

# Jon Lang Mediation

## *Outsourcing, Franchising and Leasing – mediation examples*

a dispute between a retailer and service provider operating a call centre and warehousing facility concerning service level agreements, charging structures and termination;

a mediation involving a major airport arising out of an outsourcing contract;

a dispute arising from the outsourcing by a manufacturer of aircraft of its IT function for a number of its sites and the subsequent catastrophic failure of a material requirements operating system and database;

a dispute arising out of the outsourcing of the order fulfilment and customer contact function of a major retail chain;

a two-day mediation between a public body and a major service provider in relation to an allegedly failing procurement outsourcing project, with the dispute focusing on level of savings achieved and calculation of the share of those savings between the parties;

an accounting dispute at the end of a major outsourcing contract involving a public body and concerning profit sharing mechanisms, pensions (Local Government Pension Scheme Rules), allocation of savings, application of central government grants and reasonable endeavors clauses;

a dispute between a major services company and public body arising out of a framework agreement and various call-off contracts concerning amounts due between the parties for measured works and variations, raising a variety of issues, including the proper basis of charging (NatFed Rates), the effect of volume shortfalls etc;

a three-party mediation between lessor, lessee and a finance company in relation to the leasing of IT equipment, with the precise obligations imposed under the various agreements between the parties in relation to delivery of equipment being the subject of dispute;

a case concerning repairing obligations under a lease of industrial equipment;

a franchising dispute between franchisor and franchisee arising out of trade mark litigation in another jurisdiction concerning the brand at issue, leading to allegations of misrepresentation and breach of the franchise agreement and counter-allegations of wrongful termination, with the jurisdictional scope of a pre-existing coexistence agreement concerning the brand also being in issue;

a dispute arising out of a franchise agreement in which issues concerning an alleged failure to follow certain livery and brand architecture requirements, and accounting protocols were raised;

a dispute arising out of the termination of a franchise agreement following disagreements over fulfilment of stock orders, discussion focusing on the possibility of an order for specific performance requiring the franchisee's business to be transferred to the franchisor, the transfer of a number of profitable sites to the franchisor and restrictions to be agreed in relation to fields of activity/territories following resolution;

a dispute between an international franchisor and one of its franchisees operating in a number of jurisdictions;

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