

TABS 2 SINCE 2000

TRANSCRIPT OF THIRD TELEPHONE CONVERSATION BETWEEN
ANDREW LAZENBY (SHELL) AND JOHN DONOVAN (DON MARKETING)

COMMENCED AT AROUND 9PM ON THURSDAY 24 JUNE 1993

P.276

LAZ: I'VE GOT YOUR LETTER

DON: RIGHT, HAVE YOU HAD A CHANCE TO, TO READ IT

LAZ: I'VE READ IT THROUGH YEP

DON: RIGHT, AND WHATS THE REACTION

LAZ: WELL, I MEAN MY PERSONAL VIEW IS'NT ANY DIFFERENT FROM FRIDAY

DON: RIGHT

LAZ: AND OBVIOUSLY YOU DETAILED VERY CLEARLY ALL THE THINGS THAT YOU SAY SO NOW WE CAN REACT ON A POINT BY POINT BASIS ~~THE INFORMATION CONCERNING VARNEY BUT AS SHE SAID SHEY~~
~~PROBABLY HAPPEN IS THAT SHE'LL PASS IT STRAIGHT BACK~~
~~DOWN TO US FOR A TREATMENT~~

DON: OKAY

LAZ: AND WHAT I'LL HAVE TO DO AT THAT STAGE BECAUSE ITS ALL VERGING ON ON SORT OF LEGAL ACTION AND THINGS IS THAT I'LL HAVE TO BRIEF MY INTERNAL SOLICITOR OKAY

DON: OKAY FINE

LAZ: SHE'LL REACT ACCORDINGLY

DON: RIGHT

LAZ: OKAY

DON: NO DOUBT SHE'LL READ ALL OF ^{our} ~~THE~~ MATERIALS AND SO ON. OKAY WE

LAZ: THE THE OTHER THING IS THAT WE PROBABLY WON'T BE ABLE TO GET BACK UNTIL TOWARDS THE END OF NEXT WEEK. I CAN'T I CAN'T SPEAK TO HER UNTIL TOMORROW AND I KNOW SHE'S NOT AROUND EARLY NEXT WEEK

DON: RIGHT

LAZ: SO I WOULD'NT EXPECT ANY ANY RESPONSE AT ALL UNTIL THE END OF NEXT WEEK

DON: RIGHT SO WHEN WILL THE INFORMATION BE GOING TO DAVID VARNEY?

LAZ: ER I DON'T KNOW WHAT HIS MOVEMENTS ARE ACTUALLY JOHN

DON: NO BUT ER YOUR NEXT STEP DOWN IS TO PASS THE INFORMATION ONTO HIM IS IT?

LAZ: NO, I'LL CONSULT THE MANAGEMENT ABOVE ME AS TO WHETHER THERE'S ANY POINT IN DOING THAT AND I SUSPECT THE ANSWER WILL BE PROBABLY NOT

DON: I'M SORRY ANDREW, I'M NOT FOLLOWING THIS. SO YOUR SAYING YOUR'LL CONSULT WITH YOUR OWN MANAGERS

LAZ: RIGHT

DON: AND THAT THEN YOU DON'T THINK YOU WILL BE PASSING IT TO MR VARNEY

LAZ: WELL I DON'T KNOW I'LL HAVE TO SEE I'LL HAVE TO SEE WHAT THEIR ADVICE IS REALLY. WHEN I CONSULT WITH MY MANAGERS I TAKE THEIR ADVICE AND THEN I'M GUIDED BY THAT

DON: RIGHT

LAZ: BECAUSE THEY WILL THEN READ IT

DON: AND WILL YOU LET THEM HAVE COPIES OF THE PROPOSAL ETC THE VISUAL

LAZ: YEP AS LONG AS I CAN FIND IT. ~~WE FOUND THE ONE THAT YOU PUT FORWARD LAST NOVEMBER SO FAR~~

DON: ~~WHICH ONE WAS THAT~~

LAZ: ~~THE ONES THAT YOU PUT FORWARD IN NOVEMBER 92 JOHN~~

DON: ER NOVEMBER 9, THERE'S BEEN SO MANY HAS'NT THERE - THERE'S "THE HOLLYWOOD COLLECTION" THERE WAS "TAKE YOUR PICK" THERE WAS "MEGAMATCH"

LAZ: ~~YEAH I MEAN THE HOLLYWOOD COLLECTION, THE HOLLYWOOD COLLECTION, IS THE ONE THAT I'M LOOKING AT HERE~~

DON: IS IT

LAZ: ~~YEAH THE HOLLYWOOD COLLECTION, AND TOP PEOPLES STORE - "MAKE MERRY"~~

DON: ARE RIGHT I'M WITH YOU SO OF COURSE THIS ONE WAS BEFORE THAT WAS'NT THIS WAS IN THE 4 JUNE LAST YEAR

LAZ: HAV'NT GOT THAT FAR DOWN MY FILE YET

DON: OKAY

LAZ: BUT OF COURSE I'M HAVING TO DIG ALL OF THAT OUT BUT AS I SAY I AIN'T GOT VERY MUCH TIME TO DEAL WITH THIS SO I'LL BE HAVING TO HAND IT OVER TO MY LAWYER SO SHE CAN WRITE BACK. I MEAN YOU UNDERSTAND WHY I HAVE TO DO THAT BECAUSE WHEN WE GET THIS KIND OF WHEN WE GET ER POSITION WHERE PEOPLE ARE INTIMATING THAT THEY MIGHT TAKE LEGAL ACTION THEN I CAN'NT AFFORD TO MAKE ANY MISTAKES MYSELF

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DON: I, I, IT DOES'NT SAY THAT IN THAT LETTER

LAZ: I KNOW BUT WHEN WHEN YOU START TALKING ABOUT THAT ESSO
GLENDENNING ISSUE THAT WAS OBVIOUSLY LEGALLY RELATED

DON: WELL ONLY BECAUSE I MENTIONED IT IN OUR TELEPHONE CALL
AND YOU CAME BACK TO IT LATER ON YOUR OBVIOUSLY
INTERESTED IN IT, I THOUGHT I'D PUT A MENTION IN THERE
THERE IS'NT, ITS UP TO YOU WHETHER PASS IT ON, OBVIOUSLY
ITS DIFFICULT FOR ME TO PUT MYSELF IN YOUR POSITION I
SUPPOSE I WOULD

LAZ: YOUR ALREADY QUOTING STUFF THAT I'M SAYING TO YOU BACK AT
ME SO THEREFORE IT MAKES IT VERY DIFFICULT FOR ME TO HAVE
ANY CONVERSATIONS AT ALL

DON: RIGHT

LAZ: WHAT MY LAWYER WILL ALREADY BE SAYING IS THAT I SHOULD'NT
PROBABLY BE SPEAKING TO YOU NOW

DON: RIGHT

LAZ: BUT JUST OUT OF FAIRNESS REALLY LETTING YOU KNOW WHAT
WHAT THE POSITION IS PARTICULARLY THAT YOU WON'T PROBABLY
BE HEARING ANY THING ELSE BACK UNTIL THE END OF NEXT WEEK

DON: NO

LAZ: BECAUSE OF THE AVAILABILITY OF PEOPLE

DON: I UNDERSTAND THAT BUT WHAT I DON'T UNDERSTAND IS IS THE
WHAT YOU'VE BEING SAYING ABOUT WHAT THE NEXT STEPS ARE
BECAUSE ORIGINALLY YOU SAID THAT IT WOULD BE GOING TO MR
VARNEY

LAZ: O NO NO NO WHAT I ORIGINALLY SAID JOHN WAS THIS. THAT
YOU REQUESTED THAT I SEND IT TO MR VARNEY OR INDEED

DON: IF YES

LAZ: WHAT I POINTED OUT TO YOU IS THAT SENIOR MANAGERS AT THAT
LEVEL DON'T INVOLVE THEMSELVES IN THIS KIND OF PRACTICAL
ACTIVITY

DON: RIGHT

LAZ: AND INDEED WHAT USUALLY HAPPENS IS THAT [REDACTED]
[REDACTED] THEREFORE I HAVE TO DEAL WITH IT AND
[REDACTED] OPTIONS WHICH I HAVE I CAN EITHER DEAL WITH
IT BY WRITING YOU A LETTER OF RESPONSE WHICH IS PUTTING
DOWN ON PAPER WHAT WE'VE SAYING AT THE MOMENT

DON: YES

LAZ: OF COURSE YOU CAN USE THAT IN WHATEVER WAY YOU LIKE OR I CAN BE VERY CAREFUL AND EVEN MORE CAREFUL THEN BEFORE BECAUSE THERE IS AN ISSUE HERE A DISPUTE I CAN LET MY LAWYER DO IT. SHE WILL KNOW ACTUALLY WHAT TO WRITE AND WHAT NOT TO WRITE

DON: YES BUT WHERE DO WE STAND AT THE MOMENT. WE ALL KNOW WHAT MY POSITION IS, YOUR POSITION IS THE SAME AS WHEN WE LAST SPOKE IS IT?

LAZ: YEP

DON: RIGHT OKAY SO YOU HAVE'NT CHANGED YOUR VIEW SO

LAZ: AND WHEN I THINK ABOUT IT JOHN AND READ THE LETTER

DON: RIGHT

LAZ: YOUR BEING PRETTY UNFAIR IN A FEW OF THE CASES AND WHEN I AND WHEN I REALLY THINK ABOUT IT CAREFULLY THERE REALLY, THERE REALLY IS NO NO NO POSITION AT ALL. YOU REALLY DON'T HAVE A LEG TO STAND ON

DON: WELL ER

LAZ: SO, I WOULD PREFER JUST TO DROP THE WHOLE THING NOW AND LEAVE IT

DON: RIGHT YOU SEE

LAZ: I HAVE'NT I HAVE'NT GOT TIME TO THIS IS STEALING TIME FROM EVERYTHING ELSE THAT I'M TRYING TO DO PLUS THE FACT THAT I'M STILL IN THE OFFICE AT 9 A CLOC] INDICATE TO YOU HOW MUCH WORK I'VE GOT ON

DON: RIGHT, I APPRECIATE THAT BUT WHAT I WOU YOU DO I WOULD SUGGEST THAT YOU DO TALK ADVISOR AND LET HER HAVE SIGHT OF THE DOCUMENT AND THE VISUAL AND TAKE HER ADV] SAYS

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STARTS HERE

LAZ: YEAH

DON: AND THEN GO FORWARD FROM THERE BECAUSE I HAVE ALSO SOUGHT ADVICE AND YOU SEEM TO THINK THAT THIS IS AN OPEN AND SHUT CASE. THE ADVICE IS THAT IS EXACTLY THE OPPOSITE OF THAT

LAZ: I MIGHT BOUNCE THAT BACK JOHN, YOU SEEM TO THINK THIS IS AN OPEN AND SHUT CASE

DON: NO I HAVE'NT I HAVE'VT I HAVE'NT SAID

LAZ: YOU WERE SUGGESTING WE GO THROUGH INDEPENDENT ARBITRATION OR THAT YOUR SEEKING LEGAL ADVICE YOU SEEM TO THINK THAT YOU DO HAVE A LEG TO STAND ON YEAH

DON: I, I, I,

LAZ: I'M ONLY ADOPTING THE OPPOSITE POSITION THAT YOU'VE GOT

DON: I BELIEVE THAT THERE'S A STRONG CASE.. THERE'S NO POINT IN ME GOING OVER ALL THOSE POINTS AGAIN THAT HAVE BEEN MADE AND VICE A VERSA, WE'VE BOTH GONE OVER THOSE THINGS SO MANY TIMES NOW, THAT THERE'S NO POINT IN DOING THAT BUT ALL I CAN SAY IS THAT I HAVE DISCUSSED IT WITH A SPECIALIST LAWYER WHO DEALS WITH CONTRACT LAW AND I'M ADVISED THAT I DO HAVE A STRONG CASE

