



I JECRC NATIONAL
**MEDIATION
&
NEGOTIATION**
COMPETITION, 2022

23-25 JULY 2022

MEDIATION PROBLEM



Marriage on the Rocks

General Information

Catherine was an upcoming lady lawyer in the United States of Riverine, a promising and an assertive lawyer, she graduated from the famous Wardhar Law School and had secured a placement with a top tier law firm. She belonged to a very reputed family of the State of Dunzo and had influential friends.

Thomas was an artist, belonging to Dominia, a democratic country, but travelling the world over for his exhibitions and shows. He had gained considerable fame in global forums and was well known among the artist fraternity and art connoisseurs for being a modern art – artist having a distinct style called ‘Minimalism’ that appealed to every age. A charming man in his mid 30’s he was well known around the circuit as a very outgoing and warm person, hosting lavish parties for friends and his network.

As luck would have it, Catherine and Thomas met in Tiléone, at a party in Club Resin and instantly bonded over drinks. Thomas in his conversation with Catherine informed her about his upcoming exhibition in State of Dunzo and she promised to help him with his exhibition in Dunzo and to give his exhibition much needed publicity using her network of influential friends.

Thomas reached Dunzo for his exhibition on 02 July 2021 a month in advance, he got in touch with Catherine and both of them kept on meeting thereafter working on his exhibition and getting to know each other more. The Exhibition was a roaring success and many high-net-worth individuals of the United States of Riverine came to be a part of the exhibition and purchase paintings. Thomas was all over the newspapers the next morning.

Thomas threw a lavish afterparty where many important people of the State of Dunzo were present and at the end of the party, he unexpectedly proposed to Catherine for marriage and though taken aback she still went ahead and accepted the proposal. Both of them got married in August 2021 in a private ceremony held at Dunzo. They went for their honeymoon to the exotic private island of Trabi and had the time of their lives. Everything went well for first 3 months, thereafter on 05 January 2022 while both of them were vacationing in Strangeपुर, all hell broke loose as Catherine got to know about Thomas’s ex-wife and his 2 kids from the previous marriage while going through his mobile phone.

Thomas tried to explain to Catherine that he was legally divorced and was about to inform Catherine regarding the situation. But Catherine was not budging, she was hurt about the fact that Thomas hid such an important information from her. Both of them exchanged angry words and while being angry and dejected Catherine was completely inconsolable. In a fit of rage, Thomas accidentally threw a bottle at Catherine.

Catherine immediately decided to fly back to Dunzo and Thomas headed off to his next destination of exhibition. Both of them did not communicate with each other. Until, 03 May 2022 when Thomas was served with a legal notice on behalf of the lawyers of Catherine informing him about the divorce filing and damages claim made by Ms. Catherine.

Catherine felt that Thomas has cheated her and caused immense mental agony and destroyed her career whereas Thomas could not comprehend the reaction of Catherine to the news of his previous marriage and feels that she is over-reacting to the entire scenario.

Thomas knowing fully well how much time, effort and money it takes to fight a legal matter, cannot afford to undergo another suit for divorce and as a result has requested for Mediation with Catherine and her lawyers.

Catherine has accepted the request for Mediation to be held under aegis of the Dunzo Mediation Centre and she along with her lawyer Richard shall be present for mediation on the appointed date.

Note:

- Laws of United States of Riverine are in pari materia with laws of United States of America.
- Laws of Dominia are in pari materia with laws of India.

Requesting Party : Thomas

Requesting Party Lawyer: Stuart

Responding Party: Catherine

Responding Party Lawyer: Richard

THE WEB OF RIGHTS

General Information

Makoda-Man is a comic superhero created by Marvellous Comics and the character rights to the same are owned by them. He is one of the most commercially and critically well-received superhero characters of all time. Owing to the massive popularity of the character, Marvellous decided that they should capitalize on this popularity by introducing the character on the big-screen and decided to sell the rights for the film version of the character in 1985. Bony Pictures Entertainment, one of the biggest Movie Labels in the world, were the frontrunners to obtain the rights and purchased the same for an undisclosed amount. For the next 3 decades, Bony pictures produced around 8 live-action Makoda-Man films which were a huge commercial and critical success.

During this time, Marvellous Comics itself had developed its film division named Marvellous Studios (later purchased by Dalt Risney Studios) and produced about 18 movies which were extremely successful and redefined the superhero movie genre. Marvellous also had the film rights to a repertoire of many major characters which are otherwise crucial to Makoda-Man's comic storylines. Being an integral character of its comics, Marvellous felt that their movies would be able to reach unprecedented heights if they could introduce Makoda-Man in their movies. However, at the time, all creative rights for films were with Bony Pictures.

