Confidential and Without Prejudice

SAMPLE OPENING STATEMENT FOR MEDIATION

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[CASE NUMBER]

OPENING STATEMENT FOR PLAINTIFF (MEDIATION)

1. Parties attending the mediation session on 7 May 2012

(a) The Plaintiff, Ms Sharon Lee

(b) Ms Chloe See, a key witness

2. Brief summary of facts

The Plaintiff enrolled for a business course in the Defendant school on 10 December 2011. The course brochure stated that the course would be taught by a highly qualified lecturer from a renowned business school and would include lectures by prominent guest speakers from the business field. After attending 6 weeks of the course since 3 January 2012, the Plaintiff found the lecturer unimpressive and did not have the requisite qualifications. In addition, she saw in the course schedule that there were to be no guest lecturers. Her request for a refund from the Defendant on 14 February was declined. The Plaintiff commenced this present suit seeking a refund of her course fees of $8,000. The Defendant lodged a counterclaim in defamation for the Plaintiff's postings on her blog referring to the Defendant as a "scam operation".

3. Claim and Defence to Counterclaim

The Plaintiff's claim lies in misrepresentation. She was induced by statements in the course brochure and statements made by the Defendant's Principal on 10 December to enrol for the course. Both statements concerning the credentials of the lecturer and the inclusion of guest lecturers in the course were untrue. The Plaintiff seeks rescission of the contract and refund of the entire course fees. In the alternative, the Plaintiff claims that there were breaches of contract entitling her to damages.

With regard to the Defendant's counterclaim, the Plaintiff has pleaded the defence of justification. The Plaintiff has sufficient evidence to show that there have been many instances of the Defendant's dishonest dealings with other students.

4. Evidence supporting claim

A. Essential documents

The following *essential* documents are currently being relied on to support our claim (without prejudice to modification after discovery):

(a) Course brochure

This brochure was given to the Plaintiff by the Defendant's Principal. It contained the alleged statements inducing the Plaintiff to enrol for the course. A copy of the brochure is appended to this statement as "Annex A".

B. Essential witnesses

We currently intend to rely on the following *essential* witnesses if the case goes to court (without prejudice to modification after extracting order of court containing court's directions for exchange of affidavits of evidence-in-chief):

(a) Ms Chloe See

Ms See was with the Plaintiff when she enrolled for the course at the Defendant school. She heard the statements made by the principal concerning the promises made in the course brochure.

(b) Ms Denise Bo

Ms Bo enrolled for a similar course with the Defendant school and was similarly disappointed by the Defendant's misrepresentation.

5. Negotiation history

The parties have been engaging in discussions to attempt to settle the dispute privately. The parties have made the following offers on a "without prejudice" basis:

(a) The Defendant suggested on 2 April 2012 that the parties settle on a "drop hands" basis. The Plaintiff declined as she thinks that the Counterclaim has no merit.

(b) The Plaintiff made a counter-proposal on 4 April 2012 that the Defendant gave a $5,000 refund. This was declined by the Defendant without any reasons.

6. Other relevant information for settlement

The Plaintiff and the Defendant's Principal were involved in a previous suit (MC00/2011). This was a claim by the Defendant's Principal against the Plaintiff for defamation concerning a separate incident. The matter was settled in 2011.

Dated this 2nd day of May 2012

[SIGNED]

SOLICITORS FOR THE PLAINTIFF