

FURTHER INSTRUCTIONS - DEFENDANT:



Anglia Ruskin
University

Cambridge & Chelmsford

**Just for the Record: Learning Lawyers'
Negotiation Skills Through Video Recording**

Presenter:

Dr Andy Noble,

Senior Lecturer in Employment Law,

Lord Ashcroft International Business School,

Anglia Ruskin University, Cambridge, UK

Case Study Documents

Prior to the scheduled date of the settlement meeting, the Defendant, The Hump Corporation through its CEO Mr Ronald T Hump, has provided you with some further information to assist with the negotiations. The Defendant maintains its position that Ms Samuels' employment was terminated for cause, namely the misappropriation of company property (a lap top computer) and misuse of the company's computer system for personal use. The Defendant strongly denies the allegations of sexual misconduct and any other form of inappropriate behavior. The Defendant now tells you that, since Ms Samuels' departure from its employment, its IT department has found evidence of further misuses of the computer system and diversion of company funds to unauthorised accounts by Ms Samuels, although this evidence has not been supplied to you, nor has it been subjected to independent expert scrutiny.

The Defendant says that it has heard from a number of different sources that the Plaintiff has found alternative work since leaving its employment on 15th December 2017. The Defendant says that the Plaintiff has registered with a number of local employment agencies and has been in regular work since around the beginning of February 2018. The Defendant says that the Plaintiff is being paid 'in cash' for some of the work that she does, so that there is no record of her having received payment.

The Defendant also says that it has heard from some of its former employees, who say that the Plaintiff has contacted them asking them to agree to give evidence about sexual misbehavior by senior employees at the company, and by Mr Hump in particular. The Plaintiff is, apparently, quite forceful in her requests for the former employees to give this evidence. The former employees have reported to The Hump Corporation that the Plaintiff has said that she will 'make it worth your while' for the former employees to give evidence against Mr Hump.

The Hump Corporation is, however, concerned that bad publicity against its commercial interests and those of Mr Hump will be generated by any legal proceedings and is keen to achieve a negotiated settlement of this action before any more damage is done to its reputation. The Defendant feels that the Plaintiff has brought the dismissal largely on herself, and so is not prepared to meet her claim in full. The Defendant would be prepared to offer \$40,000 to the Plaintiff to resolve the action, and would be prepared, if pushed, to go to \$50,000, but that would be its limit. The Defendant would be prepared, in addition, to provide a suitably worded agreed reference for the Plaintiff.

YOUR INSTRUCTIONS

To use the additional information, together with the earlier supplied instructions, in any way you see fit to help in the settlement negotiations.