LAZ: CAN YOU GIVE ME THEIR NAME AND CONTACT

DON: NO NO NO, I DON'T, I DON'T WANT TO DO THAT, WHAT I AM SUGGESTING ANDREW

LAZ: MY LAWYER WILL WANT TO SPEAK DIRECTLY TO THEM

DON: WHAT I AM SUGGESTING THAT YOU DO IS THAT FIRST OF ALL YOU JUST PASS IT ALL TO YOUR LEGAL ADVISOR AND SEE WHAT SHE MAKES OF IT BECAUSE WE STILL HAVE NO NEED

LAZ: STILL DOES'NT BELIEVE YOU'VE GOT A CASE THOUGH, I'D LIKE

DON: IF SHE AGREES WITH YOU THAT THERE IS NO CASE THEN THEN THEN WE'VE GOT A CERTAIN SITUATION. IF SHE SAYS TO YOU THAT I THINK THEY HAVE GOT A CASE THEN YOU MAY COME BACK TO ME AND SAY LETS HAVE A MEETING AND SEE IF THERE'S SOME WAY THAT WE CAN RESOLVE THIS

LAZ: YES

DON: WITHOUT GETTING LAWYERS AND ALL THE REST OF IT INVOLVED BECAUSE THAT IS STILL WHAT I WOULD DESIRE IF ITS POSSIBLE. IF IT IS'NT POSSIBLE THEN THEN WE CAN'T DO THAT

LAZ: WHAT I DON'T THINK IT IS POSSIBLE BECAUSE THE MONEY THAT YOU'RE LOOKING FOR THE FACT THAT YOUR LOOKING FOR MONEY AT ALL IS IS UNACCEPTABLE AND THEN EVEN IT IT WERE THE MONEY THAT YOU ARE LOOKING FOR IS UNACCEPTABLE TO

DON: WELL WELL I'VE PUT THAT THERE

LAZ: YES I KNOW

DON: YOU ASKED ME TO SUGGEST TO PUT SOMETHING IN WRITING AND SUGGEST A FIGURE. I'VE DONE THAT. THAT DOES'NT MEAN TO SAY THAT THAT WE'VE NOT ABLE TO NEGOTIATE ABOUT THAT. ALL I AM LOOKING FOR IS FOR YOU TO CONCEDE THAT THE IDEA THE BIG IDEA

LAZ: YES

DON: THAT IS NOW OUT THERE STEMS FROM OUR ORIGINAL PROPOSAL

LAZ: ABSOLUTELY NO QUESTION JOHN WHAT YOUR SUGGESTING WHICH IS THAT I HAVE DEVELOPED A PROPOSAL THAT YOU PUT TO ME OVER A YEAR AGO. THERE'S ABSOLUTELY NO QUESTION OF THAT

DON: OKAY WELL AS I SAY THERE'S NO POINT

LAZ: YOU STATE IN YOUR LETTER YOU STATE IN YOUR LETTER HERE IS A CASE WHERE SOMEBODY ELSE HAS DEVELOPED IT. THERE'S ABSOLUTELY NO QUESTION THAT I'VE DEVELOPED IT

DON: YES I'M ONLY GOING NOW ANDREW ON WHAT YOU'VE TOLD ME AND WHAT DAVID PATTON TOLD ME BECAUSE I DON'T KNOW DO I, I DON'T KNOW WHATS HAPPENED. I'D LOVE TO SEE

LAZ: LOOK JOHN I'M TELLING YOU

DON: YES, I'D LIKE TO SEE THE THE THE PROPOSAL THAT NINTENDO PUT UP TO YOU IF THEY DID PUT A PROPOSAL IN WRITING

LAZ: YEP

DON: I'D LOVE TO SEE THE PROPOSAL

LAZ: THERE ARE PEOPLE WHO WILL TESTIFY TO WHEN THE MEETING WAS AND EXACTLY HOW THE PROPOSAL WAS PUT FORWARD. I'M NOT LYING TO YOU THERE'S NO REASON FOR ME TO. I'M ABSOLUTELY ASSURE YOU

DON: I'VE NEVER SAID THAT I'VE NEVER EVER SAID THAT

LAZ: YOUR QUESTIONING WHAT I'M SAYING THOUGH WHICH IS TANTAMOUNT TO SAYING THAT I'M NOT RIGHT IN SAYING IT OR YOU DON'T BELIEVE ME.. YEAH

DON: I SUPPOSE WE HAVE BOTH GOT TO BE CAREFUL WHAT WE SAY, I'VE TRIED TO MAKE THE POINT IN THAT LETTER ABOUT WHERE I THINK THAT THE BLAME PROBABLY LIES WITH THIS

LAZ: YEP SO THEREFORE WHY ARE YOU LOOKING FOR MONEY FROM US RATHER THAN NINTENDO

DON: BECAUSE BECAUSE IT IS SHELL I PRESENTED THE PROPOSAL TO ORIGINALLY

LAZ: AND NINTENDO

DON: ONLY ONLY TO OBTAIN THEIR CONSENT TO APPROACH YOU. THAT WAS THE ONLY REASON, THEY WERE'NT THE CLIENT. WE NEEDED THEIR PERMISSION UNLESS THEY AGREED WE DID NOT HAVE ANY THING TO OFFER YOU, IT WAS ONLY THAT WE NEEDED THERE CONSENT SO I HAD TO APPROACH THEM I GOT THEIR PERMISSION

LAZ: YEAH

DON: THEY SENT ME A FAX THEY SUPPLIED ME WITH INFORMATION

LAZ: DID THEY HAVE THE PROPOSAL JOHN

DON: THEY HAD THEY DID'NT HAVE YOUR EXACT PROPOSAL THEY HAD A VARIATION OF IT AN ORIGINAL VERSION OF IT IF YOU LIKE

LAZ: WHICH YOU SAY THEY REALLY LIKED

DON: WHICH HE SAID AT THE TIME HE SAID HE THOUGHT THAT THE VISUAL WAS BRILLIANT NOW IT WAS'NT NECESSARILY, IF YOU READ THE PROPOSAL, WE WERE'NT SAYING THATS THE VISUAL, THIS IS THE GAME WE WANT YOU TO DO, WE WERE SAYING THIS IS ONE POSSIBLE EXECUTION OF THIS PROMOTION, OBVIOUSLY THERE WERE MANY WAYS IT COULD RUN AS A PROMOTIONAL GAME

LAZ: WHAT YOUR TRYING TO SAY NOW JOHN THAT WHATEVER PROPOSAL YOU PUT UP THEN YOU CAN HAVE ME BECAUSE ANTHING CAN BE DEVELOPED INTO ANYTHING ELSE

DON: NO NO WHAT I WAS SAYING IS

LAZ: I KNOW WHAT YOUR TRYING TO SAY

DON: THE BIG IDEA THAT WE PUT FORWARD IN OUR PROPOSAL WAS THE IDEA OF RUNNING A PETROL FORECOURT PROMOTIONAL GAME LINKED TO NINTENDO WITH NINTENDO PRODUCT PRIZES WHICH WAS AN ORIGINAL IDEA FOR PETROL FORECOURTS, NO ONE ELSE HAS RUN THAT. IT IS NOW BEING RUN ON SHELL FORECOURTS. I'M NOT, I HAVE'NT SAID

LAZ: I TELL YOU WHAT JOHN IS THAT YOUR GOING TO HAVE TO FORWARD ME A COPY OF THE ORIGINAL PROPOSAL BECAUSE I HAVE'NT GOT ONE

DON: OKAY WELL

LAZ: I'VE MOVED OFFICE SINCE THEN AND I HAVE'NT ACTUALLY GOT IT ON FILE

DON: OKAY WELL OBVIOUSLY I'LL DO THAT. ANYTHING ELSE

LAZ: HOW COULD I DEVELOP IT IF I HAVE'NT EVEN GOT IT ON FILE. THATS THE FIRST TIME I'VE LOOKED FOR IT JUST THEN AND ITS NOT THERE SO

DON: YOU KEPT TWO COPIES IN OUR, THAT DON MARKETING PRESENTER COVER

LAZ: YOU GAVE ME TWO COPIES

DON: I GAVE YOU TWO, OKAY, I'LL PUT IT ROUND THE OTHER WAY THEN, I LEFT TWO PROPOSALS WITH YOU

LAZ: YES

LAZ: WHAT I'M SAYING NOW IS THAT I HAVE'NT EVEN GOT THE ORIGINAL PROPOSAL ON FILE SO I DON'T EVEN KNOW HOW WE CAN HAVE BEEN EXPECTED TO DEVELOP IT

DON: I CAN'T, I JUST CAN'T COMMENT ON THAT, ALL I KNOW ~~IS~~ ^{IS} THAT I LEFT A COUPLE OF PROPOSALS WITH YOU WHICH HAD THE VISUALS INSIDE

LAZ: I CAN'T EVEN REMEMBER THE VISUALS

DON: I, I ACCEPT ANDREW THAT YOUR A VERY VERY BUSY PERSON

LAZ: AND I ACCEPT THAT YOUR RIGHT

DON: I ACCEPT THAT YOU COULD HAVE JUST FORGOTTEN ABOUT THESE THINGS I'M NOT TRYING TO MAKE LIFE DIFFICULT FOR YOU

LAZ: WELL YOU ARE, YOU'RE ARE ALREADY MAKING LIFE VERY DIFFICULT FOR ME

DON: WELL IF THERE WAS SOME WAY OUT OF IT ANDREW WHERE WE COULD BOTH FEEL HAPPY ABOUT IT IF THERE WAS SOME WAY ROUND THIS

LAZ: IN OTHER WORDS YOUR LOOKING FOR SHELL BEING A BIG COMPANY TO PAY YOU A LOAD OF MONEY

DON: NO

LAZ: THATS GOING TO MAKE YOU HAPPY, WHAT ELSE IS GOING TO MAKE YOU HAPPY

DON: WELL I DON'T KNOW WHETHER THERE'S SOME OTHER

LAZ: GO ON MAKE SOME OTHER - - - - -

DON: WELL I SUPPOSE THERE'S TWO THINGS HERE. THERE THERE IS PRINCIPLE AND THERE IS MONEY AND THERE IS NO WAY ROUND THAT

LAZ: YEP

DON: I'M LOOKING FOR YOU TO ACCEPT, I ACCEPT WHAT YOU HAVE SAID THAT THERE'S BEEN NOTHING DELIBERATE, IT WAS MERELY THE FACT THAT IT WAS SOME TIME AGO WE PUT THE PROPOSAL, YOU ARE VERY BUSY, YOU PERHAPS DID'NT READ THAT FAX THAT I SENT, AND YOU PUT YOUR ACKNOWLEDGEMENT ON IT AND RETURNED IT TO ME ERM... YOU'VE MOVED OFFICES

LAZ: THE FAX, I'VE GOT THE FAX HERE BECAUSE THATS ~~WRITTEN IN~~ ^{WITH} NOVEMBER

DON: AND THAT

LAZ: THATS TOTALLY DIFFERENT

DON: AND THAT THESE PEOPLE NINTENDO AGENCY THEN APPROACH YOU WITH AN IDEA, YOU'VE FOGOTTEN ABOUT WHAT WE PUT UP AND YOU GO FORWARD WITH IT

LAZ: YEP

DON: AND ITS NOW ON THE FORECOURTS AND SO YOU HAVE'NT DELIBARATELY DONE ANYTHING WRONG THEY, IT SEEMS TO ME PROBABLY HAVE BEEN A BIT NAUGHTY IN WHATS HAPPENED HERE, ESPECIALLY SINCE THEY WENT TO ANOTHER OIL COMPANY, AS I SAID, MADE THE POINT IN THE LETTER, WE KNEW WE HAD A HOT PROPERTY WE NEVER WENT TO ANOTHER OIL COMPANY BECAUSE OF OUT OF LOYALTY TO SHELL. I ALSO ACCEPT THAT THIS LOYALTY THAT I'M ALWAYS QUOTING ABOUT IT MAY BE SOMETHING WHERE I FEEL THERE'S LOYALTY THERE BUT HARDLY ANYONE AT SHELL EVEN KNOWS NOW WHO DON MARKETING IS, BECAUSE THERE'S A LONG TIME GONE BY

