

**PRACTICAL ASSIGNMENT: Demand letter!**

**Scenario:** You are a paralegal with the law firm of Dewey, Cheatem & Howe, LLP, 300 Jay Street, Suite N622, Brooklyn, NY 11201, (718) 260-5124. One of your firm's clients is Kendra Claimant. Ms. Claimant has asked your firm to help her resolve a dispute with Ricardo Respondent, 123 Sleazy Street, Bronx, NY 12345.

Choose the dispute:

- Mr. Respondent makes a beverage called "Healthtea." He advertises it as "the dieter's secret weapon" that guarantees weight loss of seventeen pounds in just twelve weeks without diet or exercise. Ms. Claimant purchased a six-month supply of Healthtea from Mr. Respondent for \$500. After six months (over twenty-four weeks), she had only lost three pounds. She wants her money back.<sup>1</sup>
- One evening, Ms. Claimant was in her favorite bar enjoying a drink, wearing her favorite all-white outfit. Mr. Respondent was sitting nearby. (This was pre-covid.) He was enjoying a Tequila Sunrise, a brightly colored drink. When Mr. Respondent reached for the jalapeno flavored peanuts, he spilled his drink all over Ms. Claimant. Ms. Claimant tried washing and bleaching the outfit, but the stains would not come out. She wants Mr. Respondent to reimburse her the full cost of the outfit, \$250.<sup>2</sup>
- Ms. Claimant has lived next door to Mr. Respondent for ten years. Their apartment building has very thin walls. During those years, Mr. Respondent has blasted heavy metal music every day for several hours at a time. Ms. Claimant believes it has caused her significant hearing loss. She recently had to purchase a hearing aid that cost \$1,000. She wants Mr. Respondent to reimburse her for the cost of the hearing aid.
- *Create your own dispute!* Brainstorm something Mr. Respondent did, or did not do, that made Ms. Claimant angry, and the relief (or remedy) Ms. Claimant wants, to make her whole. It could be money, or for Mr. Respondent to do or stop doing something, or something else. Be creative!

**Assignment:** Your supervising attorney, Donatella Dewey, has asked you to draft a demand letter for her signature, to Mr. Respondent, explaining Ms. Claimant's complaint and requesting that Mr. Respondent provide the relief Ms. Claimant desires. Draft the letter. It should follow legal letter format (like the sample on the next page and that we reviewed in class). A first draft of your letter is due by email to me at 10am on Monday, Nov. 23. Please send it as an attachment that is a word processing document, not a pdf or a link! The final version of your demand letter is due by email by the end of Wednesday, Nov. 25. It will be graded according to the rubric below and counts for eight points toward the "Homework and other assignments" portion of your grade.

	Good	Passable	Poor	None
<u>Content:</u> Responds to assignment thoroughly and accurately.	2	1.5	1	0
<u>Format:</u> Follows appropriate format.	2	1.5	1	0
<u>Tone:</u> Uses appropriate tone.	2	1.5	1	0
<u>Mechanics:</u> Uses proper grammar, spelling, and language; sufficient proofreading.	2	1.5	1	0

<sup>1</sup> Adapted from M&M 7th ed. p. 213.

<sup>2</sup> This and the next scenario (the "barking dog") were inspired by scenarios in "Torts Problem Set," available at [https://biotech.law.lsu.edu/Courses/study\\_aids/torts/Intentional\\_torts\\_problem\\_set.htm](https://biotech.law.lsu.edu/Courses/study_aids/torts/Intentional_torts_problem_set.htm).

From M+M pp. 259-262  
6<sup>th</sup> ed.

## Demand Letters

Another basic type of letter is the demand letter. In a demand letter, one party explains its legal position in a dispute and demands that the recipient take some action. Typically, an attorney will send a demand letter before filing a lawsuit against a person or company. In fact, sending a demand letter may even be required, such as in many cases involving consumer-protection violations. Suppose your supervising attorney asks you to draft a letter demanding that a company pay a debt it owes to a client. Your demand letter would summarize the relevant facts, demand payment by a certain date, and say that the client will sue if the company does not pay the debt.

The demand letter should adopt a serious and forceful tone, and the client's demand must not be frivolous. Although the letter should be insistent and adversarial, it should not come across as unreasonable or harassing. After all, a demand letter seeks to accomplish something. For a sample demand letter, see Exhibit 8.7

on page 262. It covers the common situation of demanding that an adversarial party respond to a settlement offer in a lawsuit.

demand letter

A letter in which one party explains its legal position in a dispute and requests that the recipient take some action, such as paying money owed.

### EXHIBIT 8.7

#### A Sample Demand Letter

**Jeffers, Gilmore & Dunn**  
553 Fifth Avenue  
Suite 101  
Nita City, NI 48801

Telephone (616) 555-9690  
Fax (616) 555-9679  
e-mail: JGD@nitnet.com

June 13, 2014

Christopher P. Nelson, Esq.  
Nelson, Johnson, Callan & Sietz  
200 Way Bridge  
Philadelphia, PA 40022

RE: *Fuentes v. Thompson*

Dear Mr. Nelson:

This morning, I met with my clients, Eduardo and Myrna Fuentes, the plaintiffs in the lawsuit against your client, Laura Thompson. Mr. and Mrs. Fuentes expressed a desire to withdraw their complaint and settle with Ms. Thompson. The Fuentes' settlement demand is \$50,000, payable by certified check no later than July 15, 2014. We think that you and Ms. Thompson will find this offer quite reasonable. After all, given the strength of the Fuentes' claims, a jury award exceeding \$200,000 is quite possible.

If you plan to take advantage of the Fuentes' settlement offer, please contact me by the close of business on Friday, June 20, 2014. If we do not hear from you by that date, we will assume that you have rejected our demand and we will proceed with litigation.

Very truly yours,



Allen P. Gilmore  
Attorney at Law

APG/ec