hold most dear' wrote Senior Judge Patrick Tamalia. (Source: www.cnn.com)

## Liquidator Cleared in Contempt Claim

**HK** — A contempt of court claim against a liquidator probing the collapse of a former China Rich Holdings subsidiary, Wing Fai Construction, was thrown out by a judge. Madam Justice Susan Kwan said David Kennedy, Wing Fai's liquidator, had no case to answer against the private prosecution brought by two China Rich directors Robert Yip and Kelly Cheng.

Kennedy had been accused of being in contempt of court for using information obtained during a court appointed examination of Yip and Cheng without first obtaining the court's permission. The information included financial details surrounding the collapse of Wing Fai in early 2002 that Kennedy passed to the Commercial Crime Bureau ('CCB'). Following the receipt of this information from Kennedy, the CCB started investigating Yip and Cheng. Kennedy also used the data in subsequent civil actions that tried to recoup millions of dollars siphoned from Wing Fai's bank accounts.

Senior counsel, Benjamin Yu, representing Kennedy, said that it was impractical for Kennedy to be going to court every time he wanted to use information from the examinations.

Madam Justice Kwan agreed, saying no application to the court was necessary. (Source: www.thestandard.com.hk)

## DVT Fight Goes to the Highest UK Court

**UK** — British victims of Deep Vein Thrombosis ('DVT'), or economy-class syndrome, have won a final chance to pin the blame for the fatal condition on airlines, which may cost the world's carriers millions of pounds.

In a recent decision, the law lords gave the go-ahead for eight people to sue two airlines, British Airways plc and China Airlines, in Britain's House of Lords.

The claimants blame the condition on long flights and cramped seats and say airlines had known for years about the dangers. A final decision in their favour would give a big boost to similar cases around the world.

If the airlines lose, they may have to pay out huge sums in damages as courts around the world are likely to use the English decision as guidance.

The airlines contend, and lower English courts have agreed, that DVT could not be deemed an 'accident' according to the 1929 Warsaw Convention governing air travel. Instead, courts have decided that DVT results from normal internal reactions.

BA and China Airlines are the only carriers of many involved in the original appeals case that have said that they would not claim legal fees if they won. Lawyers have said that the airlines are hoping a favourable verdict in the House of Lords will set a precedent and help quash similar actions around the world.

Campaigner Ruth Christoffersen, whose daughter, Emma, 28, died of DVT after a flight from Australia, said she hoped for the best but would continue fighting even if the law lords decided against the claimants. (Source: www.cnn.com)