LAZ: WE ALL KNOW WHO DON MARKETING IS

DON: PARDON

LAZ: WE ALL KNOW WHO DON MARKETING IS, I MET YOU FREQUENTLY

DON: WELL, AS I SAY, IF THERE WAS SOME WAY OF RESOLVING IT

LAZ: WELL, WELL TELL ME A WAY

DON: WELL FOR US FOR US TO BE ABLE TO AGREE ON SOME COMPENSATION WE COULD BOTH LIVE WITH I SUPPOSE

LAZ: LIKE WHAT, FINANCIAL COMPENSATION YOU MEAN

DON: FINANCIAL COMPENSATION YES

LAZ: WELL SINCE I DON'T ABSOLUTELY CATEGORICALLY BELIEVE THAT THATS NOT DUE BECAUSE WE HAVE NOT TAKEN YOUR IDEA AND USED IT IN ANY WAY SHAPE OR FORM

DON: WELL

LAZ: I KEEP SAYING IT IS NOT A CONCEPT OR PROMOTION WHICH ORIGINATED FROM US

DON: NO NO

LAZ: ABSOLUTELY CATEGORICALLY

DON: NO NO I'M NOT SAYING I'M NOT SAYING THAT IT IS BECAUSE YOUR TELLING ME THAT IT IS'NT

LAZ: RIGHT

DON: SO I'M NOT SAYING IT IS WHAT I'M SAYING IS

LAZ: WHY SHOULD I BE PAYING YOU ANY MONEY SURELY IT SHOULD BE THE PEOPLE WHO TOOK THE CONCEPT ASSUMING WHAT YOU ARE SUGGESTING, WHICH IS THAT SOMEBODY HAS TAKEN YOUR IDEA AND USED IT, WHY SHOULD IT BE SHELL WHO HAS TO PAY THE MONEY OUT

DON: BECAUSE

LAZ: WHY ARE YOU NOT IN FACT PURSUING THE PERSON WHO TOOK THE IDEA

DON: BECAUSE IT WAS SHELL WE PRESENTED OUR IDEA TO ORIGINALLY

LAZ: DID YOU SHOW THE IDEA TO OTHER PEOPLE,

DON: THE ONLY OTHER PEOPLE

LAZ: THE ONLY ANSWER IS YES

DON: THE ONLY OTHER PEOPLE THAT WE REVEALED OUR PROPOSAL TO WAS THE WAS THE OTHER PARTY NINTENDO, WE HAD TO GET THEIR CONSENT BEFORE WE APPROACH YOU, OTHERWISE WE WERE WASTING YOUR TIME

LAZ: I HAVE'NT GOT A PROBLEM WITH THAT, THERE'S NO, I HAVE'NT GOT A PROBLEM WITH THAT AT ALL BUT I FAIL TO UNDERSTAND WHY YOUR TRYING TO SUGGEST THAT IT WAS SHELL ~~THAT~~ ^{WHO} TOOK THE IDEA AND USED IT

DON: NO I'M NOT, I'M NOT SUGGESTING THAT SHELL HAVE DELIBERATELY DONE ANYTHING BECAUSE I DON'T KNOW THAT. I'VE LISTENED TO WHAT YOU HAVE HAD TO SAY, I'VE LISTENED TO WHAT DAVID PATTON HAD TO SAY, AND I DREW MY OWN CONCLUSIONS ABOUT THAT AND THATS ONLY SPECULATION OF COURSE BECAUSE I DON'T KNOW FOR CERTAIN EXACTLY WHAT HAPPENED BUT BASED ON WHAT DAVID PATTON HAS SAID ABOUT THEY APPROACHED ANOTHER OIL COMPANY

LAZ: YEP

DON: I I QUESTION THEIR ETHICS, I DO QUESTION THEIR ETHICS BUT THEY WERE NOT THE COMPANY WHO WERE A PROSPECTIVE CLIENT

LAZ: THATS AN IRRELEVENCE JOHN

DON: WELL SHELL WERE THE PROSPECTIVE CLIENT

LAZ: ITS IRRELEVANT BECAUSE THE ACTUAL ^{BASE} PROMOTION IS SIGNIFICANTLY DIFFERENT FROM WHAT YOU PUT FORWARD

DON: THAT DOES 'NT MAKE ANY DIFFERENCE

LAZ: IT DOES ACTUALLY JOHN IT DOES

DON: WELL I POINTED THAT OUT IN MY LETTER IN SOME DETAIL

LAZ: QUITE FRANKLY JOHN I TOTALLY DISAGREE ON THAT

DON: A BIG IDEA, IT CAN CHANGE VERY MUCH FROM WHEN WE FIRST PUT IT UP TO WHAT THE ACTUAL FINAL PRODUCT IS ON THE FORECOURT

LAZ: ABSOLUTELY JOHN, SO I SAY THAT YOUR TRYING TO THEREFORE HOLD THAT WHATEVER WE PUT OUT ON ALMOST ANY KIND OF GAME PROMOTION YOU

DON: NO NO NO NO NO NO

LAZ: YES YOU YES YOU ARE HELLO.... ITS UNBELIEVABLE

DON: I WAS TALKING ABOUT A NINTENDO THEMED PROMOTIONAL GAME THAT NEVER EVER RUN ON PETROL FORECOURTS, OURS WAS THE FIRST PROPOSAL

LAZ: YEAH YEAH YEAH

DON: AS FAR AS I KNOW

LAZ: TAKE THE NEEDLE OFF THE STUCK RECORD

DON: I AGREE I AGREE I AGREE WITH THAT I SAID AT THE BEGINNING WE ARE ONLY GOING TO GO OVER THESE SAME POINTS THAT WE WENT OVER THE OTHER DAY. MY, THE LETTER THAT I SENT OBVIOUSLY HAS 'NT CHANGED YOUR MIND AT ALL

LAZ: I'VE ONLY JUST GOT IT JOHN AT THE END OF A LONG DAY

DON: RIGHT

LAZ: IT GOT HERE AT THE WRONG TIME

DON: TO TRY TO MAKE SOME HEADWAY I SUGGEST IF POSSIBLE THAT YOU TALK TO YOUR LEGAL ADVISOR

LAZ: YES

DON: IF ITS POSSIBLE EVEN ON AN OFF THE RECORD BASIC SO THAT IT DOES 'NT GET OUT OF HAND. JUST TO GET HER

LAZ: WHAT DO YOU MEAN GET OUT OF HAND JOHN

DON: WHAT I MEAN IS WHAT I MEAN IS

LAZ: YOU INDICATING YOU'VE TAKEN ADVICE SO ITS ALREADY OUT OF HAND

DON: IT IS'NT AT ALL, I'VE, YOU'VE PUT A VERY STRONG ARGUMENT ON THE OTHER SIDE ANDREW DID'NT YOU. I DON'T WANT TO TO ABSOLUTELY FALL OUT WITH YOU, HAVE NO MORE BUSINESS..

LAZ: ITS GOING THAT WAY VERY RAPIDLY

DON: I KNOW THAT. HAVE NO MORE BUSINESS WITH SHELL

LAZ: ANY MORE OF THIS TIME I CAN'T AFFORD TO SPEND ANY MORE OF THIS TIME, I CAN'T AFFORD TO SPEND ANY MORE TIME TALKING OR DEALING WITH THIS STUFF

DON: NO WELL IF THATS, WELL I'VE GOT TO LEAVE THAT WITH YOU HAVE'NT I. I'M ONLY

LAZ: QUITE CATEGORICALLY THIS TO ME IS AN IRRELEVENCE AND A PURE WASTE OF TIME YEAH DO THE THINK I'M GOING TO FEEL GOOD ABOUT SPENDING THIS TIME DOING THIS TYPE OF THING. ITS NOT JUST GOING TO BE SIMPLY A COUPLE OF CALLS CALLS AND CONVERSATIONS, [REDACTED] TO ME THAT GOING TO TAKE A COUPLE OF HOURS IS'NT IT. IF I HAVE TO GO AND BRIEF MY SOLICITOR ITS GOING TO TAKE EVEN LONGER THAN THAT

DON: WELL

LAZ: ITS GOING TO TAKE A VERY LONG

DON: WELL IF YOUR VIEW IS CORRECT AND WE HAVE'NT GOT A CASE

LAZ: YES

DON: THEN YES, THAT IS A WASTE OF TIME AND YOU WOULD BE ENTITLED TO FEEL ANNOYED ABOUT IT

LAZ: YES SO ARE WE GOING TO MAKE A REVERSE CLAIM FOR YOU WASTING OUR COMMERCIAL TIME

DON: WHEN YOU TALK TO YOUR LAWYER, YOUR SOLICITOR AND SHE SAYS THEY MAY HAVE A CASE

LAZ: YES

DON: THEN YOU MAY THINK DIFFERENTLY, YOU MAY THINK I'VE GOT A RIGHT TO BE ANNOYED ABOUT WHATS HAPPENED AND TO LOOK TO SHELL FOR COMPENSATION

LAZ: JOHN JOHN LISTEN OKAY YOU'VE NOT GOT A RIGHT TO BE ANNOYED WITH SHELL, WE'VE DONE NOTHING WRONG SO FAR AS YOUR CONCERNED. YOUR CASE. THERE'S TWO THINGS THAT MAY HAVE HAPPENED. ONE IS THAT EITHER SOMEBODY ELSE TOTALLY SEPARATE FROM YOU HAS GENERATED THIS IDEA, GOD FORBID, SOMEBODY ELSE HAS GENERATED THE SAME IDEA OR SIMILAR IDEA, SIMILAR THEME, DIFFERENT MECHANIC, DIFFERENT PRIZE STRUCTURE DIFFERENT EXECUTION

DON: THE RECORDS PLAYING AGAIN ANDREW

LAZ: AND INDEED DIFFERENT PARTNER

DON: THE RECORD IS PLAYING AGAIN BECAUSE I CAN..

LAZ: DIFFERENT PARTNERS JOHN, NINTENDO BP, AND I WILL KEEP SAYING UNTIL I'M BLUE IN THE FACE. CONSIDER TO YOURSELF IN THE COLD HARSH LIGHT OF DAY, IF I WAS NOT SHELL, IF I WAS SOMEBODY ELSE, WHAT WOULD YOU CURRENTLY BE DOING NOW

DON: WE GETTING INTO A HYPOTHETICAL SITUATION ARE'NT WE..

LAZ: NOT JOHN, ITS NOT HYPOTHETICAL AT ALL CAUSE THEY DEVELOPED THE WHOLE CONCEPT AND THEME WITH SOMEBODY ELSE WHO AT THE LAST MINUTE PULLED PULLED OUT OF IT, THATS HOW *SHELL*

DON: I THINK YOU SAID BP DID'NT YOU

LAZ: WELL YES

DON: SO ANY RATE AN AGENCY REPRESENTING NINTENDO WHO WAS IT AT SHELL WHO DEALT WITH THAT AGENCY

LAZ: WHEN

DON: WHEN THEY CAME IN TO MAKE THEIR PRESENTATION AND..

