

## REPRESENTATION PLAN

On behalf of

**Conglomerated Nanyu Tobacco, Ltd.**

### **BACKGROUND TO THE DISPUTE**

Conglomerated Nanyu Tobacco, Ltd. ("Nanyu Tobacco") and Real Quik Convenience Stores Ltd. ("Real Quik") have a long-lasting business relationship since 2000. Both parties signed a last ten year Distribution Agreement in 2010. The Gondwandan government implemented Bill 275 to regulate the sales and packaging of tobacco products. Both parties encountered some difficulties. Nanyu Tobacco created specific tobacco packaging to comply with the Bill 275 and continually performed obligations. The Real Quik terminated the contract. According to the clause 65 of the Distribution Agreement, Nanyu Tobacco claimed liquidated damage over the termination.

### **THE ISSUES**

Real Quik refused to pay the liquidated damage even if Nanyu Tobacco has informed them three times. Nanyu Tobacco submits that the Bill 275 can not vitiate the Real Quik's obligations. Nanyu Tobacco has already adjusted the packaging and products could be sold legally. Therefore, Nanyu Tobacco is entitled to claim damage under this convention.

### **OUR INTERESTS**

Real Quik is liable for the liquidated damage. In order to help the Real Quik continually perform the Distribution agreement, Nanyu Tobacco created specific tobacco packaging to comply with Bill 275. Real Quik terminated this contract due to the Bill 275 but these difficulties can't be regarded as an impediment and the Real Quik is liable to pay the damage.

Nanyu Tobacco comes to mediation with the following interest:

1. Real Quik is liable for the liquidated damage.
2. Consider about the practical damages
3. If the parties decide to continue the agreement Nanyu Tobacco would like to maintain the 20% higher price

### **OUR ALLOCATION STRATEGY**

During the opening statements, Mr. Chow will address on her understanding of the issue and the Nanyu Tobacco's interest while his legal counsel will ensure Mr. Chow remains open minded and considers all possible positions. During the negotiation phase of the mediation, Mr. Chow and his legal counsel will work together to explore all possible options to resolve the dispute. At the conclusion of the mediation, it will be Mr. Chow who decides whether an acceptable outcome has been put on the table.

---

