

2016 NATIONAL SPORTS LAW
NEGOTIATION COMPETITION

ROUND TWO

“Bump, Set, Spike”

GENERAL FACTS FOR BOTH TEAMS

The 2017 ANOC World Beach Games (“World Beach Games” or “Games”) will be a sporting event that will engage and inspire fans through beach sports, entertainment, and an innovative social media and digital engagement platform. The Games will be an unprecedented opportunity for virtually every citizen of the world to participate and celebrate the spirit and ideals of the Olympic Games through a groundbreaking global event blending beach sports, active lifestyles, urban culture, and online media.

The Games will consist of twenty-two non-Olympic style sports including, but not limited to: Beach Badminton, Beach Handball, Beach Soccer, Beach Tennis, Beach Volleyball, BMX riding, Flying Disc, Marathon Swimming, Stand Up Paddle Racing, Surfing, and Wake Boarding. An estimated 3,500 to 5,000 athletes from 206 countries will participate in the events over a ten-day period that will draw an estimated 100,000 spectators, daily.

The Association of the National Olympic Committee (ANOC pronounced ‘a-knock’) selected the city of San Diego (“City”) as the host city for the inaugural games. The Games were originally scheduled to start on September 29, 2017 and finish on October 9, 2017, but due to timing and budgetary issues the Games have been postponed for two-years to 2019. Both parties mutually agreed to delay the Games for reasons directly related to its \$150 million USD budgetary scheme and the projected success of the event. Based on the two-year extension, it is imperative to the success of the event to finalize and ensure all obligations outlined, including the roles, responsibilities, and financial contributions designated to both parties.

The Association of the National Olympic Committee (“ANOC”)

The ANOC is the governing body behind the World Beach Games. The ANOC is responsible for protecting and advancing the interests of the world’s National Olympic Committees (NOC’s) and promoting Olympic values worldwide.

The President of ANOC, Sheikh Ahmad Al-Fahad Al-Sabah (“Al-Sabah”) of Kuwait, believes the establishment and implementation of the World Beach Games will help ANOC reconnect with a new generation of young people and deliver a positive and lasting legacy for the Olympic movement. The ANOC has an objective to reform, modernize, and professionalize the organization in order to better serve the needs of the ANOC, and to open a new dialogue by forging more productive and collaborative working relationships between the NOC, host cities, and their stakeholders.

ANOC is looking to reestablish its image after the 2014 Winter Olympic Games in Sochi, Russia, because it received an immense amount of backlash and criticism for hosting the Olympic Winter Games in a city polarized on human rights and social issues. Additionally, the Sochi Games were harshly criticized for the exorbitant cost and how the host city was roughly \$40 billion over budget, leaving the citizens of Russia to ultimately pay for the event through taxes. ANOC and its President Al-Sabah are looking to change the social perception of the Olympic spirit by introducing the 2019 World Beach Games. Through these Games, ANOC and its President Al-Sabah are looking to create a global event that encourages and inspires youthful creativity and celebrates global competition.

These Games, like any Olympic event, will have a significant impact on the host community from tangible impacts, such as the construction of competition venues, accommodation facilities and transport infrastructure, to the intangible impacts, such as the evolution of the city’s image and the increased pride of its inhabitants. The event will be a catalyst that leaves a lasting mark on the city, the region, and their inhabitants through its economic, urban, social, and historical influences.

Even though the ANOC is looking to avoid another Sochi crisis it still has Olympic sized expectations for the host city. The ANOC is looking for San Diego to offer and ensure that ability to provide athletes with an excellent field of play, locations where world-venues can be

permanently built, locations with short-journey times from the Olympic Village, and opportunities to provide iconic broadcasting backdrops to enable an unforgettable event.

City of San Diego

San Diego is located in Southern California and is made up of over 4,200 square miles of diverse land that offers endless opportunities for activities and exploration, whether it is relaxing by the beach, hiking in the mountains, or exploring the urban neighborhoods. San Diego County is home to over 3.2 million residents and is one of the top tourist destinations in the world, hosting more than 33 million visitors each year who pour \$8.4 billion into the metropolitan area's economy annually. San Diego is the epicenter of beach, surf, and extreme sports culture, and the city offers a natural capacity and athletic tradition to host the 2019 World Beach Games.

San Diego is known for its impeccable weather, which allows the city to experience a steady flow of tourism beyond the peak spring and summer seasons. Recent weather patterns have pushed unseasonably warm summer-like weather later into the year, often with high temperatures extending into October and November. Given this recent shift, hosting the Games in September/October could enable spectators to be exposed to a time of year in which they normally would not travel that could inevitably lead to even more economic growth for San Diego.

Hosting such an event can be extremely expensive for a city and can lead to economic unrest when events of this magnitude are planned and completed. San Diego is gradually developing into a larger metropolitan area; however, it is still small in comparison to the infrastructure, stadiums, venues, highways, and public transportation system in Los Angeles, which is three hours away by car or train. Such infrastructure, however, is vital to a successful host city and sporting event.

The ANOC and City have agreed upon two main locations for the Games to take place, which include: Mission Beach and Embarcadero Marina Park South. Both parties believe the athletes who take the "stage" to compete will be elevated through the storytelling power of San Diego's creative, diverse, and iconic communities and atmosphere. With the Pacific Ocean, miles of sunny coastline, beautiful sunny beaches, diverse neighborhoods, a magnificent climate, and scenic public and civic spaces, San Diego provides a unique canvas for the Games.

The Organizing Committee for the Games, City of San Diego (SDEF)

The organization of the World Beach Games is entrusted by the International Olympic Committee (“IOC”), the ANOC of the host city, and the host city itself. ANOC forms an Organizing Committee for the Games (“OCOG”), which from the time it is formed, communicates directly with the ANOC. The OCOG must comply with the Olympic Charter, the contract entered into between the IOC, ANOC, the host city, and the IOC Executive Board.

For the Games, the OCOG for San Diego is known as the San Diego Exploratory Foundation (SDEF or “Committee”) and currently consists of ten employees, all of whom are business and community leaders dedicated to promoting the economic and social welfare of San Diego. The SDEF, represented by its attorneys, is empowered to represent San Diego and has full authority to agree to a deal in principle today.

Vincent Mudd (“Mudd”), Chairman of the San Diego Regional Economic Development Corporation, is spearheading the efforts to ensure that the entire region is galvanized towards the successful planning of the Games. Given the recent two-year extension, Mudd is focused on harnessing the excitement and engagement in the community. However, Mudd has been faced with a strong pushback from the local community in terms of the Games value and success.

The SDEF and the ANOC hope the Games will bring worldwide recognition and prominence to the city of San Diego and give the community an opportunity to promote itself on an international stage. These claims are based on the idea that the Games can serve as a tourist attraction, a chance to catch the eye of global business leaders, and a way to rally political support for valuable infrastructure projects.

The Negotiation

ANOC and the SDEF have already met and agreed to extend the inaugural World Beach Games by two-years to 2019. This was a mutual agreement between both parties to seek additional time to make the Games a great event. Looking for an opportunity to resolve issues that were presented in the first negotiation, the SDEF and ANOC would like a chance to sit down to present prospective plans based on the extended time period. Both parties want to ensure all legal, commercial, and financial obligations incumbent upon both parties are clearly outlined, as

well as the roles, responsibilities, and financial contributions designated to both the ANOC and host city.

ANOC and the SDEF are represented by their attorneys with full authority to make a deal as provided by their clients' wishes.