LAZ: THE PRESENTATION WAS DONE TO ME AND ONE OF MY COLLEAGUES AND MY COLLEAGUE HERE IN FACT THEN DEVELOPED THE WHOLE PROMOTION. I WAS IN AT THE START BECAUSE I'M RESPONSIBLE AND I AND I SAY YES OR NO WHETHER WE DO SOMETHING

DON: RIGHT

LAZ: YES WHAT WHAT RELEVANCE IS THAT

DON: I JUST I JUST WONDERED WHO THEY DEALT WITH SINCE DAVID PATTON SAID THAT EM HE NEVER HAD ANY CONTACT WITH YOU, AND SO ON I WONDERED WHO IT WAS THEY WERE DEALING WITH

LAZ: ...AFTER YOU CALLED HIM ON THAT MORNING

DON: PARDON

LAZ: THE FIRST TIME I SPOKE TO HIM WAS AFTER YOU CALLED HIM ON THAT MORNING

DON: RIGHT RIGHT

LAZ: YEH

DON: YES, YES OKAY I'M JUST SAYING IT LED ME TO THINK THAT WHO WERE THEY DEALING WITH IF THEY WERE'NT DEALING WITH YOU BECAUSE I'VE ALWAYS DEALT WITH YOU FOR ANY PROMOTIONS

LAZ: SOMETIMES I'M TOO BUSY I'VE GOT A LOT OF STUFF TO DO

DON: RIGHT, YOU'VE ANSWERED THAT ONE, RIGHT WELL WE'VE GOING BACK TO THE SAME THING, ALL I CAN SUGGEST IS THAT YOU DO TALK TO YOUR LEGAL ADVISOR AND TAKE HER ADVICE ON IT, SEE WHAT SHE..

LAZ: YOU PRIME YOUR SOLICITOR TO SEND US A FORMAL NOTE

DON: IS THAT WHAT YOU

LAZ: I CANNOT BELIEVE FROM LOOKING AT THIS THAT ANY TRAINED LEGAL SOLICITOR CAN POSSIBLY, LOOKING AT IT FROM MY POINT OF VIEW, HAVE ANY CASE AT ALL

DON: RIGHT WELL

LAZ: EVEN EVEN SEEING IT WRITTEN DOWN MAKES ME BELIEVE THERE'S EVEN LESS OF A CASE THAN I ACTUALLY MIGHT HAVE IMAGINED

DON: WELL

LAZ: FROM YOU AGAINST US, AGAINST ME IN PARTICULAR, BECAUSE NO ONE ELSE HERE KNEW INDEED ABOUT THE PROPOSAL YOU PUT FORWARD

DON: I CAN ONLY ASK YOU TO CONSIDER ANDREW THAT YOU MAY BE WRONG THATS ALL

LAZ: I'VE CONSIDERED IT VERY DEEPLY JOHN OF COURSE I TAKE IT VERY SERIOUSLY CAUSE SHELL DOES NOT TAKE ANYBODY TO COURT AND INDEED YOUR INDICATION OF WHAT HAPPENED WITH ESSO AND GLENDENNING IS PROBABLY WHAT HAPPENS WHENEVER WE ARE IN FACT IN THE WRONG. HOWEVER, WE NEVER DO THINGS WRONG AND WE'VE CATEGORICALLY NOT DONE ANYTHING WRONG HERE CATEGORICALLY

DON: WELL, I SAY THERE'S.. I CAN I CAN GO OVER IT ALL AGAIN BUT THERE'S NO POINT IS THERE

LAZ: WHAT DO YOU WANT ME TO DO NOW THEN JOHN

DON: WELL WELL I WOULD ONLY SUGGEST THAT FOR YOUR OWN INTEREST THAT YOU SPEAK TO YOUR LEGAL ADVISOR AND SEE WHETHER THEY AGREE WITH YOUR CONCLUSION ON IT

LAZ: AND WHAT HAPPENS THEN. WHAT HAPPENS THEN? IF THEY DO AGREE WITH YOU WHAT DO WE DO

DON: THEN I WOULD SUGGEST WE HAVE A MEETING AND TRY TO FIND A SOLUTION WE CAN BOTH LIVE WITH

LAZ: AND IF THEY DON'T AGREE WITH YOU

DON: IF THEY DON'T AGREE IF THEY SAY WE HAVE'NT GOT A CASE THEN ER I WOULD LIKE YOU TO PASS THE THE PAPERS ONTO MR VARNEY AND SEE WHAT HE THINKS ABOUT IT IT ALL, OR WHOEVER IT IS WHO ADVISES HIM

LAZ: YEAH

DON: OVERALL NOT ONLY ON LEGAL GROUNDS BUT

LAZ: I DO, I ADVISE HIM ON PROMOTIONAL GROUNDS, MY LEGAL ADVISOR WILL ADVISE HIM ON LEGAL GROUNDS RELATING TO RETAIL

DON: RIGHT RIGHT... WELL DON'T LET US JUMP THE GUN, LETS.. IF YOU ARE GOING TO TALK TO YOUR LEGAL ADVISOR ERM, THEN I WOULD SUGGEST IF YOU'D LIKE TO LET ME KNOW WHAT THE OUTCOME IS

LAZ: ALRIGHT, BEFORE WE ACTUALLY WRITE BACK IN RESPONSE?

DON: BY ALL MEANS

LAZ: RIGHT

DON: IF SHE SAYS TO YOU THAT I THINK THEY HAVE GOT A CASE YOU CAN BE ASSURED THAT I WILL BEND OVER BACKWARDS IF THERE IS A WAY OF RESOLVING THIS, A SOLUTION WE CAN BOTH LIVE WITH, I DON'T KNOW WHAT IT COULD BE

LAZ: ALRIGHT OKAY

DON: I DON'T KNOW WHAT IT COULD BE. I'M NOT GOING TO SAY THAT WE INSIST ON GETTING THAT SORT OF FIGURE, WE ARE OPEN TO DISCUSSION AND SO ON

LAZ: ALRIGHT, ON THE OTHER HAND JOHN IF YOUR GOING TO GO ON HER WORD IN THAT RESPECT, IF SHE ABSOLUTELY CATEGORICALLY SAYS THAT SHE BELIEVES YOU DON'T HAVE A CASE, ARE YOU GOING TO STAND BY THAT AS WELL

DON: I DON'T THINK THAT WOULD BE REASONABLE TO FOR YOU TO EX..

LAZ: IN THAT CASE IF I RING BACK AND SAY THAT MY LEGAL ADVISOR INDEED DOES NOT BELIEVE YOU HAVE A CASE THEN I'LL BE RINGING BACK TO SAY WE NEED A MEETING WITH YOUR LEGAL ADVISOR AND MINE.. I THINK

DON: OKAY, SO BE IT

LAZ: WELL NO, I'M NOT DRIVING IT TO THAT, YOUR DRIVING IT TO THAT

DON: NO NO NO NO, ANDREW, I WANT TO AVOID THIS ENDING UP WITH LAWYERS

LAZ: I BET YOU DO, I BELIEVE YOU DON'T HAVE A CASE

DON: IT IS'NT FOR THAT REASON ANDREW, IT IS'NT FOR THAT REASON THERE'S A COUPLE OF REASONS. ONE IS THAT ONCE LAWYERS BECOME INVOLVED IT WILL LIKELY TAKE A LONG TIME AND ALMOST CERTAINLY THAT WILL BE THE END OF OUR RELATIONSHIP WITH SHELL BECAUSE ALL SORTS OF THINGS, IT TURNS VERY VERY NASTY, AS YOU KNOW, WITH THESE THINGS

LAZ: YOU'RE ABSOLUTELY RIGHT THERE JOHN YES

DON: WELL SO IF THATS POSSIBLE TO AVOID THAT THEN THATS WHAT I WANT TO DO

LAZ: YEP

DON: AND THERE'S ALSO THE FACT THAT WE ARE RELATIVE TO SHELL WE'RE NOTHING AT ALL, A VERY VERY SMALL COMPANY COMPARED TO SHELL. SHELL HAVE GOT ALL THE RESOURCES IN THE WORLD AND I HAVE TO BEAR THAT IN MIND ALSO. BUT AT THE END OF THE DAY I STILL BELIEVE THAT THERE IS A PRINCIPLE INVOLVED, I AM STILL VERY ANNOYED AT WHATS HAPPENED. NOT DIRECTED AT SAYING THAT SHELL HAS DELIBARATELY DONE SOMETHING, BECAUSE YOU'VE TOLD ME THAT YOU HAVE'NT, BUT I STILL SAY THAT IT IS'NT RIGHT, WHAT HAS HAPPENED, FROM START TO FINISH, LEAVING OUT.. THAT SOMEONE ELSE CAME IN, THAT ANOTHER AGENCY CAME IN WITH A PROPOSAL AND SO ON, LEAVING OUT ALL THE BITS IN BETWEEN, WE PUT UP THE BIG IDEA FIRST TO SHELL, THERE IT IS ON THE FORECOURT NOW, DON MARKETINGS GETS NO CREDIT AT ALL AND NO, NO MONEY AT ALL. I JUST DON'T THINK THATS REASONABLE, I DON'T THINK ITS FAIR, I DON'T THINK IT ITS RIGHT MORALLY OR, OR LEGALLY

LAZ: YOUR ACCUSING US OF BEING BOTH ILLEGAL AND IMMORAL JOHN
AND I THINK THATS TOTALLY OUT OF ORDER

DON: WELL AGAIN, I SUGGEST YOU TALK TO YOUR LEGAL ADVISOR

LAZ: XXXX US AS HAVING DONE SOMETHING WRONG CAUSE WE HAVE NOT
DONE ANYTHING WRONG AT ALL

DON: I WISH THAT YOU WOULD TALK TO YOUR LEGAL ADVISOR BECAUSE

LAZ: I WILL DO

DON: AND IF SHE AGREES WITH YOU THEN YOU'LL COME BACK AND SAY
JOHN, DO YOUR WORST, YOU KNOW, THATS IT. I MEAN WHAT ELSE
COULD YOU SAY. IF THATS WHAT SHE SAYS TO YOU, THEY
REALLY HAV'NT GOT A CASE, THEY HAVE'NT GOT A LEG TO STAND
ON, THEIR WASTING YOUR TIME THEN YOU'LL COME BACK AND
YOU'LL TELL ME THAT. IF SHE SAYS TO YOU THAT..

LAZ: I DON'T THINK SHE'D ALLOW ME TO COME BACK TO YOU AND SAY
THAT, SHE'D WILL INSIST ON WRITING YOU A FORMAL LETTER

DON: OKAY

LAZ: THAT THE WAY THAT LAWYERS IN FACT PROBABLY REACT

DON: I SAY, I DON'T KNOW WHAT SOUGHT OF RELATIONSHIP YOU HAVE
WITH YOUR OWN SOLICITOR, WHETHER SHE WILL...

LAZ: SHE'S A PROFESSIONAL SOLICITOR SHE GIVES PROFESSIONAL
ADVICE AND WHEN I TELL HER THAT I'VE BE SPEAKING TO ONE
OF MY SUPPLIERS WHO'S ACCUSING US OF BEING BOTH ILLEGAL
AND IMMORAL AND HAS TAKEN ADVICE, THEN SHE'LL INSIST ON

DON: NO I HAVE'NT SAID ANYONES DOING ANYTHING ILLEGAL

LAZ: YOU SAID THAT WHAT HAS HAPPENED TO YOU IS BOTH ILLEGAL
AND IMMORAL

DON: NO

LAZ: NO THATS WHAT YOUR SAYING, AND WHAT YOUR SAYING IS THAT
YOUR LOOKING FOR MONEY OUT OF SHELL BECAUSE OF IT. SO THE
TWO THINGS I THINK INDICATE ONE LINE OF ATTACK, THEY THEY

TAGE 2
DON: RIGHT

LAZ: MY DEPARTMENT DID..

DON: RIGHT, BUT AS YOU, AS YOU...

