



Strategic Negotiation in Consumer Disputes: A Telecommunications Case Study

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Abstract

This article offers a comprehensive single-case analysis of negotiation strategies in a consumer lawsuit. The plaintiff has filed a declaratory action against the telecommunications company to get paid for moral damages. As the parties engage in a delicate dance, each strives to attain its objectives. The article goes into great detail about how negotiations work, pointing out both the problems and the chances that come up when trying to use theoretical ideas in real-life conflicts. This article talks about negotiation strategies and how important it is to know what people really want and how to make things better when there is a disagreement.

Keywords:

Negotiation; Consumer Lawsuits; Telecommunications; Conflict Resolution

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1. Introduction

Recently, mass production and consumption have led to a disadvantage for consumers compared to more powerful suppliers, reducing their power of choice (Jacobs et al., 2011). This has led to the development of consumer law to regulate large-scale economic

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transactions and protect vulnerable parties. Cavalieri Filho (2011) states that consumer protection stands as a modern challenge to establish fair equality between suppliers and consumers while achieving market equilibrium according to Nishyama (2000).

This work presents a detailed single-case study of negotiation strategies in a consumer lawsuit in Brazil. This legal dispute is a declaratory action seeking compensation for moral damages filed by the plaintiff against the telecommunications company. As the parties engage in a delicate dance, each seeks to achieve its goals. This study offers a content analysis of the negotiation dynamics, highlighting both the challenges and opportunities in applying theoretical concepts to real-world disputes. This article delves into negotiation strategies, focusing on how important it is to understand underlying interests and create value in solving disputes. “Negotiation refers to a process in which individuals work together to formulate agreements about the issues in dispute. This process assumes that the parties involved are willing to communicate and to generate offers, counter-offers, or both.” (Rubin and Brown, 1975, p.461). As a field of research, Negotiation has been examined in various contexts, ranging from judicial reorganization (Vidaletti & Dias, 2025) to business negotiations (Delgado & Dias, 2025; Gasparini et al., 2025; Oliveira, Souza & Dias, 2025; Scheuer & Dias, 2025; Smejoff et al., 2025; Soliva & Dias, 2025; Valle, Trindade & Dias, 2025). This article investigates a Type IV negotiations, following Dias (2020) in a large extent, as depicted in Figure 1:



Figure 1 The Four-Type Negotiation Matrix
Source: Dias, 2020. Reprinted under permission.

2. Materials and Methods

In this article we used a qualitative approach, with an inductive rationale and an interpretive worldview, following Saunders et al. (2009). It adopts a descriptive, single-case study design, where the unit of analysis is the negotiation case between a telecommunications company and a client in a consumer lawsuit, as outlined by Yin (2004). The participants' real names and companies' identities were preserved due to compliance and ethical reasons.

3. Negotiation Background

The plaintiff claimed to have signed a contract with a Telecommunications company for telephone and broadband internet services with a monthly plan in the approximate amount of R\$163.91 (one hundred and sixty-three reais and ninety-one cents). The plaintiff claims that he accidentally blocked the IMEI[†] of his cell phone through the telephone application on 08/01/2025. The plaintiff stated that on 08/04/2025, he went to a Mobile store to request the unblocking of the pair, an opportunity in which he was informed that he would receive a response within 7 (seven) business days. The plaintiff did not receive a response from Telecommunications company, which is why he opened a new call with the company's ombudsman on 08/11/2025, in which he also requested that the invoice be issued proportionally, as he had not used the services during the period when the pair was blocked. Still without an answer, the plaintiff filed a call with ANATEL[‡]. The telecommunications company issued an invoice for the month of 08/2025 with a full amount, without making the discounts requested by the consumer, which is why the plaintiff did not make the payment and had his name registered in SERASA[§] due to the open debt.

