

**Anonymous Number:** \_\_\_\_\_

This is a 40-minute exam. When time is up, turn in this exam and your answers. Although this exam must be turned in, any writing on it will not be graded.

You may set your Exam4 exam software to the open + network mode so you can access your computer and the internet. You may also look at any written “hard copy” material during the exam. You may not talk, or otherwise communicate, with anyone except me.

Write your Anonymous Number in the space provided above. One point on this exam is available for timely submission of this exam with your correct anonymous grading number, and another point is available for timely submitting your answers with your correct anonymous grading number.

**Your word limit on this exam is 1250.** You will not earn any points for any words beyond 1250. (To display the word count in Exam4, select the Tools menu at the top of the page and then select “Show Exam Statistics”. The word count will be displayed on the right side of the page.)

This exam consists of a story on the following page, followed by questions and instructions for answering them.

Among the many apps on John’s phone is a popular and widely used app for making restaurant reservations and earning points for discounts at restaurants. Two weeks ago, John used this app to reserve a table for eight people at his city’s finest and most expensive restaurant, Château, which advertises that its tables are “available by reservation only.” John made his reservation for Saturday, September 30, 2023, at 7pm. The app automatically sent confirmations of this reservation to the phone number and email address John entered into the app when creating his account.

Each week, Saturday at 7pm is Château’s peak day and time, and it is always fully booked (no tables available) then. This was similarly true on September 30 at 7pm, except that the table John reserved was empty and remained so until the people who reserved it for 9pm arrived. John did not go to Château that evening, nor did he attempt to cancel his reservation. Château earns an average profit of \$1000 on a table for eight on a Saturday night, so Château believes it suffered damages of at least that amount from John’s table going empty.

After John made his reservation two weeks ago, several other people tried to reserve a table for eight people at Château for September 30 at 7pm, but they were unable to make such a reservation because Château was fully booked. Several of those people ate at other restaurants in the city September 30, 2023, at 7pm.

If some litigation occurs:

- Who is likely to bring what claim—such as breach of contract, restitution, or rescission—against whom?
- How will the plaintiff show the elements of the claim?
- How will the defendant answer or otherwise respond to the claim?

Discuss the parties’ arguments, assessing their strengths, and connecting that assessment with your predictions about how the court will rule. Throughout, cite authority from case law in our book, the Restatement 2d of Contracts, or the Uniform Commercial Code.

If you identify an issue on which more than one party has a strong argument, or for which you need more facts, then write the rest of your analysis in the alternative. If-then statements helpfully show issue-spotting and organized reasoning.

Long paragraphs are bad here. Instead, show your organization by using hard returns (push Enter twice), so the white space will separate your separate points.

Good luck!