LAZ: IT WAS A VERY GOOD PROMOTION AS WELL, EXTREMELY WELL FACILITATED AND PUT TOGETHER

DON: YES, BUT AS YOU SAID EARLIER YOU YOU WERE INVOLVED IN THE ORIGINAL PRESENTATION

LAZ: YES, IT WAS MY DECISION TO DO IT

DON: RIGHT IT WAS YOUR DECISION TO DO IT

LAZ: YES

DON: SO YOU WERE INVOLVED IN THE PRESENTATION AT SHELL. YOU'D FORGOT THAT WE HAD ALREADY MADE A PRESENTATION OF A PROMOTIONAL GAME WITH A NINTENDO THEME AND NINTENDO..

LAZ: I DON'T EVEN HAVE IT STILL IN MY FILE

DON: PARDON

LAZ: I DON'T EVEN STILL HAVE IT ON FILE SO I DON'T SEE HOW I COULD REMEMBER REALLY

DON: BUT, BUT IT WAS ONLY SIX WEEKS BEFORE YOU STARTED PLANNING THIS PROMOTION - I KNOW THAT HERE GOES THE RECORD AGAIN. IT WAS ONLY SIX WEEKS BEFORE YOU STARTED PLANNING THIS PROMOTION THAT I SENT YOU A LETTER BY FAX AND YOU PUT YOUR OWN HANDWRITTEN NOTE ON IT AND FAXED IT BACK TO ME - IT WAS ABOUT THIS PROMOTION.

LAZ: YEP

DON: IT'S A BIT HARD ON US UNDER THE CIRCUMSTANCES. YOU STILL THINK THAT I'M.....

LAZ: SHALL I READ BACK THE FAX TO YOU JOHN.

DON: RIGHT

LAZ: DID, DID IT MENTION ANYTHING ABOUT POSTERS ERR, IT DIDN'T EVEN MENTION ANYTHING MUCH ABOUT GAMEBOY

DON: NO BECAUSE

LAZ: WHAT IT, WHAT IT SAYS, PROPOSED FOR INCLUSION IN THE RESEARCH, MERCHANDISE T-SHIRTS ETC COULD BE GENERATED AS PRIZES. I DON'T THINK WE'VE GOT ANY T-SHIRTS OR ANYTHING

DON: BUT ALL OF THAT INFORMATION WAS IN THE ORIGINAL ...

LAZ: IT WOULD MAKE A HIGHLY TOPICAL PROMOTION FOR Q4.

DON: PARDON

LAZ: IT WOULD MAKE A HIGHLY TOPICAL PROMOTION FOR Q4

DON: CORRECT. BECAUSE THAT WAS OBVIOUSLY THE BEST TIME TO RUN IT WHEN THEY HAVE GOT THEIR MAXIMUM SPEND ON ON ADVERTISING. PRESUMABLY

LAZ: YOU WERE SUGGESTING WE RUN IT JUST BEFORE CHRISTMAS

DON: PARDON

LAZ: YOU SUGGESTED WE RUN IT JUST BEFORE CHRISTMAS

DON: THAT'S CORRECT IN THAT LETTER IN THE QUARTER BEFORE CHRISTMAS BECAUSE THAT'S WHEN THEY'VE GOT THEIR HEAVY WEIGHT SPEND ON ADVERTISING SO THAT'S WHEN IT MADE SENSE.

LAZ: ...ON AT THE WRONG TIME

DON: REMEMBER ANDREW, AS FAR AS I KNEW YOU WERE ALREADY TIED UP WITH PROMOTIONS UNTIL LAST QUARTER SO IT WASN'T A POSSIBILITY UNTIL THEN

LAZ: THAT'S TRUE, THAT'S TRUE, WE HAD, WE HAVE..

DON: IT JUST MADE COMMON SENSE TO SUGGEST IT FOR THE LAST QUARTER BECAUSE A. IT WAS THE ONLY PROMOTIONAL QUARTER IN 1993 THAT AS FAR AS I KNEW WAS STILL AVAILABLE AND AND IT WAS ALSO THE QUARTER WHEN THEY WERE SPENDING THE MOST MONEY ON MEDIA ADVERTISING AND THAT WAS THE REASON FOR THAT. IT'S ALL A THOROUGHLY UNPLEASANT BUSINESS ISN'T IT REALLY

LAZ: IT'S GETTING MORE AND MORE UNPLEASANT BY THE MOMENT JOHN AS YOU WASTE MY TIME. AS I SAY I CAN'T GET ACCESS TO ANYONE FOR TOMORROW BECAUSE I'VE GOT A FULL DAY OUT. I WOULD, IF I WERE YOU, THINK LONG AND HARD BECAUSE ONCE I GET MY SOLICITOR INVOLVED, SHE WON'T STOP, RIGHT. ONCE I SPEAK TO HER, SHE WON'T STOP.

DON: RIGHT

LAZ: THAT'S WHY I'M HESITANT OF GOING TO HER

DON: LET ME MAKE IT CLEAR TO YOU ANDREW THAT JUST SO THAT YOU KNOW, FOR THE RECORD THAT I AM GOING TO TAKE THIS ALL THE WAY, WHATEVER IT TAKES, UNLESS I AM ADVISED

LAZ: YEP

DON: ... I AM ADVISED THAT THIS IS A WEAK CASE. IF I HAD HEARD THAT WOULD I TAKE THE CHANCE OF PERSUING SOMETHING THAT WAS A WEAK CASE WHEN WE'VE HAD SUCH A LONG RELATIONSHIP WITH SHELL AND HOPE TO DO BUSINESS IN THE FUTURE, I WOULDN'T DO THAT WOULD I? IT WOULDN'T MAKE ANY SENSE I'D BE DAFT

LAZ: I WOULD GET SOMEBODY PROFESSIONAL TO GIVE YOU SOME ADVICE ON THIS JOHN

DON: I HAVE ALREADY, I HAVE ALREADY ANDREW. SOMEONE WHO SPECIALISES IN THIS SORT OF

LAZ: MAYBE MAYBE YOU COULD GET THEM TO SPEAK TO ME TO GET THE FULL STORY THEN BECAUSE THEY CAN'T BE IN POSSESSION OF ALL THE FACTS ... BECAUSE YOU'RE PUTTING THE WRONG INTERPRETATION ON MOST OF THE THINGS YOU ARE ASSUMING

DON: WELL I AM QUITE HAPPY TO ARRANGE FOR THE GENTLEMAN INVOLVED TO COME TO A MEETING THERE UM, WHATEVER BASIS THAT WE COULD MAKE IT SO THAT THERE IS NO COMMITMENT ON ANYONE'S PART

LAZ: IS HE A SOLICITOR

DON: PARDON

LAZ: IS HE A SOLICITOR

DON: YES HE IS INDEED

LAZ: RIGHT, WELL I'D HAVE TO HAVE MINE THEN

DON: RIGHT, RIGHT, WELL AS I SAY THAT WOULD STILL BE OKAY BUT I CAN'T SEE ANY POINT IN THAT UNTIL YOU'VE ALREADY SPOKEN TO YOUR SOLICITOR AND TAKEN HER ADVICE ON IT. IF SHE SAYS TO YOU THAT YOU'RE WRONG WHICH IS SURELY A POSSIBILITY, IF SHE SAYS ...

LAZ: JOHN, PIGS MIGHT FLY

DON: IF SHE SAYS THAT YOU'RE WRONG, THEN I WOULD HAVE THOUGHT THAT YOU WOULD ACCEPT THAT I HAVE BEEN IN THIS BUSINESS A LONG TIME, I HAVE BEEN SUPPLYING FORECOURT PROMOTIONAL GAMES SINCE 1967, THAT'S A LONG, LONG, LONG TIME.

LAZ: YOUR ABSOLUTELY RIGHT..

DON: I'VE SEEN LOTS OF THINGS HAPPEN AND SO ON, I NEVER EXPECTED THAT THIS WOULD HAPPEN BUT IT HAS AND I ACCEPT ALL...

LAZ: YOU'RE CASTING ASPERTIONS

DON: NO I'M NOT I'M ...

LAZ: YES YOU ARE

DON: I'M NOT

LAZ: THAT'S EXACTLY WHAT YOU'RE SAYING

DON: I'M SAYING THAT

LAZ: YOU'RE SAYING YOU NEVER EXPECTED THAT THIS COULD HAPPEN

DON: I NEVER EXPECTED THAT WE WOULD PRESENT AN IDEA TO SHELL, A BIG IDEA

LAZ: YEAH

DON: AND THAT A YEAR LATER

LAZ: YEAH

DON: IT WOULD BE ON SHELL FORECOURTS

LAZ: YEAH

DON: AND WE WOULD NOT HAVE ANY CREDIT

LAZ: YEAH

DON: OR PAYMENT WHATSOEVER IN IT

LAZ: YEAH

DON: THAT'S WHAT I'M SAYING. I'M NOT SAYING THAT IN BETWEEN THAT SHELL HAVE DELIBERATELY DONE ANYTHING WRONG BECAUSE I DON'T, I'M TAKING

LAZ: I DON'T UNDERSTAND WHAT YOU'RE TRYING TO SAY THEN JOHN

DON: I AM SAYING THAT WE PRESENTED THE IDEA TO SHELL AND ITS HARD LUCK

LAZ: YOU PRESENTED AN IDEA ALONG WITH A LOAD OF OTHERS IN A SPECULATIVE PROPOSAL WHICH WE DIDN'T EVEN ENCOURAGE

DON: WELL AT THE TIME ... YOU SEE IF YOU'D HAD SAID "JOHN I'M SORRY THIS IS NOT ON, THIS IS TOO CHILD ORIENTATED AND WE WILL NOT RUN IT," I WOULD HAVE TAKEN THOSE PROPOSALS AWAY

LAZ: YES THAT'S WHAT I SAID AND THAT'S WHAT I FAXED AND YOU'VE WRITTEN IN YOUR LETTER THAT YOU SAID THAT AND I ALSO SAID THAT THE MANAGEMENT WOULDN'T LET US DO GAME PROMOTIONS WHICH THEY WOULDN'T AT THE TIME

DON: BUT IT DOESNS'T STACK UP WITH WHAT HAPPENED DOES IT BECAUSE WHY WOULD I WRITE TO YOU TO REMIND YOU ABOUT THE POSSIBILITY OF PUTTING IT IN RESEARCH WHICH IS WHAT YOU SAID. YOU SAID THAT ... I SAID "WHAT HAPPENS ANDREW WHEN WE PUT FORWARD IDEAS TO YOU, DO YOU JUST MAKE YOUR MIND UP ON YOUR OWN OR DO YOU DISCUSS IT WITH YOUR COLLEAGUES AND SO ON" AND YOU SAID " WHEN I'VE GOT ENOUGH OF THEM TOGETHER BECAUSE THERE IS NO POINT IN GOING AND SHOWING THEM ONE IDEA AT A TIME

LAZ: YEP

DON: WHEN I'VE GOT A RANGE OF THEM I WILL THEN GO AND SHOW THEM ROUND THE OFFICE AND GET REACTIONS AND THEN WE DECIDE WHAT WE'RE GOING TO RESEARCH"

LAZ: YES, WITH SOME OF THEM BECAUSE ALREADY PEOPLE TALK ABOUT THINGS AND AS INDEED I POINTED OUT, I'VE TALK TO YOU UNTIL I'M BLUE IN THE FACE, ALL OF MY TALK... CERTAINLY TWO MEMBERS OF MY TEAM WERE ALREADY PROPOSING TO ME THAT WE DO SOMETHING WITH NINTENDO.

