

Tokyo district court 2013(wa)36067

Date of the judgment	3/28/2014
Case number	2013(wa)36067
Presiding Judge	Makiko Muto Civil Chamber 4, Tokyo Direct 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 81 years old
Defendants	Universal Max Co., Ltd. FIRST Fudosan Co., Ltd. Yonezawa(Representative director of those company) Yamamoto(Employee of FIRST Fudosan Co., Ltd.)
References	<p>【Article 709 of the Civil Code】 A person who has intentionally or negligently infringed any right of others, or legally protected interest of others, shall be liable to compensate any damages resulting in consequence.</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 12,206,518 yen and 5% to 12,045,000 calculated from December 1, 2012 until completion of the payment herein.
Summary of the Reasons	<p>Ikuo Konno, who is the owner and CEO of AAP Cambodia, is also the owner of both Defendant Universal Max and Defendant FIRST. And upon Konno's request, defendant Yonezawa became the representative director of both Defendant Universal Max and Defendant FIRST.</p> <p>According to the Consumer Affairs Centers around Japan, the analogy with 329 other cases about Defendant Universal Max are reported, and the analogy with 165 other cases about Defendant FIRST are reported.</p> <p>Defendant Universal Max, Defendant FIRST, and AAP Cambodia have been virtually controlled by Konno, and they are printed jointly, signifying that they have been swindled money from Plaintiff under the pretext of purchase money.</p> <p>Defendant Yamamoto explained about this case of purchase many times, he also knows the fraud.</p>
Appeal	No Appeal