

“Let’s Get Ready To Rumble”¹
Analysis of Manny Pacquiao and Floyd Mayweather Jr.’s Ongoing Negotiation

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¹ Boxing announcer Michael Buffer exclaims his trademarked catch phrase “let’s get ready to rumble” prior to the matches he announces.

Introduction

Manny Pacquiao (“Pacquiao”) is the World Boxing Organization’s (“WBO”) welter weight champion with a career record of fifty-four wins, three defeats, and two draws.² He is ranked as the best pound for pound boxer in the world by “The Ring” magazine.³ He was named “Fighter of the Decade” for the period of 2000 through 2010 by the Boxing Writers Association of America, and he was bestowed the title “fighter of the year” in 2006, 2008, and 2009.⁴ He has won eight world championships in eight different boxing weight classes,⁵ and is WBO’s “super champion.”⁶

Floyd Mayweather Jr. (“Mayweather”) is the World Boxing Council’s welter weight champion with an undefeated career record of forty-two wins.⁷ “The Ring” magazine ranks him as the second best pound for pound boxer in the world, however, Mayweather is regarded as the best pound for pound boxer by several sports and boxing press sources including ESPN, BBC Sports, Fox Sports, Yahoo, and BoxRec.⁸ Mayweather earned the title “fighter of the year” in 1998 and 2007,⁹ and he has won nine world championships in five different weight classes.¹⁰

Mayweather and Pacquiao have never fought. Insiders and fans thought the fight would

² *Pound for Pound*, The Ring, Sports & Enter. Publ’n, LLC (Nov. 7, 2011), <http://ringtv.craveonline.com/ratings>. The Ring is the official list of the pound for pound boxing ratings. In the industry, it is referred to as the bible of boxing.

³ *Id.*

⁴ Alastair Himmer, *Pacquiao named fighter of the decade*, Reuters (Jun. 5, 2010), <http://www.reuters.com/article/2010/06/05/us-boxing-pacquiao-award-idUSTRE6541BX20100605>.

⁵ Mark Lamport-Stokes, *Eighth world title gives Pacquiao unique status*, Reuters (Nov. 14, 2010), <http://uk.reuters.com/article/2010/11/14/uk-boxing-pacquiao-idUKTRE6AD0NL20101114>.

⁶ *Pound for Pound*, The Ring, Sports & Enter. Publ’n, LLC (Nov. 7, 2011), <http://ringtv.craveonline.com/ratings>

⁷ *Id.*

⁸ See Floyd Mayweather Jr, *Fights*, Floyd Mayweather Official Homepage (last updated Nov. 25, 2011), <http://www.floydmayweather.com/fights/>; see also Chris Manix, *Pound for Pound Top 15*, Sports Illustrated (Nov. 14, 2011) (finding along with ESPN, BBC Sports, Yahoo Sports, Fox Sports, and BoxRec that Mayweather is the top pound for pound boxer in the world while Pacquiao is ranked second best pound for pound boxer in the world).

⁹ SosoBoxing, *Floyd Mayweather Jr.*, SOSOBOXING (Last Updated 2011), <http://sosoboxing.com/videos/boxers-a-z/floyd-mayweather-jr/>.

¹⁰ See Floyd Mayweather Jr, *Fights*, Floyd Mayweather Official Homepage (last updated Nov. 25, 2011), <http://www.floydmayweather.com/fights/>.

never happen because Mayweather officially announced his retirement from boxing in June of 2008, but on May 2, 2009, Mayweather announced his return to boxing against Juan Marquez.¹¹ Coming out of his short retirement, Mayweather stated that he “only wanted to fight the best,” and according to ESPN’s boxing insider Dan Rafael, “in [Mayweather’s] mind, he knows there is only one Godzilla, and that’s a fight with Pacquiao.”¹²

The media and fans have dubbed the potential showdown between Mayweather and Pacquiao the “dream fight,”¹³ the “super fight,”¹⁴ and the “mega-fight.”¹⁵ The dream fight may be just that, a dream, a fight that will never come to fruition. The dream fight, if it occurs, will be the biggest financial night in boxing history.¹⁶ The financials are just one aspect of the dream fight pie. The fight will reenergize the waning boxing fan base; and, the fight will finally determine who is the best pound for pound fighter of the decade. However, the egos and interests of Pacquiao, Mayweather, and their respective representations have clashed at every stage of the negotiation process equating to an overall failed negotiation. The two sides have gone blow for blow with one another over the distribution of the fight purse, the fight date and venue, fighter’s weight, steroid testing, and weight of boxing gloves. Both sides have accused the other side of lying and twisting media reports. Furthermore, lawsuits and gag orders have been filed, mediation by a retired federal judge has failed, and both sides continue to blame the other for the failed negotiation.

¹¹ Mayweather Press Release, *Mayweather v. Marquez: “Number One/ Numero Uno Set For July 18*, FightHype (May 2, 2009), <http://www.fighthype.com/pages/content4868.html>.

