



CEDR Accreditation:	2019
CEDR Panel	2022
Languages:	English, French, Chinese (Mandarin), Spanish
Location:	United Kingdom, France

“his ability to quickly assimilate complex technical concepts and key commercial issues at stake”

“high level of emotional and situational intelligence”

Client Feedback

Nicolas Fournier

Overview

Nicolas Fournier is a full-time commercial mediator, after a first 25-year career as CEO / Managing Director in listed international industrial companies.

He has mediated commercial and legal disputes involving commercial contracts, merger & acquisition protocols, conflicting episodes between shareholders, most of them either fully in English or fully in French, sometimes using a mix of languages, including also Spanish or Mandarin.

Nicolas Fournier makes available to parties engaged in dispute resolution and conflict management thirty years of people and business management experience in international, multi-cultural and multi-ethnic contexts.

He lived in China for ten years and worked from Shanghai in Asia (China, Korea, Japan, Philippines, Vietnam, India, Thailand, Myanmar, Malaysia, Indonesia), worked for six years in Central & Eastern Europe (EU countries and CIS countries) and has been living for the last twelve years in the UK.

Expertise

- Civil
- Construction
- Insolvency
- Logistics, Transport, Distribution
- Manufacturing – Maintenance
- Maritime
- Medical
- Power & Renewables
- Religious Communities
- Shareholders & Partnerships
- Wills & Probate

Dispute Experience

Civil

- Dispute between an individual and an association in charge of allotments.
- Dispute between an aggrieved family in the UK and a funeral provider.

Construction

- Multimillion 14-year dispute between a cinema company and a set of construction companies, architects, general contractor and subcontractors in France around water damages. Initial indictment of 18 parties eventually boiled down to 5 defendants. Settlement crowned a two-level mediation engineering process enabling on one hand the claimant to accept to settle on the indemnity payment and on the other hand a fair and acceptable sharing of the multi-million indemnity payment between defendants.
- Multimillion multi-parties 9-year dispute between several European companies following a roof collapse in a listed building in a European capital city. The initial set of 10 parties was eventually boiled down to the 6 ones that were critical to extinguish all claims and counterclaims and signed the settlement agreement, and 6 flows of cash altogether.
- Multimillion dispute between an international hotel company and a construction company in France, with a third party (insurance company) staying in the shadows all through the mediation process, but instrumental in the end to reach a settlement.
- An international dispute around a city park in Asia between the three partners (two European and one Asian) following 10 years of difficult partnership. Engineering of a sophisticated

solution to the dispute entailing 9 parties paying or receiving, 15 flows of cash and extinguishing all claims and counterclaims.

- Multimillion dispute around a one billion Euros project to renovate and enlarge one of the biggest train stations in Europe.
- Litigation between a council authority, an architect and a construction company around the construction of river bridge in France.

Insolvency

- Multimillion insolvency of a couple in the agro farming business. Wills and probate

Logistics, Transport and Distribution

- Dispute around the end of a logistics contract between a major gardening retailer and a logistics platform in France.
- Multi-parties international dispute between the owner of rail tank cars, the customer and the various contractors and subcontractors in charge of refurbishment. Shareholders and partnerships

Shareholders and Partnerships

- Dispute between shareholders of a family medium size business about the shareholding and ownership structure. After several years of standstill, deal closed in a couple of months with a 10m€ settlement.
- Investors dispute on some real estate projects not delivering the contractually agreed payback on loans.
- International shareholders dispute: 13-year dispute in a UK-France-Egypt real estate company.

Manufacturing – Maintenance

- Multi-million litigation between an industrialist, an equipment manufacturer and 3 insurance companies around a deficient drying mill in France.
- Dispute around subcontracting contracts between maintenance service providers in France for a large transportation company.

Power & Renewables

- Litigation between an international investment fund owning photovoltaic panels power generating plants in France and contractor that built it following underperformance and PID problems on some panels

Religious Communities

- Dispute between a Catholic priest and an international missionary organisation.

