

IV. Reading Assignments:

August

- 22 **Chapter 1. The Agreement Process:** Lucy v. Zehmer, at 1; Balfour v. Balfour, at 5; Problems 3 and 4, at 16.
- 24 Texaco, Inc. v. Pennzoil, Co., at 6; Hawkins v. McGee, at 16; Editor's note, at 19; Jorie Roberts article, at 20; Sullivan v. O'Connor, at 21; Leonard v. Pepsico, Inc., at 22; Problem 6, at 29-30.
- 29 Lonergan v. Scolnick, at 32; Fairmount Glass Works v. Grunden-Martin Woodenware Co., at 34; Problems 10, 13, and 14, at 37; Haines v. City of New York, at 38; Wagenseller v. Scottsdale Memorial Hospital, at 40.
- 31 Eckles v. Sharman, at 78; Problems 19, 26(a), at 81-82; Broadnax v. Ledbetter, at 82; Carlill v. Carbolic Smoke Ball Co., at 84; A. W. Brian Simpson article, at 87; Problems 27, 30, 32, at 92-93; Day v. Caton, at 94; Wilhoite v. Beck, at 96; Miller v. NBD Bank, N.A., at 99; Hobbs v. Massasoit Whip Co., at 100; 39 U.S.C. § 3009, at 101; Problems 36, 37, 43, at 101-02; Bank and Credit Card Problems, at 102-03.

September

- 5 Petterson v. Pattberg, at 103; Brackenbury v. Hodgkin, at 107; Problems 45, 46, 47, at 112; Problem 49, at 115-16; Cantu v. Central Education Agency, at 119; Problems 53, 61, at 121-22; Swift v. Smigel, at 123; Problems 62, 68, 69, 72 at 127-29.
- 7 Ardente v. Horan, at 129; Problem 74, at 143-44; Beall v. Beall, at 171; Problem 81, at 173; (The material we skipped and problems on 174-75 are governed by UCC which we will not cover. There are UCC classes you **should** take at some point.) **Chapter 2. Consideration:** Kim v. Son, at 176; Hamer v. Sidway, at 177; Kirksey v. Kirksey, at 180.
- 12 Fiege v. Boehm, at 188; Problems 1, 2, 3, at 192-93; Schwartzreich v. Bauman-Basch, Inc., at 194; Angel v. Murray, at 197; Problems 8, 9, 12, 14, at 204-05; Wood v. Lucy, Lady Duff-Gordon, at 214; Mezzanotte v. Freeland, at 216.
- 14 Miami Coca-Cola Bottling Co. v. Orange Crush Co., 219; Summits 7, Inc. v. Kelly, at 226; Problems 23, 24, 25, at 230-31; **Chapter 3. Moral Obligation and Consideration:** Sheldon v. Blackman, at 232; Banco do Brasil S.A. v. State of Antigua and Barbuda, at 236; Harrington v. Taylor, at 238; Webb v. McGowin, at 238; Problems 1, 2, at 242.
- 18 Make up Friday. This means Friday classes meet instead of Tuesday classes.) Practice exam. Details to be provided.
- 19 Yom Kippur, no classes.
- 21 **Chapter 4. Promissory Estoppel:** Feinberg v. Pfeiffer Co., at 243; Conrad v. Fields, at 247; Salisbury v. Northwestern Bell Telephone Co., at 252; Drennan v. Star Paving Co., at 254; Problems 1, 2, 4, at 262; Examination Problem I., at 263. (To maximize the benefit of reviewing this problem in class, you should write out an answer **before** class as if it were an exam. If this were an exam question, at this point in the semester, I would give you 50 minutes to answer.)

- 26 **Chapter 5. Parol Evidence and Interpretation:** Mitchell v. Lath, at 267; Lee v. Joseph E. Seagram & Sons, Inc., at 272; Val-Ford Realty Corp. v. J.Z.'s Toy World, Inc. at 278; Problems 1, 8, at 279-80; Pacific Gas and Elec. Co. v. G.W. Thomas Drayage & Rigging Co., at 280; Raffles v. Wichelhaus, at 290; Note on Raffles, at 291; Examination Problem, at 300 (answer in Appendix C so you can self-grade although, of course, you can ask me about any problems you might encounter).
- 28 **Chapter 8. Conditions, Performance and Breach:** Audette v. L'Union St. Joseph, at 380; Inman v. Clyde Hall Drilling Co., at 381; Federal Rules of Civil Procedure, on 384. **Graded quiz** (during class).