DON: UM, I REMEMBER YOU SAYING THAT

LAZ: RIGHT, OKAY. SO THEREFORE BECAUSE I DISMISSED NINTENDO AND BECAUSE I ALSO KNEW OUR MANAGEMENT WOULDN'T LET US DO COMPETITIONS BECAUSE OF THE DISASTER OF STAR TREK THEN I COULD DISMISS IT IMMEDIATELY. I MEAN I CAN ACTUALLY TAKE SOME DECISIONS ON MY OWN .. I DON'T PUT THEM ALL FORWARD

DON: WHAT MAKES YOU SAY BY THE WAY, WHAT MAKES YOU SAY THAT STAR TREK WAS A DISASTER

LAZ: I WASN'T INVOLVED IN IT JOHN SO I DON'T KNOW I CAN'T COMMENT

DON: I DO KNOW, I WAS INVOLVED AND I HAVE KEPT ALL MY NOTES ABOUT WHAT HAPPENED THERE. AN ABSOLUTE COCK-UP ON THE PARTS OF THE OTHER PEOPLE THAT WERE INVOLVED

LAZ: WHICH OTHER PEOPLE WAS THAT

DON: I MEAN ... DO YOU KNOW THAT YOU ENDED UP BURYING, I MEAN BURYING, 30 MILLION CARDS OR THEREABOUTS AT THE END OF THE PROMOTION BECAUSE THEY OVER ORDERED FOR IT

LAZ: WHICH OTHER PEOPLE WAS THAT ...

DON: WELL I SUPPOSE THIS IS A FRUITLESS WASTE OF TIME REALLY BUT IT'S GOT NOTHING TO DO WITH IT BUT

LAZ: GET IT OFF YOUR CHEST JOHN

DON: IF YOU'RE HAPPY TO TALK ABOUT IT, I'M HAPPY TO TALK ABOUT IT

LAZ: GET IT OFF YOUR CHEST JOHN

DON: WHEN WE APPROACHED SHELL ANOTHER AGENCY, I THINK IT WAS SENIOR, YES IT WAS SENIOR KING HAD PUT UP AN IDEA FOR A HOLIDAY PROMOTION TO FLORIDA AND YOU WERE GOING TO GO WITH THAT AND IT WAS THE FINAL MEETING WITH SOME SENIOR PEOPLE PRESENT FROM SHELL AND AS FAR AS SENIOR KING WERE CONCERNED, THEY THOUGHT THAT THIS WAS TO TIE UP THE FINAL DETAILS, BUT WHAT HAPPENED IS SOMEONE FROM YOUR, I'M ONLY GOING ON WHAT I'VE BEEN TOLD, SOMEONE FROM YOUR SENIOR MANAGEMENT SAID, I'M STILL NOT HAPPY WITH THIS FLORIDA HOLIDAYS PROMOTION AND SO STUART CARSON OPENED UP HIS BRIEF CASE AND SAID " LOOK I'VE JUST RECEIVED THIS FROM DON MARKETING" AND IT WAS THE STAR TREK GAME AND SO WHEN THEY SAW THAT, ALL OF THE SHELL PEOPLE SAID THAT'S WHAT WE OUGHT TO BE DOING WHEN THEY HEARD ALL THE FURTHER DETAILS ABOUT IT, THE CONTACT WITH PARAMOUNT AND WHAT WAS HAPPENING. THERE WERE LOTS OF OTHER ADD-ONS TO IT AND THEY SAID THAT'S WHAT WE WANT TO DO, BUT OF COURSE SENIOR KING WERE PUT IN A DIFFICULT POSITION. SHELL WERE GOING TO RETAIN THEM TO USE THEM FOR A SERIES OF PROMOTIONS SO SHELL SAID TO ME, STUART CARSON SAID TO ME "LOOK JOHN WE LIKE, WE WANT TO DO THIS, WE WANT TO GO AHEAD WITH STAR TREK BUT WILL, IS IT OKAY IF SENIOR KING DO PART OF IT" BECAUSE OF WHAT I'VE JUST TOLD YOU SO I SAID "OKAY, WE'RE FLEXIBLE PEOPLE, WE'RE PLEASED TO GET THE GAME" AND OF COURSE SENIOR KING WENT AHEAD AND THEY WROTE THE PRESENTER FOR ALL OF THE DEALERS AND WE NEVER SAW ANY COPY FOR THAT PRESENTER UNTIL AFTER THE GAME WAS LAUNCHED AND WHEN WE DID SEE IT, THERE WAS SOME MISTAKES IN THE PRESENTER IN THE INFORMATION ABOUT RE-ORDERING THE GAME CARDS AND WHAT HAPPENED, I MEAN THIS IS JUST ONE THING, I SUPPOSE IS ONE MAJOR THING I CAN REMEMBER, IS THAT WE WERE GETTING LETTERS FROM YOUR STATIONS SAYING PEOPLE WERE ASKING FOR THE CARDS BUT WE'VE RUN OUT OF THEM. HOW DO WE GET MORE ONES. WE PASSED THOSE LETTERS ON TO ALAN MCNAB BUT THERE WAS SUCH A TIME LAPSE THAT AT THE END OF THE PROMOTION SO MANY STATIONS HAD BEEN WITHOUT GAME CARDS FOR SO LONG, THAT IT UPSET A LOT OF CUSTOMERS AND YOU ENDED UP WOTH 30 MILLION GAME CARDS, WHEN ACCORDING TO NORTON OPAX THEY HAD TO BURY THOSE CARDS BECAUSE THEY WERE PRINTED ON FOIL COATED BOARD, THEY HAD TO LITERALLY BURY THEM TO GET RID OF THEM AND OF COURSE THAT WASTED ABOUT £300,000 OF PRINT MATERIAL. I'M SAYING THAT WAS ONE THING THAT STANDS OUT IN MY MIND WHICH WAS, WHICH WAS VERY UNFORTUNATE WITH STAR TREK. I THINK IT WAS A MARVELLOUS IDEA BUT UNINTENTIONALLY SABOTAGED. UNINTENTIONALLY.

LAZ: I WASN'T INVOLVED JOHN SO I CAN'T COMMENT, NOT A CLUE

DON: NO, NO YOU ASKED ME, YOU SAID YOU, I SAID THAT IT WOULD BE WASTING OUR TIME TO REALLY TO DISCUSS IT BUT YOU SAID YOU WANTED TO SPEAK ABOUT IT SO I HAVE

LAZ: THAT'S BECAUSE YOU KEEP BRINGING IT UP JOHN SO IT'S OBVIOUSLY A SORE POINT WITH YOU

DON: NO IT'S TWICE I'VE MENTIONED IT, ONCE IN OUR PREVIOUS PHONE CALL AND IN THIS PHONE CALL YOU BROUGHT IT UP AND YOU DELIBERATELY SAID THAT IT WAS A DISASTER, TO QUOTE YOUR WORDS.

LAZ: YES

DON: AND OF COURSE IF YOU SAY THAT ABOUT A PROMOTION THAT WE WERE ASSOCIATED WITH THEN NATURALLY I'VE GOT TO RESPOND TO IT WHICH I'VE DONE..... AT ANY RATE I THINK WE'VE BOTH PUT A LOT OF TIME INTO THIS THIS EVENING AND THAT THERE IS NOT A LOT OF POINT IN CONTINUING WITH THE CONVERSATION IS THERE. I AM SUGGESTING THAT YOU DO OBTAIN ADVICE FROM YOUR OWN LEGAL PEOPLE. I FEEL STRONGLY THAT WE HAVE A CASE, YOU FEEL STRONGLY THAT WE DO NOT. I HAVE SUGGESTED THAT WE GET A MEDIATOR IN, ER .. TO ER .. GIVE ADVICE ON WHAT THEY THINK IS CORRECT. I'M WILLING IN BRING IN A LAWYER TO MEET WITH YOUR LAWYER. UM, I'M WILLING TO TRY TO SETTLE IT WITHOUT YOUR LAWYER OR OUR LAWYER BEING INVOLVED. I'M I'M...

LAZ: THE ONLY WAY TO SETTLE IT WITHOUT GETTING LAWYERS INVOLVED BECAUSE YOU'VE ESCALATED IT TO THAT STAGE JOHN IS FOR YOU TO DROP THE WHOLE THING

DON: BUT I HAVEN'T ... I HAVEN'T ESCALATED IT AS I SAID EARLIER TO YOU, I'M NOT GOING TO DROP IT

LAZ: WHAT YOU SAID JOHN IS THAT A. YOU'RE NOT GOING TO DROP IT WHICH MEANS THAT IT'S GOING TO GO ALL THE WAY AND YOU'RE GOING TO END UP WITH LOADS OF LEGAL COSTS APART FROM ANYTHING ELSE /

DON: WELL IF THAT'S THE ...

LAZ: AND B, THAT YOU'VE REFERRED TO LEGAL ADVICE AND AS SOON AS YOU'VE REFERRED TO LEGAL ADVICE THEN I'VE GOT TO AS WELL

DON: YES YOU SAID THAT ...

LAZ: FOR ALL I KNOW YOU MIGHT BE TAPING THIS CALL WHICH I SHOULDN'T PROBABLY BE ER....

DON: YOU SAID IN THE LAST CONVERSATION ANDREW, YOU SAID THAT YOU WERE NO PUSH-OVER THAT SHELL IS NO PUSH-OVER. I ACCEPT THAT

LAZ: I DIDN'T SAY THAT AT ALL

DON: I THOUGHT THAT WAS WHAT YOU SAID. I AM THE SAME, I'M NO PUSH-OVER, NEITHER AM I A FOOL. IF I GOT LEGAL ADVICE THAT I DIDN'T HAVE A STRONG CASE, I WOULDN'T PURSUE IT BECAUSE THAT WOULD JUST....

LAZ: ARE WE GOING TO SOMEBODY WHO IS NOT A PERSONAL FRIEND OF YOURS AND GET A TOTALLY IMPARTIAL ...

DON: THIS PERSON ANDREW, I HAVE NEVER EVER SPOKEN TO BEFORE
IN MY LIFE AND NEVER HAD ANY CONTACT WITH THEM
WHATSOEVER

LAZ: OKAY, I'LL HAVE TO TAKE YOUR WORD FOR THAT. THEY'LL BE
SCENTING FEES IN THIS WON'T THEY

DON: PARDON

LAZ: THEY'LL BE SCENTING FEES IN THIS WON'T THEY

DON: AS IT HAPPENS NO, NOT AT THE MOMENT, NO

LAZ: OH

DON: NO

LAZ: LAWYERS DON'T GIVE ANY ADVICE FOR NOTHING.

DON: IN THIS CASE, YES THIS LAWYER HAS GIVEN ADVICE FOR
NOTHING AND HE'S PUT IT IN WRITING AS WELL FOR THAT
MATTER

LAZ: YOU WANT TO THINK ABOUT WHY HE MIGHT HAVE DONE THAT THEN

DON: AS I SAY, I DON'T SEE WHY I SHOULD GIVE YOU ALL THE
BACKGROUND DETAILS ON HOW I COME TO GET THAT ADVICE BUT
I HAVE GOT THE LETTER FROM A FIRM OF SOLICITORS FROM A
SOLICITOR AND HE HAS SEEN THE DOCUMENTS ON IT BECAUSE I
DIDN'T WANT TO PURSUE THIS WITH YOU ONLY TO FIND OUT
THAT I AM BARKING UP THE WRONG TREE AND THAT I HAVEN'T
GOT A CASE THAT I'M TOO CLOSE TO IT AND THAT I HAVE
UPSET YOU AND I'VE FINISHED THE RELATIONSHIP WITH SHELL
BECAUSE THAT WOULD BE SILLY SO I HAVE ...

LAZ: WE'RE RAPIDLY GOING THAT WAY THOUGH

DON: WELL I DID ITS ALREADY...

LAZ: IT WOULD PROBABLY HELP JOHN IF YOU COULD FORWARD THAT
GUY'S ADVICE ...

DON: IT'S ALREADY GONE THAT FAR ANDREW HASN'T IT NOW LET'S BE
HONEST. THERE IS NO WAY THAT YOU'RE GOING TO WANT TO DO
BUSINESS WITH ME IN THE FUTURE

LAZ: YOU'RE ABSOLUTELY, ABSOLUTELY RIGHT JOHN

DON: YEAH, I'M SAYING THAT IS CORRECT SO I'M SAYING ...