¹² Dan Rafael, *Mayweather Jr. Close to Return*, ESPN Boxing (March 19, 2009) <http://sports.espn.go.com/sports/boxing/news/story?id=3994843>.

¹³ Michael Marley, *Fool-proof plan to get Mayweather-Pacquiao super fight signed*, [pacquiaoovsmayweather.net](http://www.pacquiaoovsmayweather.net) (Nov. 21, 2011) <http://www.pacquiaoovsmayweather.net/foolproof-plan-how-to-make-the-mayweather-pacquiao-super-fight-reality-now/>.

¹⁴ See *id.*

¹⁵ Dan Rafael, *No Megafight*, ESPN Boxing (Nov. 15, 2011) http://espn.go.com/boxing/story/_/id/7235880/floyd-mayweather-jr-aide-says-manny-pacquiao-camp-even-talk-fight.

¹⁶ Ben Thompson, *Mayweather-Pacquiao Negotiations* (June 21, 2011) <http://fighthype.com/pages/mayweather-pacquiao-negotiations-timeline-1.html>.

This paper analyzes the negotiations between Mayweather and Pacquiao, exploring the negotiating styles, rhetoric, and shortcomings of both sides in chronological order. Part I evaluates the pre-official negotiations where the parties sparred back and forth through media outlets. Part II analyzes the intense negotiations which resulted in both fighters fighting different opponents. Part III offers a solution to moving the fight from the media outlets and into the ring.

I. The Unofficial Negotiations

After Mayweather officially announced his return to the ring, immense excitement circulated in the media and boxing community about a potential dream fight between Mayweather and Pacquiao.¹⁷ The negotiations for a fight were imminent following Pacquiao's fight with Ricky Hatton on May 2, 2009;¹⁸ however, the official negotiations would not start until November 15, 2009 after Pacquiao defeated Miguel Cotto and Mayweather beat Juan Marquez.¹⁹ Consequently, the two camps were left to prepare for the mixed-motive Mayweather-Pacquiao fight negotiations for seven months. To varying degrees, negotiation preparation consists of evaluating one's self, the other party, and the overall situation²⁰ in order to arrive at the negotiation table with a clear objective and understanding of the interests of both parties to better reach and maximize an agreement for the dream fight.

Instead of preparing and evaluating the relevant aforementioned factors for the negotiation, both parties utilized the media in the negotiation preparation period to set a strong positional stance of uncooperative precedent and hard bargaining. Bob Arum ("Arum"), Pacquiao's fight promoter, in an interview about the potential dream fight, stated "f***

¹⁷ Ben Thompson, *Marquez is Backup Plan If Mayweather Negotiations Fail*, FightHype (Apr. 3, 2011) <http://fighthype.com/pages/content4658.html>.

¹⁸ *See id.* The fight with Ricky Hatton would take place 2 months after the notification that Mayweather was returning to the ring.

¹⁹ Simon Ruvalcaba, *Golden Boy Given Green Light to Begin Mayweather vs. Pacquiao Negotiations*, FightHype (Nov. 15, 2009) <http://www.fighthype.com/pages/content6228.html> (reporting that Golden Boy promotions have given the green light allowing the negotiations for the dream fight to start).

²⁰ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 13 (Sally Yagan et al. eds., 5th ed. 2012).

Mayweather, Pacquiao's the big attraction. [Mayweather] has to come to us if he wants it. If he doesn't come to us, there's dozens of other guys we can fight."²¹ Consequently, Pacquiao's camp began the preparation period emphasizing that the negotiation was a fixed pie²² with the negotiators preparing "themselves for attack."²³ Pacquiao's camp set a strong position (positional negotiator) out of the start, stating that the target point²⁴ will be purely at Pacquiao's discretion— if Mayweather wants the fight, he will have to come to Pacquiao's terms. Therefore, the initial target point is set too high because if the only way the fight can occur is on Pacquiao's terms, concessions²⁵ and creative solutions in the negotiation will be at a minimum.

Furthermore, an additional problem with the positional bargaining approach taken by Pacquiao's camp is that it reinforces egocentrism²⁶ which is amplified when two professional athletes at the top of their sport are confronted with hard line positions. The positions each camps take become part of their self-concepts, "making any opposition an ego threat."²⁷ Mayweather through several media outlets stated that he would not agree to a 50-50 purse split with Pacquiao; in fact, Mayweather demanded a 60-40 split in his favor stating it "would be a cold day in hell" before he agreed to a 50-50 split.²⁸ Defensive behavior and competitive communications ensued as Pacquiao's promoter Arum replied that "[Mayweather] is not the attraction. [Mayweather] has no idea what he is talking about . . . whoever faces Pacquiao next

²¹ Boxing Insider, Bob Arum on Pacquiao vs. Mayweather, BoxingInsider.com (Apr. 16, 2009) <http://www.boxinginsider.com/headlines/bob-arum-on-pacquiao-vs-mayweather/>.

