**EXTRA CREDIT ASSIGNMENT – CONTRACTUAL FORMATION – BLAW 1050**

**FACTS**

Delbo, a sharp businessman, and Quinn, an equally sharp businesswoman, occasionally see each other on the ride to work on the subway. During these rides, they enjoy talking about their respective businesses. After some time, it becomes clear to both of them that Quinn produces widgets she could profitably sell to Delbo. Delbo, unknown to Quinn, will be able to repackage and resell these widgets to one of his customers at a handsome profit (if Quinn knew about this customer, she could have sold the widgets directly). As the subway rides continue, they discuss production, colors, sizes, shipment, price, delivery dates, quantities, and other aspects of a sale of widgets by Quinn to Delbo. None of these items are “set in stone”. Their only communication is during these subway rides.

One day, after having not seen Quinn for a couple of weeks, Delbo arrives at work to find a shipment of 10,000 widgets has been left on his loading dock. Checking his email, he finds an invoice from Quinn for $10,000 plus shipping costs. Delbo lets the shipment sit on his loading dock for a week, then inspects some of the widgets, finding that they exactly conform to the discussions he had with Quinn on the subway. Delbo calls up his customer (the one mentioned above), only to get a phone message announcing that a bankruptcy had been filed that morning and they were out of business.

**ASSIGNMENT**

Take a position and discuss the formation (or non-formation) of a contract between Delbo and Quinn, with emphasis on the elements of offer, acceptance, consideration and mutual assent, and things the parties could have done differently to alter the outcome of this situation.

**INSTRUCTIONS:** Submit your paper to me by email as a MS-Word attachment. It should be between 450 and 600 words. Preferred font: Times New Roman, 12 point. Be sure to proofread and spellcheck! This paper is due in my email inbox no later than 11:59 pm October 22, 2020.

**NOTE:** You can submit your paper at any time before the due date. However, it does require knowledge of some concepts that we do not cover in class until later.

You are encouraged to collaborate with your classmates in discussing and working on this assignment. HOWEVER, each student must submit his or her own paper, and, you cannot submit duplicate or substantially similar papers.

**GRADING:** Each paper will be graded on attention to instructions, logic, readability, persuasiveness of your argument, and thoroughness in research. The maximum points will be 30. You are not required to submit a bibliography or footnotes.