LAZ: I MEAN YOU'VE FORCED ^{me into} IT ~~TO~~ THAT POSITION

DON: YES, WELL I UNDERSTAND THAT

LAZ: EVEN BEFORE TODAY I WAS PRETTY AMBIVILENT AND I DO KNOW THE VALUE OF YOUR PROMOTIONS AND YOUR IDEAS AND STUFF AND I WAS NOT, I WAS STILL VERY WILLING TO CONSIDER THEM FOR THE FUTURE BUT YOU KNOW THE MORE TIME OF MINE YOU WASTE SIMPLY ME SITTING IN THE OFFICE AT 25 TO 10 WHEN I HAVE OTHER STUFF TO DOTHE MORE LIKELY I AM TO...

DON: I UNDERSTAND THAT ANDREW, I DO UNDERSTAND THAT, I REALLY DO, I APPRECIATE THAT

LAZ: ONE IS THAT.. WHAT YOU COULD DO IS FORWARD THE ADVICE YOU'VE GOT ...

DON: NO I DON'T WANT TO KNOW, THAT WOULDN'T BE CORRECT BECAUSE THAT PERSON DIDN'T SUPPLY THE ADVICE ON THE BASIS THAT I WAS GOING TO USE HIM AT ALL. HE WAS JUST GIVING ME PERSONAL ADVICE THROUGH A THIRD PARTY AND SO THAT WOULDN'T BE RIGHT. THAT WOULDN'T BE RIGHT TO DO THAR

LAZ: WHAT WOULD HELP IF YOU COULD FORWARD ME A COPY OF THE ORIGINAL PROPOSAL BECAUSE I DON'T HAVE IT ANYMORE

DON: THAT OBVIOUSLY I CAN DO

LAZ: RIGHT

DON: OKAY, YOU SAY THAT YOU'RE TOO BUSY IN ANY CASE TOMORROW TO BE ABLE TO DEVOTE ANY TIME TO THIS, AM I RIGHT IN THAT

LAZ: YEAH, I CAN FAX YOU A COPY OF MY DIARY IF YOU WANT

DON: NO THERE IS NO NEED TO DO THAT ANDREW, WHAT I'M SAYING IS THAT I DON'T HAVE TO PANIC ...

LAZ: MY MEETINGS START AT 8AM IN THE MORNING AND FINISH AT 6PM AT NIGHT, IF I'M LUCKY

DON: I WILL SEND A COPY OF THE PROPOSAL TO YOU ... I'VE GOT A COPY OF THE VISUAL AS WELL A COLOUR ONE I'M SURE I'LL SEND THAT AND YOU'VE GOT A COPY OF THE FAX HAVE'NT YOU..I THINK YOU MENTIONED.

LAZ: YES

DON: OKAY, OKAY, AND I'LL WAIT TO HEAR FROM YOU

LAZ: I'M VERY VERY DISAPPOINTED IN THIS JOHN BECAUSE IT LOOKS BADLY ON ME WHEN MY MANAGERS HAVE TO HAVE TO KEEP DEALING WITH THIS KIND OF THING. IT LOOKS VERY BADLY ON ME

DON: WELL I AM, I AM, I AM DIS...

LAZ: MY MANAGERS WON'T BACK DOWN... I'VE ALREADY CONSULTED THEM

DON: BUT I'M DISAPPOINTED ALSO I AM DIS.. WELL I MUST BE DISAPPOINTED OR I WOULDN'T BE DOING THIS. I JUST CAN'T UNDERSTAND HOW YOU CAN'T ACCEPT

LAZ: I DON'T UNDERSTAND HOW JOHN YOU CAN IMAGINE THAT WE OWE YOU ANYTHING OR INDEED THAT WE WOULD DO ANYTHING EITHER IMMORAL OR ILLEGAL WHICH IS WHAT YOU'RE SUGGESTING

DON: I HAVEN'T GOT MUCH TO ADD TO THAT, I HAVE GONE INTO EVERYTHING IN SOME DETAIL IN THAT LETTER. THERE ISN'T REALLY MUCH TO ADD TO THAT. WE'RE ONLY GOING OVER THE SAME GROUND UM. PLEASE GIVE ME A CALL WHEN YOU'VE SPOKEN TO YOUR LEGAL ADVISOR

LAZ: LATE NEXT WEEK ^{IT} ~~IT~~ ^{WILL} BE..

DON: WELL IF THAT'S WHEN IT IS, THEN

LAZ: WHAT IT WILL PROBABLY BE IS A LETTER SUGGESTING THAT YOU ORGANISE A MEETING ASSUMING YOU HAVE A LEGAL ADVISOR THAT YOU ORGANISE A MEETING WITH MINE

DON: WELL THAT'S PROBABLY WHAT .. YOU KNOW THAT WOULD PROBABLY BE OKAY WITH US IF THAT'S WHAT YOU WANT TO DO

LAZ: THAT'S THE WAY THAT YOU'RE DRIVING IT. YOU'RE AIN'T GIVING ME ANY ALTERNATIVES JOHN

DON: I AM GIVING YOU AN ALTERNATIVE

LAZ: YOU'RE GIVING ME THE ALTERNATIVE OF GETTING OUT MY CHEQUE BOOK AND SIGNING YOU A MASSIVE CHEQUE FOR YOU

DON: YOU CAN'T DO THAT CAN YOU ANDREW?

LAZ: NO

DON: NO THAT'S WHAT I'M SAYING SO THEN I CAN'T BE SUGGESTING THAT BECAUSE YOU WOULD NEED OTHER PEOPLE'S ...

LAZ: I WOULD NEED SHELL'S PROVERBIAL CHEQUE BOOK

DON: YES, YES, YES, YOU'RE NOT GOING TO DO THAT UNLESS YOU ARE ADVISED THAT WE DO HAVE A CASE

LAZ: YES

DON: AND ER

LAZ: OTHERWISE I'M GOING TO BE WASTING A LOT OF YOUR MONEY

DON: RIGHT. SO PLEASE SPEAK TO YOUR LEGAL ADVISOR, I MAY BE FURTHER ALONG IN GETTING ADVICE BY NEXT WEEK ALSO AND WE'LL COMPARE NOTES AND GO FROM THERE ON. I, I DO NOT WANT TO MAKE LIFE DIFFICULT FOR YOU INTERNALLY, IF THERE WAS SOME WAY

LAZ: JOHN, YOU COULDN'T MAKE LIFE MUCH MORE DIFFICULT FOR ME THAN YOU ARE ALREADY, PUT IT THAT WAY

DON: WELL, I JUST THINK THAT YOU'RE SO CERTAIN OF YOUR SIDE OF THIS THAT

LAZ: I THINK YOU SHOULD BE A BIT MORE REALISTIC

DON: IN WHAT WAY

LAZ: IN EVERY WAY. I MEAN FROM THE LETTER WHICH YOU'VE SENT IT'S QUITE, ITS ABSOLUTELY CLEAR THAT EVEN THE BASIS OF WHAT YOU'RE TRYING TO SUGGEST WHICH IS THAT WE'VE USED YOUR PROMOTION AND THEREFORE YOU'RE DUE SOME MONEY IS ABSOLUTELY FUNDAMENTALLY FLAWED

DON: WELL AS I SAY AGAIN ANDREW, PLEASE LET YOUR LAWYER SEE IT ALL AND TAKE HER ADVICE AND SEE WHETHER SHE AGREES WITH YOU OR NOT BECAUSE SO FAR ...

LAZ: TO DO THAT I'M GOING TO HAVE TO WASTE MORE TIME JOHN AND I DON'T WANT TO DO THAT

DON: RIGHT, WELL OBVIOUSLY YOU'LL HAVE TO GIVE HER YOUR SIDE OF THINGS BECAUSE MY LETTER SETS OUT HOW I SEE THINGS ER I CAN'T SEE HOW ... THE ONLY WAY TO AVOID THIS IS WHAT YOU SUGGEST EARLIER IS THAT I DROP IT AND THAT'S THE END OF IT AND WE ALREADY KNOW ...

LAZ: NO, NO JOHN YOU OBVIOUSLY HAVEN'T BEEN LISTENING TO ME FOR THE THREE HOURS THAT WE'VE NOW BEEN TALKING ON THE PHONE OR SO. I'M SUGGESTING THAT YOUR ARGUMENT IF YOU BELIEVE YOU DO HAVE AN ARGUMENT IS NOT IN FACT WITH SHELL. THAT'S ALMOST COINCIDENTAL. I'M SUGGESTING THAT YOU THINK THAT SOMEONE'S OBVIOUSLY NICKED YOUR IDEA AND YOUR ORIGINAL CONCEPT AND THAT THEREFORE YOU SHOULD BE PURSUING THE PERSON WHO HAS NICKED IT. NOW EITHER YOU BELIEVE YOU ARE PERSUING THE PERSON WHO HAS STOLEN YOUR CONCEPT OR

DON: NO I HAVEN'T

LAZ: OR YOU SHOULD ACTUALLY BE PURSUING THE PERSON WHO ...

DON: I DON'T THINK YOU STOLE THE CONCEPT, I NEVER SAID THAT I'M GOING ON WHAT YOU HAVE SAID ...

LAZ: I DO NOT UNDERSTAND WHAT YOU THINK THAT YOU'RE ASKING US TO PAY FOR THEN

DON: I'M ASKING YOU TO PAY, I'M ASKING SHELL TO PAY ...

LAZ: ON PRINTING AND STUFF LIKE THAT, WE DON'T EVEN PAY THAT ANYMORE. THINGS HAVE CHANGED A LOT RECENTLY. WE DON'T PAY PRINT....

DON: I CAN ONLY GO ON WHAT THE ARRANGEMENTS HAVE BEEN FOR WHAT IS IT, 7,8,9 PROMOTIONS NOW, PROMOTIONAL GAMES, I DON'T KNOW WHAT YOUR ARRANGEMENTS ARE NOW OR PREVIOUSLY FOR OTHER PROMOTIONS BUT FOR PROMOTIONAL GAMES I THINK THAT YOU ARE MISTAKEN IN THE WAY THAT YOU LOOK AT PROMOTIONAL GAMES ABOUT THE SECURITY SIDE OF THEM. I DON'T THINK THINK. YOU WERE SAYING THE OTHER DAY YOU DON'T.. YOU WOULDN'T NEED US REALLY FOR MEGA-MATCH OR MAKE MONEY. I DON'T THINK ...

LAZ: NO, NO, I NEVER SAID THAT. I NEVER EVER
THERE ARE OTHER PEOPLE WHO CAN DO IT.

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DON: OF COURSE THERE ARE OTHER PEOPLE WHO CAN

ENDS

LAZ: AND ALSO I WOULD MAINTAIN THAT THERE ARE
CAN BE MADE

MSBLS.

DON: MISTAKES CAN BE MADE INDEED

LAZ: AND WE HAVE IDENTIFIED ONE PROBLEM

DON: I DON'T KNOW ANYONE THAT'S ...

LAZ: JUST PROVIDE ONE PROBLEM ON THIS PROMOTION JOHN

DON: PARDON

LAZ: AND THAT'S ALL

DON: I'VE IDENTIFIED ...