²² L. Thompson, & R. Hastie, *Social Perception in Negotiation*, Organization Behavior and Human Decision Process, 47(1), 1990, at 98.

²³ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 13 (Sally Yagan et al. eds., 5th ed. 2012).

²⁴ *Id.* at 14 (stating that the positional negotiator is sets the target point too high).

²⁵ *Id.* (stating that positional negotiators are too tough and refuse to make any concessions).

²⁶ *See id.* at 6.

²⁷ *See id.* at 15 (stating that "people quickly develop ownership of the arguments and positions they make, and these positions become part of people's self-concept, making any opposition an ego threat").

²⁸ Michael Rosenthal, Roach Wants Pacquiao to have interim fight, *The Ring* (May 7, 2009) <http://ringtv.craveonline.com/blog/121023-roach-wants-pacquiao-to-have-interim-fight> (saying that Pacquiao will not agree to a 60-40 split and infers that a 50-50 split may not be acceptable to Pacquiao either).

should be happy with 30, 32, 35 percent of the purse and that includes Mayweather.”²⁹

Consequently, the ego defensive behavior by Mayweather and Pacquiao snowballed into competitive communication, retaliatory behavior, negative perceptions of the counterparty, and attitude polarization.³⁰ Therefore, instead of evaluating their respective positions and preparing for a negotiation, both camps exhibited counter-productive egocentric behavior transforming the negotiation into a hard bargain list of demands aimed to build up one’s ego and attack the other’s ego, resulting in a negotiation deadlock before the actual negotiations had started— an ego based deadlock that is very difficult to overcome.

The media reports emphasize the ego-based positions held by Mayweather and Pacquiao toward one another, however, a key attribute in the pre-negotiation phase and once the actual negotiations begin, are the additional parties in both the Pacquiao and Mayweather camps. Bob Arum, Richard Schaeffer (“Schaeffer,” Golden Boy Promotions CEO, and Mayweather’s promoter), and Floyd Mayweather Senior (“Mayweather Sr.”) are hidden table³¹ (at this pre-negotiation stage) parties to the negotiation. The additional parties’ interests are never fully explored or discussed through the negotiations, but each party has immense influence on the process and outcome. Pacquiao openly defers his judgment to his team, specifically his promoter Arum. Pacquiao stated that he will fight whoever his team chooses, “just as long as [his] team

²⁹ Abac Cordero, *Arum scoffs at Floyd’s 60/40 offer*, Philippine Star (Jun. 1, 2009) <http://www.philstar.com/SportsArticle.aspx?articleId=473384&publicationSubCategoryId=69>.

³⁰ C. De Dreu & D. Van Knippenberg, *the possessive self as a barrier to conflict resolution: Effects of mere ownership, process accountability, and self-concept clarity on competitive cognitions and behavior*, *Journal of Personality and Social Psychology*, 2005, at 89(3), 351.

³¹ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 27 (Sally Yagan et al. eds., 5th ed. 2012) (quoting R. Friedman, *The culture of mediation: Private understandings in the context of public conflict*, *Hidden Conflict: Uncovering behind the scenes disputes* (D. Kob et al. eds. 1992) at 143-64) (stating that parties are readily identified when they are physically present, but often the most important parties are not present at the negotiation table. Such parties are known as the hidden table).

chooses wisely, and everything is fair and right.”³² Consequently, one major concern is that the additional parties complicate the negotiation situation enormously,³³ which is illustrated by who is making the overall decisions, and based on Pacquiao’s comments, one may reasonably conclude that Arum at this stage may be driving the actual negotiation. Therefore, all of the parties’ key interests must be brought to the forefront, and their perceived differences need to be addressed and resolved.³⁴

The additional parties further divide Pacquiao and Mayweather’s ultimate interest of having a fight through in-group bias³⁵ which they cultivate and release to the media as an ego attack on Pacquiao or Mayweather. Arum, combined with his superiority belief that Pacquiao should control the negotiations and his grudge against rival producer Schaeffer, openly targets Mayweather, stating that Mayweather should fight Shane Mosley. “But that Mayweather won’t take that fight. He won’t take any fight where there is any possibility he might lose . . . He won’t take a chance like a normal fighter . . . [he only cares about] his legacy and [retiring] undefeated.”³⁶ Consequently, in-group bias propels groups toward conflict through superiority and distrust.³⁷ Furthermore, the in-group persona may amplify the ego defense responses by downward social comparison where each group views the other group as inferior.³⁸ In response to the egocentric driven insults by Arum, Mayweather Sr. accused Pacquiao of using

³² Ben Thompson, *Pacquiao plays the waiting game, but you already know the winner*, FightHype (Jun. 2, 2009) <http://fighthype.com/pages/content5014.html>.

³³ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 217 (Sally Yagan et al. eds., 5th ed. 2012).