In 2015, Risney Studios (parent company of Marvellous Studios) and Bony pictures entered into discussions for a potential deal to allow for introduction of Makoda-Man in the Marvellous Cinematic Universe (MCU). The parties had positive negotiations and finalized the deal which allowed for an intricate agreement where in movies wherever Makoda-Man was appearing, the final creative decision-making and distribution rights rested with Bony and in all other movies where he does not feature, Risney had both the rights. 4 movies were released under this agreement featuring Makoda-Man character and all went on to be a resounding success in all aspects. One of the movies went on to become the highest grossing film of all time.

In August 2019, Risney raised requests for renegotiations with Bony in order to re-adjust the profits and rights distribution since under the current agreement, Risney received only a 5% stake in Makoda-Man films and they were looking an increase to 50% for the same considering the financial success of the franchise. Rony, however, were not acceptable to this. The negotiations turned sour and the current agreement ended with immediate effect with Bony retaining all cinematic rights to the character and Risney was left frustrated since it lost-out on an important character for the future.

However, owing to their prior positive relations, Risney has managed to request Bony for another round of negotiations, this time with the help of a mediator in the hopes that parties can continue their astounding partnership. Bony Pictures have also agreed for the negotiations.

Mr. Tony Stank, CEO will be appearing on behalf of Risney, while Mr. Peter Parmeshwar, CEO of the Bony Pictures will be appearing on behalf of Bony.

SPORTING STING

General Information

Everything around the world was running smoothly and with clock-work precision until suddenly in the year of 2020 – a deadly global pandemic hit. The Global Health Organization [GHO] declared – Vovid-2020 (Voronavirus) as a Public Health Emergency and thereafter a Pandemic. The pandemic triggered severe social and economic disruption around the world, including the largest global recession since the Great Depression. Widespread supply shortages, including food shortages, were caused by supply chain disruption. The resultant near-global lockdowns saw an unprecedented pollution decrease. Educational institutions and public areas were partially or fully closed in many jurisdictions, and many events were cancelled or postponed. Sporting Action completely shut off, resulting into massive losses, unforeseen shut down of any revenue generation stream for major businesses and sporting bodies, that nearly threatened their very existence.

After development of Vaccines and getting the Pandemic under slight control, the world started to open up and as slowly everything started returning back to working mode, sporting action started again in an extremely cautious manner albeit behind closed doors. Tennis, a sport extremely popular among the global population has been trying to get back on track, among other competitions all throughout the year, it has the Grand Slam tournaments, also referred to as majors, which are the world's four most important annual professional tennis tournaments. They offer the most ranking points, prize money, public and media attention, the greatest strength and size of field, and the longest matches for men (best of five sets, best of three for the women).

The tournaments are overseen by the International Tennis Commission (ITC) with the local state authorities and tennis associations collaborating with the ITC. The four Grand Slam tournaments are the Sunson Open, the Typhoson Open, Lipingdon and the SU Open, with each played over two weeks. The Sunson and the SU tournaments are played on hard courts, the Typhoson on clay, and Lipingdon on grass.

As part of the abundant precaution worldwide, the Moronavirus vaccine was being provided to citizens of various countries and the GHO in its policy brief stated that “Vaccines are one of the most effective tools for protecting people against COVID-19. Consequently, some governments and organizations have made COVID-19 vaccination ‘mandatory’ to increase vaccination rates, discharge what are perceived to be duties of care to at-risk populations and/or achieve public health goals.”, and the Governments of various countries made it mandatory for travelers to be vaccinated in order to travel to their country. A lot of ethical considerations came to be raised and a lot of people were apprehensive about the vaccines being properly tested or its efficacy, a lot of commentators argued, the purpose of mandatory vaccination would be defeated until effective measures to vaccinate each and every human being on the planet is made, thus giving rise to a big group commonly called as the Anti-Vaxers.

The Sunson Open being held in the Bournmel, Straulia, would be one of the first tournaments which will be open to viewers and audiences with crowds returning back to watch sporting action.

The Sunson Open made it mandatory for all the players to be vaccinated and the country of Straulia also has made it mandatory for any traveler, travelling to its shores to be mandatorily vaccinated with certain exceptions such as anyone having a previous infection within last 30 days of arriving in Straulia, where vaccination was a risk.

The No. 1 player of World Tennis – Djoker Nole, who is a star attraction and one the probable title winners is a staunch supporter of the Anti – Vaxer Group and is notoriously famous for not being vaccinated against the Voronavirus. The Tournament is slated to be held in June 2022 and Djoker Nole is slated to participate in it with the organizers the Straulia Tennis, highlighting and marketing his name as one of the star participants thus hopeful of attracting strong revenues.