LAZ: I DON'T KNOW HOW YOU'RE SUGGESTING THERE'S A MASSIVE
GREAT FRAUD PROBLEM IN THIS PROMOTION

DON: FRAUD PROBLEM? I HAVEN'T SUGGESTED IT AS A MASSIVE GREAT
FRAUD PROBLEM

LAZ: YOU'RE SAYING THAT EVERYONE CAN READ STRAIGHT THROUGH
MOST OF THE GAME PIECES

DON: NO I DIDN'T SAY ... WELL FORTUNATELY, WHAT I DID SAY IS
IN PRINT THERE. I SAID A LARGE PROPORTION OF THEM AND IT
ISN'T SOMETHING THAT EVERYONE'S GOING TO SPOT

LAZ: IN BROAD SUNLIGHT

DON: IN SUNLIGHT IF YOU HOLD THEM AT AN ANGLE ON SOME OF
THEM, A LARGE PROPORTION OF THEM, YOU CAN READ THE LOGO,
THE PRIZE SYMBOL AND THE WORDING UNDER THE LATEX, IT
ISN'T ... MOST PEOPLE, LIKE 999 OUT OF 1,000 WOULD NEVER
EVEN THINK OF DOING THAT BUT IT ISN'T SOMETHING THAT
SHELL WOULD WANT BECAUSE IT CAN END UP, IF THE NEWS DOES
GET OUT THAT SOME STAFF ARE SORTING OUT LEAFLETS AND SO
ON, IT CAN CREATE BAD PUBLICITY SO IT ISN'T SOMETHING
WHICH YOU'D WANT TO DO AND IT'S A VERY BASIC ERROR FOR
SOMEBODY TO MAKE WITH THE ...

LAZ: JOHN YOU'RE BARKING UP THE WRONG TREE AND THAT'S ALL I CAN SAY AND I'M GETTING TERRIBLY BORED

DON: FINE

LAZ: APART FROM BEING...HAVING WASTED ANOTHER WHOLE HOUR OF MY TIME

DON: WELL IT TAKES TWO TO WASTE AN HOUR OF TIME BECAUSE THE CALL WOULD ONLY BE AS LONG AS YOU WOULD LET IT BE

LAZ: WELL YOU KEEP GOING ON, YOU KEEP GOING ON AND ON AND ON

DON: ANDREW, YOU MENTIONED, YOU FLUNG SOMETHING UP IN THE AIR ABOUT STAR TREK. I SAY I DON'T WANT TO TALK ABOUT IT ANY FURTHER AND YOU SAY NO, NO, GET IT OFF YOUR CHEST, TELL ME ALL ABOUT IT SO ..

LAZ: TIME TO FINISH

DON: OKAY ANDREW, FINE, FINE. I'LL WAIT TO HEAR FROM YOU

LAZ: AS I SAY IT'S UNLIKELY THAT I'LL BE ABLE TO GET BACK TO YOU LATER ON NEXT WEEK BUT IT MAY SOUND UNSATISFACTORY BUT I'LL HAVE TO THEN LEAVE IT HANGING YOU KNOW. ALL OF THESE THINGS ARE ABSOLUTELY UNSATISFACTORY WHEN I'M WORKING THAT KIND OF WORK LOAD ANYWAY

DON: WELL UM

LAZ: I REALLY DON'T KNOW WHAT YOU'RE EXPECTING TO GET

DON: WELL IF YOU HAVEN'T ... IF YOU'RE STILL NOT SURE OF WHAT I AM SAYING AFTER WHAT I SENT YOU THEN I'M NEVER GOING TO BE ABLE TO GET MY MESSAGE ACROSS AM I? I HAVE TRIED TO SPELL IT ALL OUT. I'VE DONE WHAT YOU ASKED. YOU SAID SUGGEST A FEE, I'VE PUT DOWN A SUGGESTION. IT'S CLEAR THAT IT IS A SUGGESTION, SOMETHING THAT IS OPEN TO NEGOTIATION. WE'VE GOT TO START SOMEWHERE AND I'VE SAID THAT I'LL BEND OVER BACKWARDS IF THERE IS SOMEWAY OF SETTLING THIS EVEN IF .. WELL WE'VE ALREADY SAID WE'RE NOT GOING TO DO ANYMORE BUSINESS WITH SHELL, YOU'VE MADE THAT CLEAR ...

LAZ: I HAVEN'T MADE THAT CLEAR. I DIDN'T INDEED SAY THAT JOHN. I JUST SAID THAT I'M NOT FEELING INCLINED TO, BECAUSE I CAN'T IF YOU MAKE THINGS SO DIFFICULT FOR ME

DON: AND I'M SAYING ANDREW I CAN UNDERSTAND YOUR REACTION TO IT AND DESPITE THAT, EVEN ACCEPTING WE DON'T DO ANYMORE BUSINESS WITH SHELL

LAZ: I'M NOT SAYING THAT, I'VE NEVER SAID THAT JOHN

DON: NO, I'M SAYING THAT EVEN IF

LAZ: IF YOU FEEL THAT NOW YOU'RE MAKING A MISTAKE

DON: EVEN IF THAT WAS THE CASE, I WOULD STILL PREFER NOT TO MAKE YOUR LIFE DIFFICULT WITHIN SHELL INTERNALLY

LAZ: UNFORTUNATELY, YOU'RE GOING TO DO THAT AUTOMATICALLY

DON: WELL, WELL, I DON'T KNOW THAT WHEN YOU SPEAK TO YOUR LAWYER SHE SUGGESTS THAT MAYBE YOU ARE INCORRECT THEN MAYBE YOU WOULD BE PREPARED TO TALK TO FIND SOME OTHER ANSWER TO IT

LAZ: IF SHE SAYS BACK-DOWN, THEN I'LL BACK-DOWN AND WE'LL HAVE TO PAY YOU WHATEVER WHATEVER YOU WANT

DON: WELL THEN WE

LAZ: I'M ENTIRELY BOUND BY WHAT SHE SAYS BUT I'M WARNING YOU THAT AS SOON AS I GO TO HER SHE WILL DRIVE THE PROCESS, NOT ME AND YOU WON'T HAVE ANYWAY OUT

DON: WELL ON MY SIDE ANDREW, THERE'S NO..THERE'S ONLY TWO OPTIONS HERE ISN'T THERE. LET YOU CARRY ON AND TALK TO YOUR LAWYER OR WHATEVER IT IS YOU DECIDE TO DO OR TO DROP IT, THERE IS NO OTHER OPTION. I DON'T WANT TO DROP IT SO THAT'S IT ISN'T IT

LAZ: OKAY, IT'S WHERE YOU'RE DRIVING ~~IT~~ IT.

DON: IT'S EITHER DROP IT OR GO AHEAD WITH IT. THERE IS NO OTHER MIDDLE ROUTE THAT I KNOW OF AND I AM SAYING THAT TALK TO YOUR LAWYER, GET HER ADVICE, SEE WHAT SHE THINKS ABOUT IT BECAUSE AS FAR AS I KNOW WHAT YOU'RE SAYING ABOUT THIS IS BASED ON YOUR OWN REACTION TO IT

LAZ: NO, MY OWN, MY TEAM'S AND MY MANAGEMENT

DON: RIGHT, SO IT'S YOUR OWN COLLEAGUES THERE AND YOUR MANAGEMENT

LAZ: AND INDEED IT'S ^{STILL} ON A INDEPENDENT ADVICE

DON: INDEPENDENT ADVICE AS WELL

LAZ: JUST FROM OTHER INDUSTRY PEOPLE

DON: RIGHT, OKAY. WELL THE ADVICE THAT WE ARE GETTING SEEMS TO BE DIFFERENT. YOUR OWN EXPERIENCE IS MAKING YOU DECIDE ONE WAY, MINE IS MAKING ME DECIDE ANOTHER. UNFORTUNATE BUSINESS, I'LL LEAVE IT TO YOU TO TALK TO YOUR LAWYER AND SEE WHAT SHE HAS TO SAY AND I WILL DISCUSS THIS FURTHER WITH MY OWN COLLEAGUES. I WILL RELAY THAT WHAT YOU SAID THAT WE WON'T HAVE ANY FURTHER NEWS UNTIL TOWARDS THE END OF NEXT WEEK

LAZ: YES, BUT THAT'S A PHYSICAL IMPOSSIBILITY. IT CAN'T BE DONE. I'M NOT TRYING TO BE AWKWARD BUT THAT'S LIFE

DON: WELL, WHETHER THAT IS ACCEPTABLE OR NOT ANDREW I DON'T KNOW BECAUSE I AM NOT

LAZ: ACCEPTABLE TO WHO

DON: ACCEPTABLE TO US

LAZ: WELL IF IT ISN'T THEN YOU'RE GOING TO HAVE TO GIVE ME A CALL BACK AND SAY THAT IT'S NOT AND DEMAND A FURTHER MEETING SOONER

DON: WELL OKAY I WILL DISCUSS IT WITH OUR OWN PEOPLE AND PERHAPS BY NEXT TIME THAT WE MEET OR WE TALK ON THE PHONE, PERHAPS BY THEN YOU WILL HAVE SPOKEN TO YOUR LEGAL PERSON, I DON'T KNOW

LAZ: I HOPE SO UNLESS YOU CALL TOMORROW OR MONDAY MORNING EARLY

DON: WOULD.. DO YOU SUGGEST THEN, THAT I PHONE YOU BACK NEXT TUESDAY SAY GIVE YOU ...

LAZ: I DON'T KNOW BECAUSE I HAVEN'T LOOKED AT MY LAWYER'S DIARY SO I DON'T KNOW WHEN SHE IS GOING TO BE FREE

DON: OKAY

LAZ: I SUGGESTED THAT YOU CALLED ME IN THE MORNING BUT YOU DIDN'T ...I DON'T KNOW WHY

DON: WELL BECAUSE I SENT ALL THOSE MATERIALS TO YOU WITH A COMPLIMENTS SLIP ASKING YOU TO PHONE ME WHEN YOU'D RECEIVED IT ...

LAZ: YES,

DON: ... SO PRESUMABLY YOU'VE DONE THAT AS SOON AS YOU COULD SO IT WOULDN'T HAVE MADE ANY DIFFERENCE IF I HAD PHONED THIS MORNING, I WOULDN'T HAVE GOT YOU IN ANY EVENT SO, WE'RE APPARENTLY TALKING AT THE EARLIEST POINT THAT WE COULD

LAZ: ITS IS A FACTEOUS ARGUMENT BUT I DO PICK UP MY ANSWERING MACHINE MESSAGES MORE QUICKLY THEN MAIL. I WAS IN FACT EXPECTING YOUR LETTER ON MONDAY BUT IT DIDN'T ARRIVE ON MONDAY

DON: WELL SINCE YOU TOLD ME ANDREW THAT YOU WOULDN'T BE ABLE TO ... THAT YOU WOULDN'T BE IN THE OFFICE TO LOOK AT IT UNTIL THURSDAY, I THOUGHT WHY RUSH IT, I MAY AS WELL SIT DOWN AND THINK THIS THROUGH AND ALSO GET SOME ADVICE BECAUSE I DON'T, THERE IS STILL A POSSIBILITY OF WITHDRAWING FROM THIS AND MAYBE MAYBE WE'LL STILL BE ABLE TO HAVE A RELATIONSHIP WITH SHELL BUT I GOT MY ADVICE AND THAT SUPPORTED MY OWN THOUGHTS ON IT AND MY COLLEAGUE'S THOUGHTS

LAZ: YOU CAN STILL WITHDRAW, YOU CAN CALL ME ON TUESDAY MORNING IF YOU NEED A MEETING SOONER THEN WHEN I COULD SET ONE UP UM.. BUT IN THE MEANTIME, IF YOU WOULD SEND ME A COPY OF THE ORIGINAL PROPOSAL

DON: I WILL SEND YOU A COPY OF THE ORIGINAL PROPOSAL. WE WILL NOT BE WITHDRAWING NOT BASED ON OUR OWN OPINION AND THE OPINION OF OTHER THIRD PARTY WHO ARE EXPERTS IN THIS AREA. I'LL LEAVE IT TO YOU TO TALK TO YOUR SOLICITOR AND I'LL GIVE YOU A CALL A COUPLE OF TIMES, MONDAY EVENING SAY, TUESDAY MORNING, IF I DON'T GET YOU, THEN, THEN THAT'S JUST ONE OF THOSE THINGS

LAZ: OKAY

DON: SHALL WE LEAVE IT LIKE THAT

LAZ: YES

DON: OKAY ANDREW

LAZ: OKAY

DON: THANK YOU, BYE

LAZ: BYE