

CONTRACT CASE STUDY 4

Broh v. Brandon

Brett Broh, aged 19, was a college sophomore who did odd jobs on weekends to earn spending money. He advertised in the local newspaper on Thursdays and Fridays of each week. His ads stressed his willingness to do odd jobs around homes, especially gardening. Whenever he received an inquiry (usually by phone), he would quote his fee schedule: \$2.50 per hour for gardening jobs, \$2.00 per hour for other jobs, and \$3.00 an hour for landscaping.

On one cool Friday afternoon in late September, Brett received a call from a Mr. Brandon, who requested his services over the weekend. Mr. Brandon had just moved into the area and needed work done in his yard. He agreed to Brett's fee of \$2.50 per hour.

Early Saturday morning Brett arrived at Mr. Brandon's home. He began work at 9:00 A.M., worked relentlessly until 4:00 P.M., then left. The next day Brett showed up at Mr. Brandon's home and began work at 10:00 A.M. He finished the work Mr. Brandon had given him at 7:00 P.M. that evening. When Brett approached Mr. Brandon about his pay, Mr. Brandon side-stepped the request and asked if Brett was interested in coming back the next weekend for additional jobs. Brett said he would come back, but it was his policy to get paid for each job as he finished it. Then Mr. Brandon disclosed the fact that he did not get paid until the following Friday. He struck up a bargain with Brett, stating that he would pay Brett \$3.00 per hour the next weekend if Brett would wait until then to receive his wages for the work just completed. Brett reluctantly agreed.

The next weekend arrived and Brett worked for seven hours each day. On the evening of that Sunday, Brett once again approached Mr. Brandon about his pay. This time Mr. Brandon refused to pay Brett, claiming his work was unacceptable. Before Brett could act upon Mr. Brandon's remarks, he closed the door in Brett's face. After swearing and banging on the locked door, Brett left the premises.

That night as he told his girlfriend Penny what had happened, Brett got the urge to drive over to the old man's house and either egg it or throw rocks through the windows. Penny calmed him down and then said, "Why not take him to court?"

ARGUENDO

(Follow your teacher's directions while answering these questions.)

1. What difficulties would Brett have in proving a contract existed between him and Mr. Brandon?
2. Was there a contract in terms of "offer and acceptance"? Explain.
3. What defense would you set up for Mr. Brandon if you were his lawyer?
4. Is there any physical evidence to aid Brett's case?
5. Cite examples of other oral contracts one might enter. Should oral contracts be upheld?