

Prof. RACHAEL MULHERON KC (Hon)

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***JUDICIAL CITATIONS
of publications***

(as at October 2022, and in descending chronological order)

1. *BHP Group Ltd v Impiombato* [2022] HCA 33, [40] and fn 50, [75] and fn 138;
2. *London and South Eastern Railway v Gutmann* [2022] EWCA Civ 1077, [32] and fn 2;
3. *Gutmann v First MTR South Western Trains Ltd* [2021] CAT 36, [26];
4. *Gutmann v First MTR South Western Trains Ltd* [2021] CAT 31, [109]–[113];
5. *O’Higgins FX Class Representative Ltd v Barclays Bank plc* [2022] CAT 16, [175];
6. *Labrosse v Jones* [2021] ONSC 8031, [21];
7. *Lloyd v Google LLC* [2021] UKSC 50, [43], [58], [83];
8. *Evans v Davantage Group Pty Ltd (No 4)* [2021] FCA 1634, [33], [34];
9. *Stellenbosch University Law Clinic v Lifestyle Direct Group Intl (Pty) Ltd* [2021] ZAWCHC 133, (High Court of South Africa, Western Cape Division) [25] and fn 8;
10. *Ross v Southern Response Earthquake Services Ltd* [2021] NZHC 2452, [17], [20], [38], [181], [190], fnn 21, 32, 43, 47, 53, 103, 110;
11. *Ross v Southern Response Earthquake Services Ltd* [2021] NZHC 2451, [51], fn 23, 114;
12. *BHP Group Ltd v Impiombato* [2021] FCAFC 93 (Full Federal Court of Australia) (3 Jun 2021) [8], [9], [36], [46], [47], [55], [89], [90];
13. *Paccar Inc and DAF Trucks NV v Road Haulage Assn Ltd* [2021] EWCA Civ 299 (5 Mar 2021) [80];
14. *Evans v Davantage Group Pty Ltd (No 3)* [2021] FCA 70 (Federal Court of Australia) (5 Feb 2021) [73], [95], [106], [108], [109];
15. *Mastercard Inc v Merricks* [2020] UKSC 51 (11 Dec 2020) [94]–[95];

16. *Southern Response Earthquake Services v Ross* [2020] NZSC 126 (17 Nov 2020), [32], [40], [54], [100];
17. *Ex Parte: Pretorius* [2020] ZAGPPHC 438 (22 Jun 2020) [17] and fn 3;
18. *Vlok v Georgiou* [2019] ZAGPPHC 953 (North Gauteng High Court, Pretoria) (10 Dec 2019) [39], [59];
19. *Ross v Southern Response Earthquake Services Ltd* [2019] NZCA 431 (16 Sep 2019) [161];
20. *UK Trucks Claims Ltd v Fiat Chrysler Automobiles NV* [2019] CAT 26 (28 Oct 2019) [37];
21. *Ex Parte Nkala* [2019] ZAGPJHC 262 (South Gauteng High Court, Johannesburg) (26 Jul 2019) [6] and fn 3;
22. *Re Niall* [2019] VSC 423 (25 Jun 2019), fn 21 and 23;
23. *McLean v McLean* [2019] SKCA 15 (Court of Appeal for Saskatchewan, 31 Jan 2019) [76];
24. *McCrea v Canada* [2019] FC 122 (Federal Court of Canada, 29 Jan 2019) [107];
25. *Fryda v Assumption Sisters of Nairobi Registered Trustees* [2017] KLR (Environment and Land Court of Kenya, 28 Sep 2017) [132];
26. *Association of Management, Administrative and Professional Crown Employees of Ontario v Ontario (Treasury Board Secretariat)* (Ontario Grievance Settlement Board, 16 Nov 2017) [43] (noting citation by Supreme Court of Canada in *Saadati*, below);
27. *Re Marks; Letcher v Indian* [2017] VSC 665 (1 Nov 2017), fn 56;
28. *Ward v Metepenagiag Mi'kmaq First Nation*, 2017 CanLII 55934 (CA LA, 17 Aug 2017) [120], citing the reference to *Saadati* below;
29. *Saadati v Moorhead* [2017] SCC 28 (Supreme Court of Canada, 2 Jun 2017) [21], [26], [30], [31], [38];
30. *National Union of Metal Workers of South Africa v Oosthuizen* [2017] ZAGPJHC 56 (High Court of South Africa, 10 Mar 2017) [8];
31. *Free Serbian Orthodox Church Diocese for Australia and New Zealand Property Trust v Bishop Irinej Dobrijevic* [2017] NSWCA 28 (7 Mar 2017) [199], quoting previous citation in *Taylor*, below;
32. *Money Max Int Pty Ltd v QBE Insurance Group Ltd* [2016] FCAFC 148 (26 Oct 2016) [106], [177];
33. *Cancer Council of Western Australia v Attorney General (WA)* [2016] WASC 297 (20 Sep 2016) [48], fnn 17, 18, 22, 23, 26, 30, 39;
34. *Estate Polykarpou; Re a charity* [2016] NSWSC 409 (22 Jul 2016) [36], [41];

