

**Please examine the following, discussing all causes of action the family has, and possible counter-claims and defenses Sam may plausibly set forth:**

*Britney, her kids, Lip and Sync, and her husband Kfedra went to Shady Sam's Used Car Emporium, LLC, in order to purchase a car. Britney wanted a car that would provide flashy transportation for herself and her toddlers, both of whom would be allowed to occasionally steer the car. Kfedra wanted a car that would protect his gravy-train, Britney, as well as provide high-profile cachet and not cut too deeply into Britney's pocketbook. Shady Sam, after listening to their concerns, took them out onto the lot and showed them exactly one car, the 8.7 m.p.g, 6000 SUX. He told them that it was his professional opinion that this vehicle was the only car on the planet which met all of their needs. Because it was priced well out of their range, Kfedra offered Sam an alternative form of payment: one of Britney's coveted lip-syncing and stiff-dancing awards. Kfedra told Sam that if Sam were to sell it on EBay, Sam would make monster cash. Sam said that he was good with the deal, and then said, as he shook Kfedra's hand, "I ain't makin' no warranties. This pig comes as-is, and all sales is final!" The family drove off of the lot, and as one of their toddlers turned the car onto the street, the vehicle died and would not restart. Britney demanded her award back. Sam refused.*

Your job is to identify EVERYTHING you see here: was there a contract, and what does that entail? Did the award given as payment constitute "consideration"? Did the contract need to be in writing? Were their warranties? Can Sam disclaim warranties? Were there defenses to the formation or enforcement? What remedies are available to the prevailing party? There are no fewer than twenty-five issues in this problem, each with at least one attendant rule which needs to be applied, and you need to spot most of them and discuss their implications *and* make an intellectually satisfying recommendation *just to be able to pass the test!* Ugh.

*Zut alors!* What is a student to do?