

Contracts: Are You Accepting an Offer or Not?

A lack of precision in responding to an offer can lead to confusion as to whether or not a contract has been formed, warns **an article** published by Burns & Levinson on JDSupra.com.

The article discusses *APB Realty, Inc. v. Georgia-Pacific LLC*, a case involving a contract negotiation for the purchase of 88 rail cars. During the negotiation, Georgia-Pacific offered two options to APB, the buyer. After APB said it was leaning toward one of the options, Georgia-Pacific's broker told APB that his client had accepted a higher offer.

APB sued for breach of contract.

The article says that "the First Circuit held that because APB might be able to prove that a contract between it and Georgia-Pacific was formed, it would be improper to throw out the lawsuit on a motion to dismiss. Thus, while APB is a long way from winning its suit, at least it is in the fight."

Read the article.