

ADMINISTRATION OF JUSTICE

YOU MAKE THE DECISION!

The Music Fan and the Best Music Store

Name: _____ Period: _____ Row: _____ Score: _____

TODAY, JUDGE, YOU are hearing the case of Eddy Hamilton against the Best Music Store.

Eddy's attorney asks Eddy, "Mr. Hamilton, you sued this music store because they overcharged you for a receiver, DVD player, and recorder combination. Will you tell the court when and where this happened?"

Eddy says, "It was last month, on the 25th. I heard about this new kind of very super model stereo system with 3 dimensional stereophonic sound. It had automatic search and a lot of added special features. So I went to the Best Music Store and asked for more information about it. The salesman demonstrated its features and I heard it play some rock music. It sounded really great."

The attorney asked, "After you saw and heard the stereo, what did you do?"

"I bought it. They said the price was a very reasonable \$2076. I paid \$450 as a down payment and signed a contract agreeing to pay the rest at \$76 a month."

"Then what happened?"

"Well, two days later, I passed another music store, and saw the same exact model Hontaki in the window. The price tag on it was only \$1550. I went inside and looked to be sure it was the same. It was. Exactly. I asked the salesman if there was a special sale on it. He said no, it was their regular price."

"Then what did you do?"

"I was pretty upset, finding I'd just paid \$2076 for something I could buy in another store for more than \$500 less. So I went around to a couple of other stores in town. One had the Hontaki for \$1520, and another for \$1575. So I went back to the Best Music Store. I told them they'd charged me too much. I said I wanted to return the stereo and get my money back."

"What did they tell you?"

"They laughed and said no. They said their price was \$2076 and that I'd signed a contract and they wouldn't take it back. They said I had to finish paying for it."

Eddy Hamilton's attorney said, "That's our case, your honor."

Then the Best Music Store's attorney asked Eddy, "Mr. Hamilton, last month, on the 25th, when you bought this equipment were you over the age of 21?"

"Yes, I was."

"Did you use this stereo at all?"

"Yes; it was the first thing I did when I got it home. I tried it out."

"And it worked all right? It was everything the Best Music Store people told you it was?"

"Yes, it worked okay. It's an outstanding set."

"Then the only reason we're here in court today is that you feel you paid too much for it?"

"That's right."

Best Music Store's attorney says to you, "That's all, your honor. No further questions."

You tell the attorneys they may make closing arguments in the case.

Eddy's attorney says, "The equipment Eddy bought was greatly overpriced. He had to pay about \$500 more than other stores were asking. The law says that the court can change an agreement like this, or throw it out. The plaintiff feels the agreement is plainly unfair or unjust, and the court should rectify this wrong. Your honor should order Best Music Store to reduce the price here by at least \$500."

The Best Music Store's attorney said, "The agreement is not unfair or unjust. My client had a

right to charge whatever price he chose. We live in a society based on the theory of capitalism and a merchant can charge whatever price he feels the market will bear. If the customer thought it was too much, there are plenty of other music stores around. Eddy Hamilton is an adult; he didn't have to buy the equipment that day. He could have shopped around, but he chose not to do so. It's his own fault that he paid more than he might have paid elsewhere."

You say, "Thank you, to the lawyers and inform them you will prepare your opinion and order. The lawyers will receive copies in a week."

* * *

Now you are alone in your judge's chambers. You must find the answers to several questions so that you can decide the case, and be sure your decision is within the law. You must consider all the facts, and then complete your official Opinion and Order.

Judge's "Case Analysis Sheet"

To make an informed decision in a court dispute you must first examine the facts in issue.

1. Make a list of the facts in this case that may be important to deciding this case.

2. Could Eddy have shopped around at other stores if he'd wanted to? Why is this important in deciding the case?

3. Are differences in prices between stores unfair or unjust? EXPLAIN YOUR ANSWER

4. How much of a difference in price might be unfair or unjust?

5. Was *this* difference — \$2076 instead of \$1520 or \$1575 — unfair or unjust? EXPLAIN

6. Does a store have a right to sell things at any price it wants to?

7. Could Eddy have refused to buy the stereo at \$2076 if he thought the price was too much?

8. Why did the Best Music Store's attorney ask if Eddy was 21?

IN THE SUPERIOR COURT OF THE STATE, IN AND FOR THE COUNTY OF DADE

EDWARD F. HAMILTON)

Plaintiff)

vs.)

No. 54783—92

BEST MUSIC STORE)

Defendant)

COURT'S OPINION AND ORDER FOR JUDGMENT

The Facts

The only witness in this case was Mr. Hamilton. He said he bought a new kind of stereo radio – cassette - DVD system from Best Music Store. He does not find fault with the portable. His only complaint is that he was charged too much for it.

Eddy paid _____ more than other stores in town asked for the same make and model.
lot / a little
Eddy _____ a contract, agreeing to pay each month for six months.
signed / did not sign
He _____ a minor at the time he bought the stereo system.
was / was not
Eddy _____ have a chance to refuse to buy if he didn't want to.
did/didnot
He _____ have shopped around town for a better price. He _____
could / could not was / was not
partly to blame for not shopping around.

The Law

The question here is whether a store is unfair or unjust when it sells something at a higher than usual price to a customer who is not forced to buy, and who could have bought the item for less elsewhere.

In this case, it is _____ to say the price was unfair or unjust. It would be _____
easy / hard the same / different
if this had been the only equipment of its kind in the city, and if Eddy had to have it that very same day.

Different stores do charge different prices for the same items. Stores _____
sometimes / never
reduce prices on some things to get customers to come in.

Eddy checked only two other stores. It is possible that if he checked more, he _____
would / would not
have found some prices more near the one he paid.

Eddy _____ a minor. A minor has a legal right to return an item and get his
is / is not
money back.

An adult ordinarily _____ have that right where the item is not defective.
does / does not

The law does not say that high prices are illegal. It only says they are illegal when they are so high as to be unfair or unjust.

Order for Judgment

This court finds that the price charged for Eddy's equipment _____ so high it
was is illegal. There _____ enough evidence to show that no other stores charged this much.
I therefore rule _____ Eddy Hamilton.
He _____ pay the full price he agreed to in the signed contract.

is / is not
is/is not
for / against
must / need not

JUDGE OF THE SUPERIOR COURT