³⁴ *Id.*

³⁵ *Id.* at 245 (stating that in-group bias creates conflict through superiority, injustice, vulnerability, distrust, and helplessness).

³⁶ Rick Reeno, *Floyd Mayweather should fight Shane Mosley, says Arum*, BoxingScene.com (Oct. 7, 2009) <http://www.boxingscene.com/floyd-mayweather-fight-shane-mosley-says-arum--22672>.

³⁷ R. J. Eidelson & J. I. Eidelson, *Dangerous ideas: Five Beliefs that propel groups toward conflict*, *American Psychologist*, 2003, at 58(3), 182.

³⁸ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 245 (Sally Yagan et al. eds., 5th ed. 2012).

performance enhancing drugs.³⁹ Mayweather Sr. further infers that Pacquiao is inferior to Mayweather, and that even if Pacquiao is using steroids, it will not put the needed boxing knowledge in his head to compete at Mayweather's level.⁴⁰ Thus, although the official negotiations have not started at this point, the pre-negotiation phase has created huge rifts between the two parties through egocentric attacks further amplified by additional parties and in-group bias that illustrates the lack of proper preparation in understanding the interests of all the parties that will take place in the negotiation.

II. First Official Negotiations

On November 15, 2009, Mayweather informed Schaefer that he now had permission to begin negotiations with Pacquiao and Arum about a potential dream fight showdown.⁴¹ In early December of 2009, several inside sources reported that the immense fan pressure for the fight jolted Schaefer and Arum to set aside differences and reach an agreement.⁴² It was reported that Mayweather agreed to the biggest hurdles (at that time), and apart from a few minor details, the deal was completed.⁴³ However, the minor details escalated into large obstacles preventing an agreement to be reached. The major defeating obstacle to a successful negotiation rested in the attempted sequential bargaining where the Mayweather and Pacquiao teams discussed one issue at a time rather than utilizing simultaneous bargaining where several issues are under consideration at any given time.⁴⁴ By independently discussing each issue, "negotiators cannot

³⁹ Ben Thompson, *Does Mayweather Sr. Think Steroids Are The Secret of Pacquiao's Success?* FightHype (Sept. 15, 2009) <http://www.fighthype.com/pages/content5686.html>.

⁴⁰ *Id.*

⁴¹ Simon Ruvalcaba, *Golden Boy Given Green Light To Begin Mayweather vs. Pacquiao Negotiations*, FightHype (Nov. 15, 2009) <http://www.fighthype.com/pages/content6228.html>.

⁴² Tim Harrison, *Mayweather vs. Pacquiao nearly finalized?* FightHype (Dec. 1, 2009) <http://www.fighthype.com/pages/content6362.html>.

⁴³ Kevin Iole, *Mayweather-Pacquiao fight nearly finalized*, Yahoo! Sports (Dec. 1, 2009) <http://sports.yahoo.com/box/news?slug=ki-floydpac120109>.

⁴⁴ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 226 (Sally Yagan et al. eds., 5th ed. 2012).

fashion win-win trade-offs among issues.”⁴⁵ Furthermore, the negotiations were comprised of power stances, ineffective strategies, ego defenses, and questionable ethical tactics. This section addresses and analyzes the major negotiated terms and why no agreement was reached.

In mid-November of 2009, two venues appeared as the front runners for hosting the fight: Cowboy Stadium in Dallas, Texas and the MGM Grand Hotel in Las Vegas, Nevada.⁴⁶ Arum raised the potential for hosting the fight at Cowboy Stadium because Texas, like Nevada, has no state income tax, Cowboy Stadium can seat over one hundred thousand people, the stadium roof is retractable, and Jerry Jones, owner of the Dallas Cowboys, offered a reported \$25 million to host the fight.⁴⁷ The night before Arum and Ross Greenburg (HBO Sports President) were supposed to fly to Texas and meet with Jerry Jones to finalize his bid for the fight, Schaefer contacted Arum, and said he refuses to go to Texas.⁴⁸ When asked why Texas was not a viable Venue, Schaefer said there is not enough time to prepare an outdoor fight. Arum commented that his response “makes no sense” as the roof is retractable.⁴⁹

Furthermore, Arum stated that “maybe [Schaefer] had another reason [for not wanting the fight in Texas] that he didn’t articulate to me.”⁵⁰ Beyond other reasons, externally, Schaefer’s last minute trip cancellation and removal of a venue without proper reasoning was a socially destructive power play. If Cowboy Stadium was not a viable option, it makes little sense that Schaefer waited until the night before the trip to cancel it unless he purposely wanted to agitate and disrupt the negotiations because Cowboy Stadium was Arum’s idea, and the cancellation

⁴⁵ Mannix, Thompson, & Bazerman, *Negotiation in small groups*, Group Negotiation (Mannix et al. eds. 1993) at 54.

⁴⁶ Evan Korn, *Potential Mayweather-Pacquiao clash unlikely for the big apple*, FightHype, (Nov. 17, 2009) <http://www.fighthype.com/pages/content6262.html>.

