## 1 | A Note on Contracts and Happiness

1.1 Contracts and Happiness

1.2 Louis and Ella. After reading listen to “Cheek to Cheek” as performed by Ella Fitzgerald and Louis Armstrong. The musical selections are advisory not mandatory. They reflect the sensibility and moods behind the ordering of the cases assigned.

1.3 Bella and Andrea. After reading listen to “Night and Day” as performed by Etta James.

1.4 Mary and Samuel Duke. After reading listen to “Our Love Is Here to Stay” as performed by Ella Fitzgerald and Louis Armstrong.

1.5 Rick James. After reading listen to “Don’t You Worry ’Bout a Thing” as performed by Stevie Wonder.

## 2 | Public Policy and Contracting

2.1 Restatement Second of Contracts §§ 1–2, 178


2.3 Note


2.5 Note

2.6 Breach of Promise to Marry


2.6.2 Note
2.7 The Problem of Surrogacy


2.7.2 Note

3 | Contract Formation

3.1 Restatement Second of Contracts §§ 24, 50

3.2 Lucy v. Zehmer, 84 N.E. 2d 516 (1954) (Supreme Court of Virginia). After reading listen to “Don't Worry Baby” as performed by the Beach Boys.

3.3 Note


3.5 Normile v. Miller, 362 S.E. 11 (1985). After reading listen to “Ticket to Ride” as performed by The Beatles.

3.6 Walker v. Keith, 382 S.W. 2d 198 (1964). After reading listen to “Green Onions” as performed by Booker T. and the M.G.’s.

3.7 Note


3.9 Note


3.12 Note: U.C.C. 2–207
4.1 Consideration

4.1.1 Restatement Second Contracts § 71 (Consideration). After reading listen to “Can’t Buy Me Love” as performed by The Beatles.

4.1.2 Hamer v. Sidway, 124 N.Y. 538 (1891). After reading listen to “Go Where You Wanna Go” as performed by The Fifth Dimension.

4.1.3 Note

4.1.4 Dougherty v. Salt, 227 N.Y. 200 (1919). After reading listen to “God Bless the Child” as performed by Billie Holiday.

4.1.5 Note

4.1.6 Plowman v. Indian Refining Co., 20 F. Supp. 1 (1937). After reading listen to “Do It Again” as performed by The Beach Boys.

4.1.7 Note

4.1.8 Batsakis v. Demotsis, 226 S.W. 2d 673 (1949). After reading listen to “That’s the Way of the World” as performed by Earth, Wind & Fire.


4.1.10 Note

4.1.11 Dohrmann v. Swaney, 14 N.E. 3d 605 (2014). After reading listen to “Got to Be Real” as performed by Cheryl Lynn.

4.1.12 Note

4.1.13 Alaska Packer’s Association v. Domenico, 117 F. 99 (1902). After reading listen to “Stand by Me” as performed by Ben E. King.

4.1.14 Note

4.1.15 Restatement Second Contracts § 89 (Modification of Contract)

4.2 Reliance as a Basis for Enforcing Promises: (Promissory Estoppel)

4.2.1 Restatement Second of Contracts § 90 (Promissory Estoppel)
4.2.2 Kirksey v. Kirksey, 8 Ala 131 (1845). After reading listen to “Hip Hug-Her” as performed by Booker T. and the M.G.’s. 173


4.2.4 Note. After reading listen to “The Thrill Is Gone” as performed by Tracy Chapman. 179

4.2.5 Katz v. Danny Dare, 610 S. W. 2d 121 (1980). After reading listen to “April in Paris” as performed by Count Basie. 180

4.2.6 Note 185

4.2.7 Pop’s Cones, Inc. v. Resorts International Hotel, Inc., 704 A. 2d 1321 (1998). After reading listen to “People Are Strange” as performed by The Doors. 185

4.2.8 Note 193

4.2.9 Berryman v. Kmoch, 559 P. 2d 790 (1977). After reading listen to “Moanin’” as performed by Art Blakey. 194

4.2.10 Note (Restatement Second Contracts § 87) 199

4.2.11 James Baird Co. v. Gimbel Bros., 64 F. 2d 344 (1933). After reading listen to “The A Train” as performed by Duke Ellington. 199

4.2.12 Note 201


4.2.14 Note 206

4.2.15 Ypsilanti v. General Motors, 1993 WL 132385 (1993). After reading listen to “Little Deuce Coupe” as performed by The Beach Boys. 207

4.2.16 Ypsilanti v. General Motors, 201 Mich. App. 128 (1993). After reading listen to “Pink Cadillac” as performed by Bruce Springsteen. 222

4.2.17 Note 229

4.3 Promises Grounded in the Receipt of Past Benefits 231

4.3.1 Mills v. Wyman, 3 Pick 207 (1825). After reading listen to “In the Mood” as performed by Glenn Miller. 231
4.3.2 Webb v. McGowin, 168 So. 196 (1935). After reading listen to “I Thank You” as performed by Sam & Dave.

4.3.3 Note

4.4 Restitution


4.4.3 Note

5 | Remedies

5.1 Expectation Damages

5.1.1 Handicapped Children’s v. Lukaszewski, 332 N. W. 2d 774 (Wisconsin 1983). After reading listen to “You’ve Got a Friend” as performed by Carole King.


5.2 Specific Performance


5.2.2 City Stores v. Ammerman, 394 F. 2d 950 (1968). After reading listen to “Outa-Space” as performed by Billy Preston.

5.2.3 Doreen Houseman v. Eric Dare, 405 N.J.Super. 538 (2009). After reading listen to “Atomic Dog” as performed by George Clinton.