Djoker Nole arrived on Straulian Shores and was detained at the Airport by the Authorities for not having proper vaccine certificate or vaccination proof. The Sunson Open Authorities immediately got into action and started coordinating with the Straulian Authorities as well as Agent of Djoker Nole, Mr. Stallion. With Djoker Nole being stranded at the Airport and the Sunson Open beginning within 72 hours the Sunson Open authorities advised Mr. Djoker Nole to initiate Mediation proceedings under the Straulian Mediation Code. In relation to which Mr. Djoker Nole has requested the Straulian Authorities for a Mediation hearing under the Straulian Code of Mediation, hoping for an amicable solution to play at the Sunson Open.

Requesting Party: Djoker Nole with Agent Mr. Stallion

Responding Party: Straulian State Authority represented by Mr. Tim Howard with Counsel Mr. Stark Cowan.

IPR RESERVE

General Information

In 2015, two graduates Timmo and Vimmo of IIT Karampur started a Company 'IPR Reserve', having its registered office at Jaipur, India. IPR Reserve was a AI based IPR diligence, protection and enforcement company which had a considerable client base not just in India but also in other European countries and America. IPR Reserve has been able to successfully expand its operations due to funds being invested by both Timmo and Vimmo and subsequently for further expansion by various High Net Worth Individuals who are Non- Resident Indians.

In 2015, there was a rift between Timmo and Vimmo regarding the company's operations and its growth and dilution of stakes. Both of them decided to sell of their stakes and liquidate their investments. One of the foreign investors, Mr. Vikram Sadh, a resident of United Kingdom who over time by investing in the Company had acquired a considerable share amounting to 25% of the Stakes was approached by both of them to sell of their shares at the current market valuation of the Company, he agreed to buy their shares along with his relatives such that his stakes in the Company would reach 60%.

The share holding pattern of the Company thus after the sale came to be as:

| Name | Share Holding |
|-------------------------------------|----------------------|
| Mr Vikram Sadh and Relatives | 60% |
| Trime Investors | 10% |
| Timmo | 8% |
| Vimmo | 6% |
| Mahendra Dhoni | 7% |
| Rajesh Sharma | 5% |
| Crill Investors | 4% |

IPR RESERVE

General Information

After taking charge Mr. Vikram Sadh started running the Company successfully and profitably now expanded its offices to Africa and Australia too, in 2019, he decided to shift the operations of the Company to United Kingdom and sell of the entire stakes of his to another Company being run by him by the name TransCo Advisors which is headquartered out of Cayman Islands. IPR Reserve when started by Timmo and Vimmo, was valued at INR 5 Lakhs and today, it stands at INR 100 crores.

In the subsequent running of business Mr. Sadh also doled out sweat equity shares to some of its most productive employees and as a result the share-holding patter changed as below:

| Name | Share Holding |
|---|----------------------|
| Mr Vikram Sadh and Relatives | 56% |
| Trime Investors | 10% |
| Timmo | 8% |
| Vimmo | 6% |
| Employees [10] with Sweat Equity | 10% |
| Mahendra Dhoni | 7% |
| Rajesh Sharma | 5% |

Mr. Sadh discussed his ideas with Timmo, Vimmo, Mahendra Dhoni and Rajesh Sharma, they all agreed in principle and also said that in case of takeover by TransCo Advisors they shall receive 5% of the sale value apart from consideration for their shares. Mr. Sadh wasn't very comfortable with the idea of giving 5% of the sale value apart from consideration for the shares of other shareholders.

Mr. Sadh held multiple rounds of negotiations with Timmo, Vimmo, Mahendra Dhoni and Rajesh Sharma and take over process was initiated on 03 June 2020, while the due diligence was underway, Timmo along with Mahendra Dhoni and Rajesh Sharma decided against selling of their shares, it is understood that the employees with sweat equity also supported them, as a result the deal was on the verge of failing, when Mr. Sadh threatened to initiate a hostile takeover. On the other hand, Timmo, Dhoni and Rajesh Sharma decided to complain to the Authorities regarding gross mismanagement and oppression.

As a result, Mr. Vikram Sadh has requested for a mediation under the aegis of the JECRC Mediation Institute considering time is of the essence in this deal, and Timmo, Dhoni and Mr. Rajesh Sharma have agreed to the Mediation. With Timmo representing their interests with their Counsel.

Requesting Party: Mr. Vikram Sadh along with his Counsel

Responding Party: Timmo with their Counsel

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