⁴⁷ Dan Rafael, *Golden Boy CEO pulls out of tour*, ESPN Dallas/Fort Worth, (Dec. 10, 2009) <http://sports.espn.go.com/dallas/mlb/news/story?id=4729058>.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

humiliated Arum by forcing him to call off the meeting with Jerry Jones and Ross Greenburg. “Negotiators tend to like proposals that they make or ultimately accept more than other proposals; and they devalue proposals offered by the counterparty, not so much based upon the content of the proposal but upon who is offering it.”⁵¹ Thus, although Cowboy Stadium appears to be a viable option to host a large fight, the fact that the idea was proposed by Arum caused Schaefer to devalue the proposal and utilize an aggressive power play to reject Arum’s proposal.

In totality, Schaefer turned the venue negotiation into a social dilemma, specifically an ultimatum,⁵² where following the cancellation of the trip, Schaefer sent Arum a draft of a contract stating the venue must be the MGM Grand and nowhere else.⁵³ In response to the social dilemma power play, Arum stated that “I feel totally humiliated . . . and I really don’t think Floyd Mayweather had anything to do with it . . . I can’t see why Floyd would have an agenda here. I just can’t see that.”⁵⁴ Therefore, by not properly taking into account the additional parties’ interests, Schaefer engaged in a trust eliminating and socially disruptive power play resulting in a further rift between the two parties, and illustrated that the hard bargaining negotiation approach created more obstacles than agreement.

The next obstacle in reaching a fight agreement came from whether the date of the fight would be in March, May, or September of 2010.⁵⁵ Through sequential bargaining, no other fight issues were initially interlaced with date discussions.⁵⁶ The major date obstacle was that Pacquiao was recovering from a ruptured eardrum, and Pacquiao was running for political office

⁵¹ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 159 (Sally Yagan et al. eds., 5th ed. 2012).

⁵² *Id.* at 295-96

⁵³ Lem Satterfield, ‘*Totally Humiliated*’ Arum Pulls Out of Mayweather-Pacquiao Talks, AOL News, (Dec. 10, 2009) <http://www.aolnews.com/2009/12/10/totally-humiliated-arum-pulls-out-of-mayweather-pacquiao-talks/>.

⁵⁴ *Id.*

⁵⁵ Ronnie Nathanielsz, *Mayweather vs. Pacquiao Negotiations Hit a Snag*, BoxingScene.com, (Nov. 30, 2009) <http://www.boxingscene.com/mayweather-vs-pacquiao-negotiations-hit-snag--23811>.

⁵⁶ *Id.*

(House of Representatives) in the Philippines which held their elections in May of 2010.⁵⁷ Thus, the Mayweather camp wanted the fight to take place in March or May to limit Pacquiao's recovery period, and to overload Pacquiao's training schedule with election preparation activities. As each issue in sequential fashion is an independent negotiation, the date negotiation revealed the first time either party had alternatives, and the alternatives were clearly placed on the negotiation table.⁵⁸ Mayweather's interests in the fight date would be served by having the fight as early as possible and directly before or during the elections. Consequently, Mayweather's preferred date was in May to force Pacquiao to juggle fight preparation and the election; however, Mayweather's best alternative to a negotiated agreement⁵⁹ ("BATNA") was for the fight to take place in March to limit Pacquiao's recovery time and occupy his pre-fight routine with pre-election activities.

Although Pacquiao was concerned with recovery time from his eardrum rupture, a fight in May would be incredibly difficult with the elections taking place.⁶⁰ Consequently, Pacquiao's target point⁶¹ was a mid-March fight date with his BATNA being in September because the election in May would restrict his ability to thoroughly train in May, and the subsequent months would be filled with political activities if he won the election. (Pacquiao won a landslide victory and was elected to the House of Representatives).⁶² By matching Pacquiao's target point and Mayweather's BATNA, the two camps reached a tentative agreement to fight on March 13, 2010

⁵⁷ Ben Thompson, *Pacquiao agrees to March 13; Mayweather Clash "Pretty Much a Done Deal,"* FightHype, (Dec. 4, 2009) <http://www.fighthype.com/pages/content6401.html>.

⁵⁸ See Ronnie Nathanielsz, *Mayweather vs. Pacquiao Negotiations Hit a Snag*, BoxingScene.com, (Nov. 30, 2009) <http://www.boxingscene.com/mayweather-vs-pacquiao-negotiations-hit-snag--23811>.

⁵⁹ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 15 (Sally Yagan et al. eds., 5th ed. 2012).

⁶⁰ Ben Thompson, *Arum Insists on March 13th Date, But Roach is Reluctant*, FightHype, (Dec. 3, 2009) <http://www.fighthype.com/pages/content6394.html>.

⁶¹ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 19 (Sally Yagan et al. eds., 5th ed. 2012).

