

Critical Thinking Case Study

Beverly Bradley was excited for her daughter Christina's upcoming Sweet Sixteen Birthday party. She was determined to make every detail perfect. She had contacted, by phone, Diane Romano, one of the best bakers in town. In the initial conversation Bev said she wanted the cake to be chocolate and vanilla and that the "look" of the cake was the most important detail. In an effort to accommodate her wishes, Diane emailed a colored sketch of the proposed cake to Beverly.

After several emails back and forth, the two had come to an agreement; Diane asked Beverly to literally "sign-off" on the last sketch just to make sure it was exactly what she wanted. Beverly signed the final sketch and emailed it back to Diane.

On the day of the event, Diane delivered the cake to Beverly who was overjoyed with how beautiful it was. Beverly handed a check to Diane for \$600, the agreed upon price.

The following Monday, Diane receives a call from Beverly, she was not happy. She informed Diane that she had wanted a vanilla cake with chocolate filling and instead got a chocolate cake with vanilla filling. Beverly threatened to sue Diane for \$600; the cost of the cake claiming that she did not get the cake that she had ordered.

- Is there an enforceable contract in this scenario? If so, Identify the three elements that would constitute a contract as it relates to this case.
- What is the legal term for the issue Beverly is threatening to sue Diane for? Explain the principles of that legal issue.
- Does Beverly have a legal case for litigation for the mix up in the cake? Explain why or why not?
- If you were the Mediator in this case, what remedy would you suggest as a settlement? Explain why you chose the specific terms in your proposed settlement.