Wills and Probate

- Dispute (tens of millions) between the heirs of an estate comprising assets in several countries in the Middle East, in the UK and in Jersey. (Co-Mediator)

Miscellaneous Examples of High Value Complex Cases as the Lead Negotiator or Principal or Otherwise Directly Involved

Shareholders and partnerships

- Successful foundation and leadership as CEO for five years of a 50-50 partnership between French Lafarge and Australian Boral in Asia and the Middle East. The JV was totally balanced (no casting vote at board level). No deadlock ever at board level during the period. Close to ten times multiple of valuation at the end of the JV after 11 years of existence. *(Principal and lead negotiator)*
- Led a negotiation during three years over a complex relationship between a multinational group and a Hungarian family-owned business, resulting in a successful partnership of several hundreds of millions of Euros covering Austria, Czech Rep., Slovakia, Slovenia and Hungary, creating financial value for both parties but also meeting several other initially hidden agendas. *(Principal and lead negotiator)*
- Negotiation between a senior management team and a Private Equity firm around a 5bn€ Management Buy-In acquisition. *(Principal and lead negotiator)*

- Successful foundation and leadership as the first CEO of a tripartite JV in Shanghai between French, Japanese and Chinese partners. (*Lead negotiator*) Organisational
- Handled a festering conflict around territories between the individual country managers of a multinational group in Central Europe leading to a change of perspective and resulting in several millions of Euros of improved results and considerably enhanced relationships, communication and team spirit. (*Principal*)

Wills and probate

- Claim for professional negligence by the beneficiary of a Channel Island trust, against the law-firm that represented him.
- Feud between 2 brothers around inheritance in the UK.

Power and Renewables

- A dispute between CEO of a multinational company and the then Venezuela Minister of Energy about significant (several tens of millions of USD) outstanding Accounts Receivables payments. This included a 3-day session in Caracas. (*Lead negotiator*)

Medical

- Mediation between 60 medical doctors who are joint shareholders of an independent private hospital in France. Negotiation assistance to the management team for a potential M&A deal with several PE funds.

Maritime

- Complex tri-partite dispute ahead of an oncoming arbitration between an Asian chemical company, a charterer and a ship owner, following the damage caused by a cargo of potentially off-specifications chemical product to the ship's tanks.

Feedback

Settlement

- “reach a settlement that satisfies every single party (because Mr. Fournier cares for each one, without exception).”
- “enabled to reach a settlement satisfactory to all parties involved” o “Nicolas ensured that all aspects of the dispute could have an ‘exit from the top’” o “Nicolas’ professionalism and

engagement enabled to reach a settlement in a particularly difficult context of sour relationships, sometimes openly confrontational.”

- “through your benevolent attitude and with a dose of patience that was impressive to me, you were able to bring about a consensus even though, at the outset, the positions of the parties were far apart.”
- “participated to 2 cases, as legal counsel, that both found an amicable solution, while parties in both cases had been blazingly opposed for many years.”
- “this mediation rapidly led to a settlement, allowing parties to end an arbitration process and to re-establish soothed commercial relationships”
- “settled a case that had been festering for 14 years” o “settled a litigation that had been endlessly going on for 9 years and was just getting into a first appeal process”
- “Despite the high financial stakes involved, you conducted this mediation to a settlement in one single plenary meeting, which, in my view, was both remarkable and unexpected.”

Understanding of the problems – Management of complexity – Problem solving

- “his ability to quickly assimilate complex technical concepts and understand and use the jargon of the industry”
- “Nicolas was able to quickly grasp the core elements of a highly complex financial and commercial situation and he was the one who first envisioned what a solution could look like.”
- “He was totally on top of the numbers and helped us to see in a simple way the financial implications of the various options in terms of sharing of responsibilities between insurance companies.”
- “The spreadsheets he was building live, for all of us to see, on zoom or face to face – often complex– and that he sent us afterwards as part of minutes after each private meeting have been for me an unquestionable « plus » in this mediation.”
- “your perception of the real deep needs of the parties, even when implicit” o “you were able to understand the blocking points, particularly the personal ones of the players.” o “Nicolas has a real knack for imaginative thinking; sees the big picture yet pragmatic enough to develop strategies for tangible achievements.”
- “Very creative and prone to develop innovative solutions to problems.”