⁶² Nancy Gay, *Manny Pacquiao Declares Landslide Congressional Win in Philippines*, Boxing Fanhouse (May 10, 2010) <http://www.aolnews.com/2010/05/10/manny-pacquiao-declares-landslide-congressional-victory-in-phi/>.

conditioned on reaching an agreement as to the boxer's fight weight and boxing glove weight.⁶³

The core of the fight weight and glove weight negotiations were that Mayweather wanted to fight with ten ounce gloves at a fight weight limit of one hundred and fifty-four pounds while Pacquiao wanted to fight with eight ounce gloves at a fight weight limit of one hundred and forty- seven pounds.⁶⁴ Arum contested that the differences were trivial and would not halt the negotiations.⁶⁵ Arum's view on the negotiation fits squarely with the naïve realism principle in which "people expect others to hold views of the world similar to their own."⁶⁶ Arum's view was reasonable, Pacquiao is a much smaller person, and it would not be possible for him to reach a weight of one hundred and fifty-four pounds, let alone, maintain that weight up to the fight.⁶⁷ While Pacquiao's anchor point for the negotiation was actually a firm offer he could not move above, Mayweather's initial weight term offers were a high, though reasonable, anchor point.⁶⁸

However, under the extremism principle, "each side views the other [side] as holding more extreme and opposing views than is actually the case."⁶⁹ Mayweather agreed to Pacquiao's weight terms, however, Pacquiao fearing that Mayweather will not actually abide to the one hundred and forty-seven pound weight limit, requested a \$10 million per pound weight penalty.⁷⁰

⁶³ Ben Thompson, *Pacquiao agrees to March 13; Mayweather Clash "Pretty Much a Done Deal,"* FightHype, (Dec. 4, 2009) <http://www.fighthype.com/pages/content6401.html>.

⁶⁴ Mark Vester, *Mayweather wants Pacquiao at 154? Wants 10oz gloves?* BoxingScene.com, (Dec. 4, 2009) <http://www.boxingscene.com/mayweather-wants-pacquiao-154-wants-10oz-gloves--23910>.

⁶⁵ *See id.*

⁶⁶ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 246 (Sally Yagan et al. eds., 5th ed. 2012) (quoting Ross & Ward, "Naïve realism in everyday life").

⁶⁷ *See* Mark Vester, *Mayweather wants Pacquiao at 154? Wants 10oz gloves?* BoxingScene.com, (Dec. 4, 2009) <http://www.boxingscene.com/mayweather-wants-pacquiao-154-wants-10oz-gloves--23910> (inferring that the strategy difficulties is due to the size disparity between the fighters in addition to the other traits Mayweather possesses such as speed and defensive boxing).

⁶⁸ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 44 (Sally Yagan et al. eds., 5th ed. 2012) (Stating that "because you will usually never get more than your fist offer, your first offer represents an important anchor point in the negotiation").

⁶⁹ *Id.* at 246.

⁷⁰ *See* Ben Thompson, *Pacquiao requests \$10 million per pound weight penalty*, FightHype (Dec. 7, 2009); *see also* Nick Giongco, *Penalties eyed if Floyd is overweight*, Manila Bulletin Pub. Corp., (Dec. 7, 2009) <http://www.mb.com.ph/node/232991/penaltie>.

Media speculation and insider comments pointed out that the \$10 million per pound penalty is extreme and not in line with the more typical \$300,000 per pound weight penalty.⁷¹ However, Mayweather did not find the \$10 million weight penalty to be extreme considering the magnitude of the fight, nor did he find the penalty clause to be opposing his good will in agreeing to the one hundred and forty-seven pound weight limit.⁷² Therefore, the negotiation momentum appeared to be rolling as the extreme positions did reflect reality.

The steroid accusation first made by Mayweather Sr. through an ego defensive response in the pre-negotiation phase returned to the negotiation table delivering a knock-out to the negotiations and preventing the dream fight from taking place. In a “highly unconventional move,” representation of Mayweather demanded that both fighters be subjected to random, Olympic style (blood) drug testing leading up to the fight and directly following the fight.⁷³ According to Mayweather, the blood-drug testing is not negotiable, however, Pacquiao stated that he is willing to submit to as many random urine tests as required. But, because Pacquiao has problems with the drawing of blood, he will only submit to three blood tests: one given the week the fight is formally announced, a second thirty days from the fight, and a third directly following the fight in the locker room.⁷⁴ Dr. Keith Pyne, a private injury consultant for the NFL and athletes who compete in running and combat sports, stated that “urine testing is sufficient . . . you won’t miss anything, especially with performance enhancing drugs . . . as there is no way for the steroids to pass through the liver and kidney without being detected.”⁷⁵ In response, Mayweather’s side attacked Pacquiao’s ego claiming that the dream fight will not take place if

⁷¹ *See id.*

⁷² *Cf. id.* (team Pacquiao was concerned that Mayweather would come in at one hundred and fifty pounds at the official weigh-in. Without hesitation Mayweather agreed to include the penalty provision).

