

Essay Question No. 9

Answer this question in booklet #9

One fall, Jane decided to plant flower bulbs in her Anchorage garden to bloom the following spring. Her daughter planned to get married in the garden in the spring, and Jane wanted it to be very special. Since Jane was allergic to bulbs, she could not plant them herself.

Jane talked with Andrew about planting the bulbs. She told him that the bulbs were available only from Holland. Andrew agreed to plant the bulbs. They both signed the following written contract:

Andrew will plant 10,000 flower bulbs in Jane's garden. When the bulbs arrive from Holland on September 15th, Andrew will start planting them immediately, and he will plant the last bulb no later than September 30th. Jane has paid \$500 to Andrew, and she will pay him \$500 more when he plants the last bulb.

Jane ordered the flower bulbs from Holland for a cost of \$5,000. The bulb company promised that the bulbs would be there in time for Andrew to start planting on September 15th. However, the bulbs did not arrive until September 29th. Once the bulbs arrived, Andrew worked continuously to plant them, but he only managed to plant 1,000 of them by September 30th.

Jane asked Andrew to continue planting until the job was finished, but Andrew refused because he had another job starting the next day. Although Jane has already made the initial \$500 payment to Andrew, she did not make the second \$500 payment to him.

Because planting season would end in two weeks, Jane quickly put a "help wanted" ad in the newspaper for three days, hoping to find someone to finish the planting. No one responded. Fortunately, Jane's neighbor, who also wanted to have special flowers for a spring wedding, bought the remaining bulbs for \$2,500.

The following spring, Jane had 9,000 flowers flown in from Holland for her daughter's wedding at a cost of \$5,000.

Jane sued Andrew for breach of contract.

1. Does Andrew have any contractual defenses to Jane's breach of contract claim? Discuss.
2. If Jane succeeds on her breach of contract claim against Andrew, what damages is she entitled to receive, if any? Discuss.