

QUESTION 15 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V

Joe is a former major league baseball player who made millions of dollars during his career, and who was now toiling in the minors as manager of the Hens, a minor league team in Montana. Joe dreamed of managing a major league team, but as a cigarette smoker, he was very concerned about Major League Baseball's unwritten policy of no smoking on the field or in the dugouts, even though all dugouts are open-air dugouts. In 2009, Joe was asked to meet with Al (a wealthy businessman who made his fortune in hot dog franchises), owner of the Roosters, a major league baseball team in Michigan. At the meeting, Al asked Joe if he would manage the Roosters, to which Joe instantly agreed. However, much to Al's surprise, Joe did not want to be paid. Instead, he asked that Al give a free hot dog franchise to his brother Steve. Additionally, and not knowing that Michigan law required employers to permit employees to smoke in any open air area, Joe also asked that Al agree to allow him to smoke in the dugout and when on the field. Al quickly agreed, thinking he had struck the bargain of a lifetime. Al then wrote out on a napkin "manage Roosters for 2 years, free franchise for brother Steve and Joe freely smokes in dugout/field", signed his name to it, and left. After Al signed the napkin, Joe put it in his pocket and left.

Joe's first year as manager was a disaster. Al was furious about his hiring decision. After a 15-0 loss, Al confronted Joe in the dugout and angrily stated, "I never should have hired you, and our 'napkin agreement' is as worthless as the paper it was written on. You never signed the agreement, and I didn't give you anything you did not already have. You're done! And, by the way, from now on your brother will have to pay for his franchise."

Can Joe and/or his brother successfully enforce the contract against Al? Explain your answer.

*******THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V*******