⁷³ David Mayo, *Mayweather’s representatives demand Olympic-style drug testing for Pacquiao fight*, Grand Rapids Press, (Dec. 12, 2009) http://www.mlive.com/mayweather/index.ssf/2009/12/floyd_mayweather_representativ.html.

⁷⁴ Bob Arum Press Release, *Regarding the blood tests, he will subject himself to 3 tests*, FightHype, (Dec. 23, 2009) <http://www.fighthype.com/pages/content6555.html>.

⁷⁵ *Id.*

Pacquiao does not agree to random blood testing, and that it is a poor excuse for a man who has tattoos all over his body to claim that he does not like to be “pricked” by needles.⁷⁶

Power negotiating is the “ability to coerce someone to do something he . . . would not otherwise do.”⁷⁷ Pacquiao’s stance is that Mayweather is attempting to bully him into taking additional blood tests, something that he normally would not do, by implying in their statements that Pacquiao is using performance enhancing drugs and, thus, injuring Pacquiao’s image through connecting it directly with steroid use.⁷⁸ The power negotiating strategy has one major flaw, power negotiating may be successful when one party is more dependent on the other party;⁷⁹ however, both parties are mutually dependent because the dream fight cannot occur without the other, and Mayweather and Pacquiao are both the top fighters with championship belts. In response to Mayweather’s power play, Pacquiao offered a twenty-four hour ultimatum—Mayweather must agree to Pacquiao’s drug testing terms or the fight will not occur.⁸⁰ Therefore, a deal cannot be made when both parties are not willing to budge through the implementation of power negotiation.

Pacquiao, however, emphasized that his refusal to agree to the blood testing is more than just a fear of needles or a firm power negotiation stance, but that the drawing of blood is actually a sacred value he refuses to breach. Sacred values are “those values and beliefs people regard to be so fundamental that they are not discussible nor debatable . . . Sacred values resist tradeoffs with other values”⁸¹ Pacquiao stated that withdrawing blood from his body is not natural in

⁷⁶ Ben Thompson, *Team Mayweather Standing Firm On Request For Random Blood Tests*, FightHype, (Dec. 23, 2009) <http://www.fighthype.com/pages/content6557.html>.

⁷⁷ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 105 (Sally Yagan et al. eds., 5th ed. 2012).

⁷⁸ See Lance Pugmire, *Mayweather Promoter: I’m not saying the fight is off*, LA Times, (Dec. 23, 2009) http://latimesblogs.latimes.com/sports_blog/2009/12/mayweather-promoter-im-not-saying-the-fight-is-off.html.

⁷⁹ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 105 (Sally Yagan et al. eds., 5th ed. 2012).

⁸⁰ Ben Thompson, *Arum issues Thursday deadline to Mayweather or fight is off*, FightHype, (Dec. 23, 2009) <http://www.fighthype.com/pages/content6554.html>.

⁸¹ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 272 (Sally Yagan et al. eds., 5th ed. 2012).

Philippine culture. Pacquiao stated that “the truth is taking blood out of my body does not seem natural to me, and mentally, I feel it will weaken me if blood is taken from me just days before the fight.”⁸² Consequently, Pacquiao’s camp offered a second ultimatum requiring Mayweather to agree to the drug testing terms (including the thirty day pre-fight blood draw) or the fight will not take place.⁸³ The “apparent” cross-cultural misunderstanding, though having the potential to derail the negotiation, never surfaced as an actual cause for the failed drug testing negotiations.

In actuality, Pacquiao’s cultural defense to not wanting to take the blood steroid tests turned out to be, in Mayweather’s perspective, active misrepresentation.⁸⁴ Pacquiao utilized his claimed fear of needles and a cultural defense to mislead the Mayweather camp into believing Pacquiao absolutely would not take a blood steroid test within thirty days prior to the fight. Documents confirmed that the HBO Sports video (which had just been released on HBO and followed Pacquiao as he prepared for the aforementioned fight with Ricky Hatton) showed Pacquiao giving blood for a steroid test leading up to his fight with Hatton was recorded twenty-four days prior to the Hatton fight and past the thirty day cut-off date that Pacquiao had demanded on in his Mayweather negotiations.⁸⁵ Although active misrepresentation may be strategic though unethical,⁸⁶ when discovered, it creates an intense situation of mistrust and disdain for the opposing party. A formula that is not conducive to a successful negotiation.

In response to the HBO footage date confirmation, the Nevada State Athletic Commission ordered Pacquiao and Mayweather to submit to steroid tests, which they both

⁸² Ben Thompson, *Pacquiao releases statement explaining his position on blood testing*, FightHype (Dec. 27, 2009) retrieved from FightHype.com.

⁸³ Michael Marley, *Arum: Mayweather wants to keep Pacquiao blood eight years*, Examiner (Dec. 26, 2009) <http://www.examiner.com/boxing-in-national/arum-mayweather-wants-to-keep-pacquiao-blood-eight-years>.

