

CONTENTS

CASE FILE NOTES	ix
NOTES FOR THE INTERNATIONAL ARBITRATION EDITION	xi
INTRODUCTION	1
CRANBROOKE ORGANIZATIONAL CHART	3
INTELLEX ORGANIZATION CHART	5

PART I. LAY WITNESSES/LIABILITY

MATERIALS AVAILABLE TO ALL SIDES

Arbitration Pleadings

Notice of Arbitration	13
Notice of Arbitration and Statement of Claim	15
Statement of Defense	19

Witness Statements

Statement of Yves Rosenberg	23
Statement of Blair Nichols	27
Statement of Will Judson	31
Statement of Ken Morganfield	35

Jointly Submitted Document Bundle

Contracts

Agreement 1 (Ex. JE1) Agreement between Intellex and Cranbrooke, July 15, YR-6	43
Agreement 2 (Ex. JE2) Agreement between Intellex and Contendo, July 14, YR-3	47
Agreement 3 (Ex. JE3) Agreement between Intellex and Cranbrooke, September 21, YR-2	49

Precontract Correspondence

Ex. JE4 March 4, YR-6 Letter from Will Judson to Yves Rosenberg	53
Ex. JE5 March 22, YR-6 Letter from Yves Rosenberg to Will Judson	55
Ex. JE6 April 1, YR-6 Letter from Will Judson to Yves Rosenberg	57
Ex. JE7 April 10, YR-6 Letter from Yves Rosenberg to Will Judson	59
Ex. JE8 April 22, YR-6 Letter from Will Judson to Yves Rosenberg	61

Post-Contract, Predispute Correspondence

Ex. JE9	January 19, YR-4 <i>Games and Toys Weekly</i> Clipping	65
Ex. JE10	February 4, YR-4 E-Mail Message from Blair Nichols to Ken Morganfield.	67
Ex. JE11	July 31, YR-4 Letter from Will Judson to Blair Nichols	69
Ex. JE12	August 9, YR-4 Letter from Blair Nichols to Will Judson.	71
Ex. JE13	January 22, YR-3 Letter from Blair Nichols to Ken Morganfield	73
Ex. JE14	Cranbrooke Industries Plc Sales Percentages and Unit Sales by European Country.	75

Right of First Refusal Correspondence

Ex. JE15	May 19, YR-3 Letter from Ken Morganfield to Blair Nichols.	79
Ex. JE16	Proposal from Contendo, May 9, YR-3	81
Ex. JE17	National Air Express Airbill	83
Ex. JE18	National Air Express Airbill Tracking Record	85
Ex. JE19	May 24, YR-3 Letter from Blair Nichols to Ken Morganfield.	87
Ex. JE20	June 3, YR-3 Letter from Blair Nichols to Ken Morganfield.	89
Ex. JE21	June 18, YR-3 Letter from Ken Morganfield to Blair Nichols.	91
Ex. JE22	June 24, YR-3 Fax from Blair Nichols to Ken Morganfield.	93
Ex. JE23	June 28, YR-3 Letter from Ken Morganfield to Blair Nichols.	95
Ex. JE24	July 1, YR-3 Fax from Blair Nichols to Ken Morganfield	97
Ex. JE25	September 10, YR-3 <i>Games and Toys Weekly</i> Clipping	99

Prerenewal Contract Correspondence

Ex. JE26	August 28, YR-2 Letter from Ken Morganfield to Blair Nichols.	103
Ex. JE27	September 21, YR-2 Letter from Blair Nichols to Ken Morganfield.	105

CONFIDENTIAL MATERIALS FOR CLAIMANT’S LAW FIRM (CRANBROOKE’S COUNSEL)

Exhibits

Ex. C1	March 17, YR-6 Note from Yves Rosenberg to Blair Nichols.	109
Ex. C2	March 19, YR-6 Note from Blair Nichols to Yves Rosenberg.	111
Ex. C3	October 1, YR-6 Memo from Yves Rosenberg to Blair Nichols	113
Ex. C4	November 4, YR-6 Memo from Blair Nichols to Yves Rosenberg.	115
Ex. C5	February 6, YR-5 Memo from Yves Rosenberg to Blair Nichols.	117
Ex. C6	February 6, YR-5 Memo from Yves Rosenberg to Blair Nichols with Handwritten Note	119
Ex. C7	Cranbrooke Expansion Plans, January YR-3	121
Ex. C8	January 30, YR-3 Memo from Blair Nichols to Torrey Block and All Senior Staff	123
Ex. C9	Cranbrooke In-House Pricing Memo, May 1, YR-3.	125
Ex. C10	May 21, YR-3 Interoffice Memorandum from Torrey Block to Blair Nichols.	127
Ex. C11	June 24, YR-3 Memo from Torrey Block to Blair Nichols	129
Ex. C12	October 14, YR-3 Letter from Yves Rosenberg to Blair Nichols.	131

Ex. C13	December 8, YR-3 Letter from Peter Orange to Blair Nichols	133
Ex. C14	January 22, YR-2 Letter from Blair Nichols to Yves Rosenberg	135
Ex. C15	April 18, YR-1 Phone Message from Blair Nichols to Yves Rosenberg	137
Ex. C16	Instructions to Defendant’s Expert from Attorney, January 4, YR-0.	139

PART II. EXPERT WITNESSES/DAMAGES

Exhibits

Ex. D1	Cranbrooke Expansion Plans	143
Ex. D2	Supplemental Statement Concerning Cranbrooke’s Advertising	145
Ex. D3	Labor Rates of Offenburg and Liverpool	147
Ex. D4	Contendo Income Statement	149
Ex. D5	Contendo Sales by Country	151
Ex. D6	Cranbrooke Income Statement	153
Ex. D7	Cranbrooke Sales by Country	155
Ex. D8	Summary of Damages	157

Claimant’s Main Expert Report

Cardinal Expert Report	161
Cardinal Exhibit 1	167
Cardinal Exhibit 2	169
Cardinal Résumé	171

Respondent’s Main Expert Report

Conors Expert Report.	177
Conors Appendix 1	185
Conors Appendix 2	187
Conors Appendix 3	189
Conors Résumé	191

Reply to Claimant’s Report	195
Reply to Respondent’s Report	201