The plaintiff requested the unblocking of the IMEI of his device, the unenforceability of the debt due to the charge being improper, the removal of his name from the credit protection registers, and the amount of R\$10,000 (ten thousand reais) as moral damages. Telecommunications company, on the other hand, understands that The plaintiff's debt is due for two reasons: (1) he has a control plan that works in the subscription mode, that is, he pays an amount and the gigabytes of internet and minutes are credited to his line, that is, it is not linked to the time of use, and the customer can use the entire package a single day or in the whole month. (2) The blocking of the device's IMEI was at the request of the customer himself. However, the telephone company understands that it took a long time to unblock and, therefore, has a medium chance of winning the lawsuit; it intends to agree. The preparation of the telephone company was as follows:

On the day of the conciliation hearing, Telecommunications Company had already unblocked the consumer's IMEI, but he was not yet aware of the unblocking. Aware that this type of lawsuit, which involves undue denial, has an average conviction of R\$5,000.00 (five thousand reais), the company found a ZOPA of R\$0.00 (zero reais) – R\$3,000.00 (three thousand reais) to maintain a margin of savings due to a possible conviction. The company also presented payment options: (a) Payment is made through discounts on invoices. (b) Payment in cash is due within 60 days, as per the company's payment flow. It presented an option to cancel the outstanding debts and exclude the name of the plaintiff from

[†] IMEI is the acronym for International Mobile Equipment Identity.

[‡] The National Telecommunications Agency (Anatel) was created by the General Telecommunications Law (Law 9,472, of July 16, 1997), is linked to the Communications Ministry (MCOM), and is the first regulatory agency to be installed in Brazil, on November 5, 1997.

[§] SERASA is an acronym for *Serviços Associados SA* (Consulting Services Inc.). It is an initiative of the Brazilian Federation of Banks (FEBRABAN), as a cooperative effort among several banks to standardize reports and forms, creating a single registration form, and thus speeding up banking decisions and improving control of the financial system. SERASA was created in 1968. In practice, SERASA produces economic indicators that serve as a reference for commerce, industry, and the services sector of Brazil's business environment.

SERASA. The BATNA, the ideal agreement for the company, would be for the plaintiff to accept a proposal involving only the rehabilitation of the device and cancellation of debts with the exclusion of SERASA, without involving payment of amounts. BATNA would allow the process to continue and wait for the judge's judgment of the case. Despite the average chance of victory, the plaintiff's requests could be rejected by the judiciary.

4. Negotiation Analysis

The telecommunications company made a successful analysis of the case, establishing a Zone of Possible Agreement (Zopa), establishing options and alternatives for negotiation, and a BATNA. In this regard, they could apply the techniques learned to prepare a negotiation in the specific case, which could provide a more beneficial agreement for the telecommunications company. The application of the concepts of ZOPA and BATNA is essential in any negotiation process. The ZOPA Zone of Possible Agreement delimits the values and conditions under which both parties can reach a consensus. The BATNA, on the other hand, the best alternative in case of no agreement, serves as a basis for knowing how far it is advantageous to negotiate. Finally, MACNA represents the worst scenario, the one in which the parties do not reach an understanding and must bear the consequences of a court decision. Prior knowledge of these elements allowed the telecommunications company to define a more rational and predictable strategy for the hearing. In addition, which did not apply to the case, but we saw that the negotiations, in general, end very close to the starting point, which was not adequately taken advantage of by this negotiator.

5. Negotiation Outcome

Negotiation took place in a calm and respectful environment where all parties worked together. The conciliator maintained a balanced position to promote dialogue between the parties and show them the advantages of reaching an immediate settlement. The Telecommunications company representative showed empathy through their body language to prove their commitment to fixing the error. Despite the plaintiff's initial resistance, the negotiation evolved constructively, with both parties partially giving in. The outcome showed that, even in conflict situations, the adoption of a conciliatory posture and active listening can transform a legal dispute into a quick and satisfactory solution. After the author narrates the facts, the following settlement proposal was offered: (a) Unlocking the device's IMEI. (b) Cancellation of Debt. (c) Withdrawal of the name of SERASA. (d) R\$500.00 (five hundred reais) as compensation paid in cash within 60 days. The plaintiff refused the initial settlement offered. His lawyer asked him what value he would think was fair and that would make him accept the agreement. The plaintiff replied that he would accept any amount, except R\$500.00 (five hundred reais). His lawyer increased the proposal to R\$1,000.00 (one thousand reais), which, after considering, was accepted by the plaintiff, and the agreement was closed.

6. Discussion and Implications

This case outcome demonstrates that adopting a conciliatory posture and active listening can transform a legal dispute into a quick and satisfactory solution. All the parties in the hearing acted in a balanced manner, dialoging and highlighting the benefits of an immediate agreement. The posture of the Telecommunications company representative was empathetic, seeking to demonstrate good faith and willingness to repair the mistake. Despite the plaintiff's initial resistance, the negotiation evolved constructively, with both parties partially giving in.