⁸⁴ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 170 (Sally Yagan et al. eds., 5th ed. 2012) (stating that active misrepresentation is when one party deliberately misleads their opponent).

⁸⁵ Rick Reeno, *Pacquiao’s Blood test was 24-Days Before Hatton Bout*, BoxingScene.com, (Dec. 29, 2009) <http://www.boxingscene.com/pacquiao-blood-test-24-days-hatton-bout--24398>.

⁸⁶ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 170 (Sally Yagan et al. eds., 5th ed. 2012).

passed.⁸⁷ Pacquiao insisted that he never took steroids,⁸⁸ but the steroid accusations became part of his self-concept, making all opposition an ego threat and image threat.⁸⁹ Through retaliatory efforts,⁹⁰ Pacquiao released negative perceptions⁹¹ of Mayweather and his team, stating that “I can’t believe these guys can lie without batting an eyelash . . . [they are the] culprits for the delay of the fight.”⁹² However, “one cannot characterize self-interest as bad faith. No particular demand in negotiations could be termed dishonest, even if it seemed outrageous to the other party. The proper recourse is to walk away from the bargaining table, not sue for bad faith negotiations.”⁹³ Pacquiao though, took the fight into the court room, filing a lawsuit against Mayweather, Mayweather Sr., and Schaefer for making false and defamatory statements out of “ill-will, spite, malice, revenge, and envy.”⁹⁴ Therefore, the power negotiations resulted in Mayweather and Pacquiao claiming the other side partook in active misrepresentation. The ego enthralled steroid test negotiations resulted in a further divide between the parties and created a hostile negotiation with no agreement reached.

In totality, the sequential bargaining prevented the parties from finding creative solutions and moving beyond the fixed-pie perception.⁹⁵ The negotiation pie was never fully understood as the interests of Arum and Schaefer were never realized. The official negotiations in the face of ongoing egocentric and power plays, including unethical negotiating behavior, created a rift between the parties resulting in a failed negotiation for what (still) could be the biggest financial

⁸⁷ Martin Rogers, *Nevada orders testing for Mayweather, Pacquiao*, Yahoo! Sports, (Dec. 28, 2009) <http://sports.yahoo.com/box/news?slug=ro-boxtests122809>.

⁸⁸ Bob Arum Press Release, *Manny Pacquiao: “Liars go to hell,”* FightHype, (Dec. 29, 2009) <http://www.fighthype.com/pages/content6591.html>.

⁸⁹ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 15 (Sally Yagan et al. eds., 5th ed. 2012).

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² Bob Arum Press Release, *Manny Pacquiao: “Liars go to hell,”* FightHype, (Dec. 29, 2009) <http://www.fighthype.com/pages/content6591.html>.

⁹³ *Feldman v. Allegheny Int’l Inc.*, 850 F.2d 1217 (7th Cir. 1988).

⁹⁴ Bob Arum Press Release, *Pacquiao Files Federal Defamation Lawsuit against Mayweathers, De La Hoya and Schaefer*, FightHype (Dec. 30, 2009) <http://www.fighthype.com/pages/content6600.html>.

⁹⁵ Leigh L. Thompson, *The Mind and Heart of The Negotiator* 185 (Sally Yagan et al. eds., 5th ed. 2012).

boxing match in history.

III. Moving The Fight Out Of The Media And Into The Ring

The Pacquiao-Mayweather dream fight will likely be the largest financial fight in boxing history. However, the dream fight negotiations are ripe to fail once again because of the sequential power bargaining and egocentric approaches both sides maintain. On the contrary, the negotiations can prove successful by following the proposed negotiation strategies. First, is to alter the platform from a power based approach to an interest based approach. Specifically, the fighters need to be reminded that their failure to fight is a direct slice into their egos, meaning that neither of them can be regarded as the best fighter of their generation if they do not fight and settle the dispute. Second, simultaneous bargaining must take place in an environment without the media hounding each individual move. Thus, the perception of who “won” the negotiation will not be as drastic if the media cannot observe every offer by both parties.

As to the specifics, the fight purse should be divided 50-50, but a ten percent bonus should be awarded to the winner of the fight. Therefore, no party will receive less than fifty percent, and the winner will receive sixty percent (the number both parties originally sought). Furthermore, the weight and venue negotiations should retain the results already agreed. Finally, an unlimited amount of random drug urine tests should be allowed per Mayweather’s request, and Pacquiao’s relentless agreement to that term. As to the blood testing, Pacquiao has established precedent that he is willing to partake in blood tests within thirty days prior to the fight. Consequently, unlimited blood testing should be allowed up to forty-five days prior to the fight. A mandatory test should be required thirty days and fourteen days before the fight. Also, a blood test should be taken days before the fight at the official weigh-ins and another test taken directly after the fight. Hence, the fans, media, and fighters will finally witness the dream fight.