

**Final Examination
Contracts
Professor Jan Kosel
Fall 2006**

- 1 You have two (2) hours to complete this exam
- 2 This is a closed book exam
- 3 This exam consists of one (1) essay question. Please write your response in the blue books provided. Please write clearly. Write on every other line and every other page to permit instructor comments.
- 4 Write your exam number on your exam envelope. Put your correct class section and student exam # at the top of this page, each page of questions, and each blue book” **Do not** use your name, student ID number or Social Security Number on any exam materials.
- 5 At the conclusion of the exam, return all test materials, including blue books, scratch paper, and this exam packet to the envelope and submit it to the proctor. **DO NOT** seal the envelope. Students who do not return all exam materials at the end of the exam may not have their exams graded.

GOOD LUCK!

ESSAY QUESTION

Fanny was excited by the prospect of a new baseball season. She had a new job with a great salary and a lot of flex time and hoped to be able to attend a lot of games. So she went to the Midgets' open house, showing fans what seats were available at what price. Fanny asked the team representative how they would do this year and the rep leaned over and whispered in her ear: "This is the year. It's going to be the World Series. Don't miss out. A season ticket will give you post-season rights and the right to the same seat every year you renew".

Surprised by his candor and extremely excited, Fanny bought a full season ticket, confident that – given the team's prospects – she could sell the tickets for games she couldn't attend at more than their face value. Unfortunately, things didn't turn out as she expected. The Midgets, composed of aging, bloated ballplayers, lost more than half of their games and finished in last place in their division.

Fanny was unable to resell any of her tickets at more than face value. She wound up giving many away to friends and business associates.

Fanny's boss did agree to buy one ticket at twice face value to one of the games where an outfielder might set a home run record. When Fanny pointed out that tickets for that game were in great demand, her boss said curtly "I told you I would take it – at a good profit for you. If I don't, I'll let you have my condo in Maui free for one week". Then he forgot about the game and now refuses to pay for a game he didn't attend at which the famed outfielder didn't even play.

Fanny has a closet full of Midget paraphernalia that she rarely wears – people smile at her, shake their heads, and say "Maybe next year, but I wouldn't count on it".

Next year will be at a new ballpark fifty miles outside the city limits.

And Fanny's husband has filed for divorce. He says she is obsessed with baseball, has no time for him, and is chronically depressed given the team's performance.

Fanny consults you to find out if she has a cause of action against the Midgets and, if so, what damages she can expect. She also wants to know if she has a valid claim to a week at her boss' condo in Hawaii. Advise her.

END OF ESSAY QUESTION