October

- 3 Problems 2, 3, 4, at 385 (particularly good problems); Thos. J. Dyer Co. v. Bishop International Engineering Co., at 392; J.J. Shane, Inc. v. Aetna Cas. & Surety Co., at 397; Editor's note, at 398. Problems 7 and 8, at 405-06; Stewart v. Newbury, at 406; Monroe Street Properties, Inc. v. Carpenter, at 409.
- 5 Jacob & Youngs, Inc. v. Kent, at 411, 415; Walker v. Harrison, at 417; K & G Construction Co. v. Harris, at 420; Problems 12, 13, 14, at 425-26; Problems 19 and 20 at 438-39; Swartz v. War Memorial Commission of Rochester, at 448.
- 10 Stop & Shop, Inc. v. Ganem, at 450; Problems 22, 23, 24 at 461; Clark v. West, at 462; Problems 27 and 28, at 469-70; Burger King Corp. v. Family Dining, Inc., at 471; R & R of Connecticut, Inc. v. Stiegler, at 480; Problems 34, 35, at 497-98.
- 12 Western Hills, Oregon, Ltd. v. Pfau, at 498; Problems 37, 38, at 508; Hochster v. De La Tour, at 508; Cohen v. Kranz, at 516; Problems 40, 43. **Graded quiz** (during class).
- 17 **Chapter 10. Enforcement Remedies:** Restatement (Second) Contracts § 344, at 22; Review Hawkins v. McGee, at 16; Hadley v. Baxendale, at 554; Mader v. Stephenson, at 561; Rockingham County v. Luten Bridge Co., at 561; Gruber v. S-M News Co., at 564; Problems 1, 2, at 568; Parker v. Twentieth Century-Fox Film Corp., at 581; Problems 9, 10, 11, at 595; Problems 14, 15, at 604. (Depending on time, we may do these problems in the next class. They are great problems so we definitely review them.).
- 19 Fall holiday, no classes.
- 24 Reread Jacobs & Youngs v. Kent, at 411; Patton v. Mid-Continent Systems, Inc., at 604; Daniel Friedmann article, at 606; Wassenaar v. Panos, at 609; Problem 19, at 623; Oliver v. Campbell, at 625; Problem 21, at 629; Martin v. Schoenberger, at 630; Lancellotti v. Thomas, at 630; Problem 24, at 634-35; Centrex Homes Corp. v. Boag, at 635; Alan Schwartz article; Problem 27, at 643.
- 26 Karpinski v. Ingrasci, at 644; Howard Schultz & Associates v. Broniec, at 648; Problems 28, 29, at 651-52; **Chapter 11. Third Party Beneficiaries:** Lawrence v. Fox, at 653; Seaver v. Ransom, at 657; H.R. Moch Co. v. Rensselaer Water Co., at 660.

- 31 Lucas v. Hamm, at 666; Problems 1, 4, 7, at 669-70; Erickson v. Grande Ronde Lumber Co., at 671; Detroit Bank and Trust Co. v. Chicago Flame Hardening Co., at 673; Rouse v. United States, at 677; Problems 10, 11, 12 at 678-79.

November

- 2 **Chapter 12. Assignment and Delegation:** Herzog v. Irace, at 680; Problems 1, 2, 3, at 683; Macke Co. v. Pizza of Gaithersburg, Inc., at 683; Problems 4, 5, 6, 7, at 693. **Graded quiz** (during class).
- 7 In re Kaufman, at 694; Problem 10, at 699; Seale v. Bates, at 699; Western Oil Sales Corp. v. Bliss & Wetherbee, at 703; Problems 11,13, at 705-06; Associates Loan Co. v. Walker, at 706.
- 9 **Chapter 6. Capacity of Parties:** Petit v. Liston, at 302; Ortelere v. Teachers' Retirement Board, at 305; Problems 1, 2, 3, 4, 6, at 313-14; **Chapter 7. Avoidance for Misconduct or Mistake:** Gallon v. Lloyd-Thomas Co., at 315; Austin Instrument, Inc. v. Loral Corp., at 319; Problems 1, 2, 3, at 323-24; Francois v. Francois, at 324; Methodist Mission Home of Texas v. N ___A___ B___, at 329; Problems 4, 5, at 332.
- 14 Cousineau v. Walker, at 333; Vokes v. Arthur Murray, Inc., at 340; Problems 6, 8, 9, at 351; Nelson v. Rice, at 352; Sherwood v. Walker, at 356; Problems 12, 14, 15, 17, at 367-68; Hoffman v. Chapman, at 369; Problems 19, 20, at 372; Williams v. Walker-Thomas Furniture Co., at 372.
- 16 **Chapter 9. Impossibility or Impracticability, and Frustration:** Paradine v. Jane, at 521; Taylor v. Caldwell, at 522; CNA International Reinsurance Co., Ltd. v. Phoenix, at 525; Transatlantic Financing Corp. v. United States, at 530; Problems 2, 3, 5, at 545; Krell v. Henry, at 546; Western Properties v. Southern Utah Aviation, Inc., at 550; Problem 10, at 552; Short Essay Question, at 552. **Graded quiz** (during class).
- 21 **Chapter 13. Statute of Frauds:** J.M. Perillo article, at 716; Ehrlich v. Diggs, at 716; Problems 1, 2, 3, and 4, at 721; Crabtree v. Elizabeth Arden Sales Corp., at 722; Problems 6, 7, 8, 9, 10, at 726-27; McIntosh v. Murphy, at 727; Problems 11, 13, 14, at 732; Shaugnessy v. Eidsmo, at 757; Problems 28, 29, at 761; **Bargains That Are Illegal or Against Public Policy:** Problems 1, 2, 3, at 782; Cochran v. Dellfava, at 785; Problems 5, 7, at 791.
- 23 Thanksgiving holiday, no classes.