

Bargaining Process Practice Essay Exam

Prof. Bell

NOTE: Please assume that both the UCC and the Restatement (2nd) of Contracts apply, as relevant. Refer only to materials assigned to or prepared by you for the class. Give yourself 30 minutes to read the question and outline an answer.

Loud Co. sells and installs car audio systems. It ran an ad in the Sunday paper reading, "Roadie speakers installed for only \$60/each. Supply limited--first come, first served."

Aaron rushed to Loud Co. that afternoon and said to the clerk, "I want two Roadie speakers, please."

"Great," she replied, sliding a piece of paper toward Aaron. "Just fill out this order form."

The form read, in relevant part, "I, (name), hereby offer to buy from Loud Co. (number) speakers, brand name (brand), at a price of \$(price)/speaker, installed. This offer held open for one week." Aaron filled in the blanks as appropriate and returned the completed form.

"Thanks," said the clerk. "We're out of Roadie speakers today but will give you a call when our Wednesday shipment comes in."

Aaron replied, "Geez, I thought I'd get them today!" He stormed out of the store.

Loud Co. called Aaron on Thursday, saying "We're ready to install your speakers!" He had already had a competing store install Roadie speakers in his car, however.

Discuss whether Loud Co. and Aaron formed enforceable obligations under contract law.