5.3 The Foreseeability Limitation

5.3.1 Hadley v. Baxendale, 29 Exch. 341 (1854). After reading listen to “Take Five” as performed by The Brubeck Quartet.

5.3.2 Note
5.3.3 Florafax International Inc. v. GTE Market Resources, 933 P.2d 282 (1997), Inc. After reading listen to “Sunny” as performed by Bobby Hebb. 286

5.4 The Uncertainty Limitation

5.4.1 Fera v. Village Plaza, Inc., 396 Mich. 639 (1976). After reading listen to “Up on the Roof” as performed by The Drifters. 302

5.5 Injuries for Which Recovery Is Often Withheld

5.5.1 Erlich v. Menezes, 981 P. 2d 978 (1999). After reading listen to “Shake Me, Wake Me (When It's Over)” as performed by The Four Tops. 308

5.5.2 B & M Homes, Inc. v. Hogan, 376 So. 2d 667 (Ala. 1979). After reading listen to “Gimme Shelter” as performed by The Rolling Stones. 321

5.6 Mitigation of Damages

5.6.1 Rockingham County v. Luten Bridge, Co., 35 F. 2d 301 (1929). After reading listen to “The Theme from Route 66” as performed by Nelson Riddle. 325

5.6.2 Note 328

5.6.3 Parker v. Twentieth Century Fox, 474 P. 2d 689 (1970). After reading listen to “When the Music's Over” as performed by The Doors. 328

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5.7.2 Restitutionary Recovery

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5.7.3.1 Restatement Second Contracts § 356 344

5.7.3.2 Barrie School v. Patch, 933 A. 2d 382 (2006). After reading listen to “Shining Star” as performed by Earth, Wind & Fire. 344
5.7.3.3 Dobson Bay Club II DD, LLC v. La Sonrisa de Siena, LLC, 393 P.2d 449 (2017). After reading listen to “Sing a Song” as performed by Earth, Wind & Fire.

6 | Statute of Frauds

6.1 Restatement Second of Contracts § 110

6.2 Crabtree v. Elizabeth Arden Sales Corp., 305 N.Y. 48 (1953). After reading listen to “You Make Me Feel (Mighty Real)” as performed by Sylvester.


7 | Parol Evidence Rule

7.1 Restatement Second Contracts §§ 209–210

7.2 Thompson v. Libby, 34 Minn. 374 (1885). After reading listen to “Get Ready” as performed by The Temptations.


8 | Problems of Interpretation


8.3 Note

8.4 Frigaliment Importing Co. Ltd. v. BNS International Sales Corp., 190 F. Supp. 116 (1960). After reading listen to “Get the Funk Out Ma Face” as performed by The Brothers Johnson.
8.5 C & J Fertilizer, Inc. v. Allied Mutual Insurance Co., 227 N.W. 2d 169 (1975). After reading listen to “Up, Up and Away” as performed by the Fifth Dimension. 426

8.6 Morin Building Products Co. v. Baystone Construction, Inc., 717 F. 2d 413 (1983). After reading listen to “(Can’t Get No) Satisfaction” as performed by The Rolling Stones. 445

8.7 Locke v. Warner Bros., 66 Cal. Rptr. 2d 921 (1997). After reading listen to “Hang ’Em High” as performed by Booker T. and the M.G.’s. 449

8.8 Balla v. Gambro, Inc., 584 N.E. 2d 104 (1991). After reading listen to “I’m The Only One” as performed by Melissa Etheridge. 459

8.9 Cook v. Advertiser Co., 458 F. 2d 1119 (1972). After reading listen to “Rescue Me” as performed by Fontella Bass. 470

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9.1 Duress 477

9.1.1 Restatement Second Contracts §§ 175–176 477

9.1.2 Zuckerman v. Metropolitan Museum of Art, 307 F. Supp. 3d 304 (2018). After reading listen to “Kind of Blue” as performed by Miles Davis. 478


9.1.5 Brady v. United States, 397 US 742 (1970). After reading listen to “Folsom Prison Blues” as performed by Johnny Cash. 499

9.1.6 Bordenkircher v. Hayes, 434 U.S. 357 (1978). After reading listen to “The Theme from Route 66” as performed by Nelson Riddle. 504

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9.3 Non-disclosure and Misrepresentation


9.3.4 Note


9.3.6 Vokes v. Arthur Murray, 212 So. 2d 906 (1968). After reading listen to “Night Fever” as performed by the Bee Gees.

9.3.7 Note

9.4 Unconscionability


9.4.2 Note


10 | Excuses for Nonperformance

10.1 Minority

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10.2 Mental Incapacity

10.2.2 Note 591

10.3 Mistake 592

10.3.1 Lenawee County Board of Health v. Messerly, 417 Mich. 17 (1982). After reading listen to “Right Place Wrong Time” as performed by Dr. John. 592


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10.4.1 Opera Co. of Boston, Inc. v. Wolf Trap Foundation for the Performing Arts, 817 F. 2d 1094 (1987). After reading listen to the opening movement of “Symphony no. 9 from the New World” by Antonin Dvořák. 600

10.4.2 Lloyd v. Murphy, 25 Cal. 2d 48 (1944). After reading listen to “Get Up Offa That Thing” as performed by James Brown. 612

11 | Issues Regarding the Performance of Terms in the Agreement 619

11.1 Express Conditions 619

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11.1.3 Note 630

11.2 Substantial Performance 631

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