35. *Nkala v Harmony Gold Mining Co Ltd* [2016] ZAGPJHC 97 (High Court of South Africa, 13 May 2016) [30] and fn 14, [50] and fn 25, [137], fn 26, fn 49, fn 52;
36. *Airia Brands v Air Canada* [2015] ONSC 5332, [82], [90], [92], [105], [106];
37. *Turner v Bell Mobility Inc* [2015] ABQB 169, 18 Alta LR (6th) 217, [29] (citing the Civil Justice Council empirical study conducted by the author)
38. *Amran v Rogers Communications Inc* [2015] QCCA 105, [21] and fn 6;
39. *Ramdath v George Brown College* [2014] ONSC 3066 (Ont SCJ) [43];
40. *Carom v Bre-X Minerals Ltd* [2014] ONSC 2507 (Ont SCJ) [141] (citation of book in fn 20);
41. *Anderson v Canada (Attorney General)* [2014] NLTD (G) [8], [37] (Supreme Court of Newfoundland and Labrador);
42. *Anderson v Canada (Attorney-General)* [2013] NLTD (G) 154, [76] (Supreme Court of Newfoundland and Labrador);
43. *Holdich v Lothian Health Board* [2013] CSOH 197, 2014 SLT 495, [60] (Scottish Outer House Court of Session);
44. *Credit Suisse Private Equity LLC v Houghton* [2013] NZSC Trans 20, three references (Supreme Court of New Zealand);
45. *Koh v Treasure Resort Pte* [2013] SGCA 52, [34], [37] (Singapore Court of Appeal);
46. *Bayens v Kinross Gold Corp* [2013] ONSC 4974, [38] (Ontario Superior Court of Justice);
47. *Trustees of the Children's Resource Centre Trust v Pioneer Food (Pty) Ltd* [2012] ZASCA 182, [16], [24], [27], [33], [46], [82], [84], [87] (Supreme Court of Appeal of South Africa, 29 Nov 2012);
48. *Banque de Montreal c Marcotte* [2012] QCCA 1396, [41] (Quebec Court of Appeal);
49. *Telecom Corporation of New Zealand Ltd v Commerce Commission* [2012] NZCA 278, [89] (New Zealand Court of Appeal);
50. *Taylor v Princess Margaret Hospital for Children Foundation Inc* [2012] WASC 83, [53] (Western Australian Supreme Court, Edelman J);
51. *The Trustees for the Time Being for the Children's Resource Centre Trust v Pioneer Foods (Pty) Ltd, Mukaddam v Pioneer Foods (Pty) Ltd* (25302/10, 25353/10) [2011] ZAWCHC 102, [46] (Western Cape High Court, Cape Town, South Africa);
52. *Selwood v Durham CC and Tees, Esk and Wear Valley NHS Foundation Trust* (Case 9NE08976, 25 Feb 2011), [36] (Newcastle-upon-Tyne County Court, HH Judge Walton);
53. *Dugal v Manulife Financial Corp* [2011] ONSC 1785, [24] (Ontario Superior Court of Justice);

54. *Dow Chemical Co v Ring* [2010] NLCA 20, [69] (Newfoundland and Labrador Court of Appeal, referring to previous Ontario citation);
55. *King v Hayes (Home Building)* [2010] NSWCTTT 88 (19 Mar 2010);
56. *Metzler Investment GMBH v Gildan Activewear Inc* [33] (Ontario SCJ, 6 Aug 2009);
57. *Sopov v Kane Constructions Pty Ltd (No 2)* [2009] VSCA 141, [9] (Victorian CA);
58. *Merck Frosst Canada Ltd v Wuttunee* [2009] SKCA 43, [88] (Saskatchewan CA, referring to previous Ontario citation);
59. *Devenish Nutrition Ltd v Sanofi-Aventis SA (France)* [2008] EWCA Civ 1086, [99];
60. *Houghton v Saunders* [2008] NZHC 1569, [161] (NZ High Court);
61. *Option Consommateurs c Novopharm Ltd* [2008] QCCA 949, [52] (Quebec CA);
62. *Dikranian c Quebec (Procureur General)* [2008] QCCS 6, [30] (Superior Court of Quebec, Journet JCS);
63. *Jameson v Professional Investment Services Pty Ltd* [2007] NSWSC 1437, [65], [67], [70]–[71] (Young CJ);
64. *P Dawson Nominees Pty Ltd v Multiplex Ltd* [2007] FCA 1061, [40] (Federal Court of Australia, Finklestein J);
65. *Châteauneuf c Canada*, 2006 CF 446, [10] (Federal Court of Canada, Quebec, Tremblay-Lamer J);
66. *Healey v Lakeridge Health Corp* (Ontario Superior Court of Justice, 25 Oct 2006) [21]–[22] (Cullity J);
67. *Crawford v Bank of Western Australia Ltd* [2005] FCA 949, [10] (Lee J);
68. *Ragoonanan Estate v Imperial Tobacco Canada Ltd* (2005), 78 OR (3d) 98 (SCJ) [24], [44];
69. *Len Lichtnauer Developments Pty Ltd v James Trowse Constructions Pty Ltd* [2005] QCA 214, [27] (Qld Court of Appeal, McMurdo JA);
70. *Kellogg Co v PB Foods Ltd* [1999] FCA 1610, [107] (Lindgren J);
71. *EPA v Gardner* [1997] NSWLEC 169 (NSW Supreme Court, Land and Environment Court Div'n, Lloyd J);
72. *EPA v Gardner* [1997] NSWLEC 212 (Lloyd J).