Attitude and role as a mediator

- has all the qualities of a successful mediator: patient, listening, calm and lucid on the personality of each one”
- “his faith in the chances of reaching an amicable solution, despite incidents and setbacks. Resolutely optimistic”
- “his courtesy, kindness and gentleness in all circumstances” o “high level of emotional and situational intelligence, good capability to adjust himself.” o “culturally aware... particularly Asia and Central Europe” o “calm, comfortable and alert” o “authentic qualities of active listening, respect and empathy” o “Nicolas maintained a calm exterior even when one party became escalated. After offering the party space for catharsis, he shared some possibilities for next process steps”
- “drawing on wider mediation experience and awareness which emphasised his authority as mediator.” o “His choice of language emphasised his neutrality” o “natural confidence in the role of the mediator” o “Nicolas’ own confidence in the process and in the role of mediator” o “constant availability, particularly in the most critical moments” o “establishes authority in a quiet but clear manner” o “carefully uses language to influence the parties and the mediation process” o “Nicolas Fournier is a mediator whose faith in the process makes miracles. His perfect mastery of the mediation technics together with this quality makes him an outstanding mediator.”

Process

- “the parties seemed to feel like they were in safe hands and participating in productive conversations.” o “His setting up of regular meetings made it possible, step by step, to inch our way towards a negotiated agreement, satisfactory to all parties, while the vast majority of them was persuaded from the beginning that the mediation was doomed and would fail.”
- “Through a sustained rhythm of meetings, you were also able to create the conditions for an agreement that was satisfactory to all”
- “his capacity to use private meetings to prepare the plenary sessions, then, during them or after them, to make the thinking of the parties evolve to gradually bridge the gap differences of the original positions.”
- “sometimes reframing one of the parties, sometimes reassuring the other, always directed towards the objective to end up settling.”
- “Created a dynamic of exchanges between the parties at a time they were not ready to engage into mediation, enabling a gradual acceptance by all parties of the principle of mediation.”
- “Initially, a completely confidential phase consisting of an "early intervention" enabled Nicolas to grasp the various issues at stake in the dispute and to explain his pragmatic and innovative approach to certain stakeholders in order to get them on board.”

- “it took 6 months of efforts for Nicolas to successfully bring around the table the six main parties that were needed to extinguish all ongoing litigations. And 12 days to reach a settlement after this first plenary session...”

Mediation, Negotiation and other Training

- 2019 CMC registered mediator (Civil Mediation Council), UK.
- 2019 Médiateur - Certification ESCP Europe / CMAP – Paris, France
- 2019 Complex Negotiation - Certified ADN – Paris, France
- 2018 CEDR Accredited Mediator (Centre for Effective Dispute Resolution) - London, UK.
- 1987 – 1988 Philosophy and Theology Studies, Jesuits' University (Centre Sèvres), Paris.
- 1985 – 1986 Master's in Economics (DEA) - Nancy, France.
- 1984 – 1986 Master's Degree in Forestry (AgroParisTech) - Paris, France.
- 1981 – 1984 Master's Degree in Mathematics and Physics - Ecole Polytechnique - Paris, France.
- 1978 – 1981 Bachelor Degree: Mathematics and Physics, Ecole St Genevieve, Versailles, France.

Case Summary

- 2022 – present Civil Mediation Council (London) – Deputy Chair
- 2020 – present Thomas More Chambers (leading set of barristers in London) – Associate Mediator 2017 – present Mint Advisory Ltd (management services), Commercial Mediation & Mentoring.
- 2018 – 2019 InterCement (Camargo Corrêa Group, Brazil), Non-Executive Director.
- 2015 – 2017 Aggreko PLC, Managing Director, Power Solutions Division, London.
- 2014 – 2015 Investment vehicle (entrepreneurial projects), CEO.
- 1993 – 2013 Lafarge Group, various senior executive roles in Europe and Asia including 5-yr CEO of a 50-50 JV.
- 1988 – 1993 Lapeyre Group.