



## 1ST RGNUL SPORTS & ENTERTAINMENT LAW NATIONAL MEDIATION COMPETITION

April 12-14, 2019

COMPETITION PROBLEM - FINALS \*

### ***Double Fault***

Sumit Chauhan is a Top-3 ranked tennis player in India. He's been on the ATP tour for more than 6 years but has only gotten as far as the 3<sup>rd</sup> round in the Grand-Slams. His performances have been better in the ATP tournaments, but he is yet to win a title.

Turbo Booster Drinks is one of the many energy and revitalisation supplement and cooler brands in the Indian market today. They manufacture and sell energy drinks, protein supplements and fitness apparel. They are slowly growing to be one of the leading brands in energy in India. In the year 2017, they signed Sumit Chauhan as one of the brand ambassadors of their brand. The contract included a signing bonus and a variety of perks for the player for a period of 3 years. In return, Sumit was expected to market the brand, sport their apparel at all his events and make certain scheduled appearances at Turbo Booster events.

In November 2018, after the completion of his second-round match at the Hyderabad Open, Sumit was asked to accompany two officials from the National Anti-Doping Agency (NADA) who asked him to submit a urine sample for testing. This was not Sumit's first test as a professional athlete and he went through the process amicably.

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Three weeks later, Sumit received a letter from NADA containing a Notice of Charge. The letter stated that his sample had returned an Adverse Analytical Finding (AAF) on his sample for the presence of a banned substance. Three days later, the news of his provisional suspension was in the newspapers and media blogs.

The backlash was immediate and immense. Sumit was branded a cheat and both he and his family were excessively trolled and abused on social media. Sumit's sponsors all pulled out of their deals with him and his scheduled appearances at invitational tournaments were all cancelled. Turbo Booster initially promised Sumit all of their support over the course of the proceedings and in dealing with the matter at hand.

However, one week later, Turbo Booster were facing immense pressure from their customers as well as investors and promoters, to drop Sumit as their brand ambassador. Turbo Booster did not terminate the contract, but they took out a full-page advertisement in all the major news dailies the next morning with an advertisement that stated, 'We don't support Cheats'. The advertisement was supplemented with the Sumit's name that had been crossed out in red marker print.

When Sumit and his PR team saw the advertisement that was in all the newspapers, they were furious. They instantly took to social media to call out Turbo Booster. Several allegations were made that the banned substance in fact, originated from the Turbo Booster drink itself.

Sumit and his family were quick to deal with the matter on the judicial front though. They contacted some of the best lawyers and had multiple hearings before the Disciplinary Panel. Three months later, the matter was resolved and Sumit's suspension was completely listed as it had been proved that the substance was hormonal in nature and there was no intention to gain an unfair advantage.

The following day, Sumit and his team immediately filed a Defamation suit against Turbo Booster for their advertisement alleging that it was especially harmful to Sumit's image and reputation, especially as he had been exonerated of any intention to cheat.

Turbo Booster filed a counter Defamation suit and a notice of termination of the contract with Sumit as they felt that the allegations on social media and disparaging comments made by

Sumit and his PR team affected their customer base and they did not wish to be associated with him as their brand ambassador anymore.

Both parties have agreed to attend a mediation session to attempt to resolve this situation if possible.