

Tokyo district court 2013(wa)26644
Tokyo high court 2014(ne)839

Date of the judgment	1/17/2014
Case number	2013(wa)26644
Presiding Judge	Hiroyuki Sugimoto Civil Chamber 31, Tokyo District Court
Title	Judgment concerning the case, which plaintiff bought real estate in Cambodia was organized fraud by defendants, and got compensation of damages.
Case name	Case to seek damages
Plaintiff	Woman who was 74 years old
Defendants	Universal Max Co., Ltd. FIRST Fudosan Co., Ltd. Yonezawa(Representative director of those company)
References	<p>【Article 715 I of the Civil Code】A person who employs others for a certain business shall be liable for damages inflicted on a third party by his/her employees with respect to the execution of that business; provided, however, that this shall not apply if the employer exercised reasonable care in appointing the employee or in supervising the business, or if the damages could not have been avoided even if he/she had exercised reasonable care.</p> <p>【Article 350 Companies Act】 A Stock Company shall be liable for damage caused to third parties by its Representative Directors or other representatives during the course of the performance of their duties.</p> <p>【Article 429 I Companies Act】 If Officers, Etc. are with knowledge or grossly negligent in performing their duties, such Officers, Etc. shall be liable to a third party for damages arising as a result thereof.</p>
Main text of the decision	Defendants jointly and severally shall pay to the plaintiff the total of 35,640,000 yen and 5% to the same amount calculated from November 26, 2012 until completion of the payment herein.
Summary of the Reasons	Plaintif bought real estate in Cambodia was organized fraud by defendants
Appeal	The defendants appealed the high court, but they did not pay the court costs, order to dismiss the petition for appeal.
Date of the judgment of the high court	3/28/2014
Case number of the high court	2014(ne)839
Presiding Judge of the high court	Takasi Otake Civil Chamber 5, Tokyo high Court