The implications of this study extend to various business scenarios, including buyer-seller negotiations (Dias, Toledo, Silva, et al., 2022, Dias, Lafraia, Schmitz, et al., 2024, Dias, Pereira, Teles & Lafraia, 2023), government trading (Navarro & Dias, 2024), contract negotiations (Cunha & Dias, 2021, Dias, Nascimento, et al., 2021, Dias, Toledo, Silva, Santos et al., 2022, Dias, Pires, et al., 2022, Dias, Almeida, Silva, Russo, et al., 2022), asynchronous negotiations (Santos & Dias, 2024), and family business negotiations (Dias, Pereira, et al., 2023, Dias, 2023, Dias, Pereira, Vieira, et al., 2023, Valente & Dias, 2023). This case shows that the first offer anchors the tone of the negotiation. One of the participants said that the value of the negotiation is not very different from the starting value. The process of negotiation becomes more effective when you begin with either a reduced initial offer or discount promotions on your invoices.

Evidence of this study are significant for both businesses and customers. Companies can learn how to negotiate better and use concepts like ZOPA and BATNA to settle disagreements quickly and effectively. Consumers can also benefit from knowing their rights and how to negotiate, which will help them deal with disagreements more effectively. These solutions will address their needs and interests. This method can produce favorable results, such as distributing funds to victims of a public disaster while safeguarding the reputation and interests of the involved parties. Parties who use integrative negotiation methods create innovative solutions which fulfill their requirements and satisfy their interests. The method enables parties to resolve conflicts through constructive processes that generate better long-term results for all involved.. The study also emphasizes the significance of understanding underlying interests and creating value in solving disputes. The telecommunications company's preparation and strategy, including establishing a Zone of Possible Agreement (ZOPA) and Best Alternative to a Negotiated Agreement (BATNA), were crucial in achieving a favorable outcome. The application of the concepts of ZOPA and BATNA is essential in any negotiation process (Dias, 2020). The ZOPA delimits the values and conditions under which both parties can reach a consensus, while the BATNA serves as a basis for knowing how far it is advantageous to negotiate.

7. Lessons learned

Initially, we saw in class that the value of the negotiation is not far from the initial value, so today I would have offered a lower initial value, maybe not even offered values. The plaintiff should have started the proposal by offering discounts on the customer's invoices, so if we reached a cash value he would possibly already consider it a victory and perhaps would have

accepted an amount even lower than the initial amount offered, he could have after offering discounts on the invoices, rise to a value of R\$ 500.00, then R\$ 800.00, for instance. The study also shows how important it is to make an initial offer when negotiating because of the anchoring effect. The plaintiff's lawyer raised the offer to R\$1,000.00, and the plaintiff agreed to it. These insights can help businesses and consumers get better at negotiating and settle disagreements faster.

8. Conclusion

The case study's findings significantly influence the resolution of labor disputes and various business scenarios. One important thing to learn is how well integrative negotiation works to benefit everyone. The case study demonstrates how negotiation proves effective for resolving consumer disputes. The parties succeed in finding mutually advantageous solutions through integrative negotiation because they collaborate to create new solutions which meet their individual needs. The telecommunications company reached success by paying close attention to customer complaints. The research shows that negotiation abilities help people build effective connections by finding solutions to consumer rights disputes. The basic principles of integrative negotiation enable businesses and consumers to create solutions which benefit both parties. The negotiation approach enables conflict resolution through trust development and loyalty creation which leads to enduring business partnerships. The ability to negotiate between customers in disagreements provides us with optimism about resolving these disputes through fair and beneficial solutions. The marketplace will become more equitable and peaceful when all parties use this method to achieve mutual success.

9. Future research

The future of consumer disputes and business negotiations through integrative methods will produce extensive effects. The method shows promise to transform conflict resolution because it generates value for all participants involved. The method of understanding core interests and needs enables us to construct enduring relationships which produce enduring solutions. A cooperative negotiation enables organizations to establish a collaborative environment which uses creative problem-solving and open dialogue to resolve disputes. The approach requires our recognition as a valuable method which demands ongoing development of essential competencies for success in our dynamic world.

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