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Breach of Contract Claim

One of the most irritating events faced by business owners is a demand letter claiming that their business breached a contract.

Whether or not the allegations are accurate, breach of contract claims can be expensive, time-consuming, and disruptive of the normal flow of business. So, before taking any course of action, business owners should remember these tips.

Don't Panic

Many business owners initially hit the panic button when facing a breach of contract claim because they believe they'll need to get an attorney involved which is usually costly. Attorney fees for



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defending a business in a breach of contract case can often exceed \$50,000. However, there is no need to panic. Sometimes a breach of contract suit settles short of commencing litigation. Often people send demand letters with no intention of commencing a lawsuit just so they can cajole a business owner into a settlement.

Because of the complexity of a breach of contract claim, a business owner needs to know:

Whether the two parties had a legally enforceable agreement;

Whether the claims are valid, and
What options are available to the business if the claims are valid.

Review the Contract

If you receive a demand letter alleging breach of contract, your first step should be to pull out the contract and review all of its terms and conditions. It's quite likely that you have not reviewed the contract for some time. After negotiating a contract, most business owners put the contract in a file and never look at it again unless a dispute arises.

A thorough review of the

contract may identify issues that you can use to negotiate a favorable settlement without a lawsuit or as a defense to put a quick end to litigation.

Pay particular attention to:

Do you believe that the other party is correct? Or are you certain, or do you have a plausible argument, that you did not?

An opportunity to cure provision gives you the chance to cure (fix) a presumed breach before your business is legally in breach of contract. This clause in a contract is designed to prevent a party from escalating a dispute when the presumed breach was based on a misunderstanding or mistake, especially when the party was unaware of its mistake. If this provision is in the contract, you can avoid litigation if your business can cure the alleged breach. Here's an example of such a provision:

"As a condition precedent to any assertion that the



["business"] is in default in performing any obligation under this Agreement or is in breach of any provision under this Agreement, either party shall advise the other thereof in detail and in writing, and the party receiving such notice shall be allowed a period of thirty (30) days after receipt of such written notice within which to cure such alleged default or breach."

A dispute resolution provision may dictate whether or not the dispute must be submitted to mediation before either party may initiate a lawsuit or whether arbitration is required to resolve the dispute instead of a lawsuit. Some contracts also require that the parties negotiate before mediation, arbitration, or litigation.


In most states, each side is required to pay its own attorney's fees and court costs absent a contrary agreement. A contract may include a provision that the losing party in a lawsuit will be responsible for the winning party's fees and costs.



Another important issue that you may discover when reviewing the contract is that the other party is in breach. Often one party is so intent on pointing the finger at the other that the party fails to notice that it has breached the contract.

Talk to an Attorney

Working with an attorney can help you prepare for

pursuing litigation. An attorney can advise you about the advantages and disadvantages, including costs. This will help you to make a more informed decision on moving forward. While breach of contract claims can be a nuisance for business owners, you can save money and time by working with a skilled attorney that can help you. 

Illustrations by Freepik



Which National Park Should You Visit?

Whichever park you choose, bring your camera and your spirit of adventure, and you won't be disappointed. Happy trails!

1. **Everglades National Park (Florida)** is the only place on Earth that is home to both the American alligator and the American crocodile. It also is the last refuge of the endangered Florida panther.
2. In the cold and damp of the Pacific Northwest, you can get lost in a rainforest in **Olympic National Park (Washington).**
3. **Glacier National Park (Montana)** is home to 25 active glaciers and more than 700 lakes.
4. Visit **Great Smoky Mountains National Park (North Carolina/Tennessee)** in the spring, and you will see why this park is sometimes called Wildflower National Park.
5. **Great Basin National Park (Nevada)** offers (Be prepared to have company. Great Smoky Mountains was the most visited national park in 2017 and 2018, with more than 11 million visitors each year – almost double the number of visitors to the second-most visited park, the Grand Canyon.)

the best nighttime view of the Milky Way in the continental U.S.

6. **Mesa Verde National Park (Colorado)** is home to Cliff Palace, part of the largest archeological preserve in the country. Mesa Verde provides a window into ancient Pueblo culture dating back to A.D. 600 to 1300.
7. You can see a different type of tree at **Petrified Forest National Park (Arizona)**. The trees in this forest are actually tree fossils that are more than 200 million years old.
8. Even though President Grant established our first national park, he does not have a national park named after him. **Theodore Roosevelt National Park (North Dakota)** is the only national park named after a president.
9. The largest national park is **Wrangell-St. Elias (Alaska)**. It spans more than 8-million acres. The smallest – Hot Springs National Park (Arkansas) – covers 5,500 acres.

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Fun and Interesting Spring Facts

Spring has sprung, the flowers are blooming, the birds are chirping, and... you're inside.

Even if you're stuck indoors, you don't have to miss out on spring! You may not be able to stop and smell the roses, but at least you can

learn more about them. Take a look at some of these fun, interesting, and unusual facts about your favorite season.

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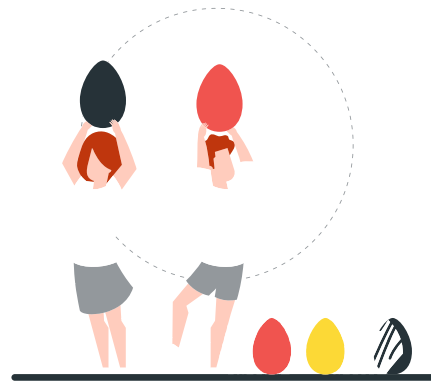
10. **Kobuk Valley National Park (Alaska)** is home to 100-foot tall sand dunes. During the summer months, temperatures can climb to 100 degrees.

11. **The Grand Canyon (Arizona)** is the only national park that also is regarded as one of the Seven Wonders of the Natural World.

12. **Death Valley National Park (California)** is a place of extremes and superlatives:

- The hottest temperature ever recorded in North America - 134 degrees - was recorded at the aptly named Furnace Creek, in 1913;
- It is the driest place in North America (with average rainfall of less than 2 inches);
- It is the largest national park in the continental U.S. (3.4 million acres); and
- It is home to Badwater Basin, the lowest point (282 feet below sea level) in the western hemisphere. 📌

Illustrations by Designs.ai



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The first day of spring is called the vernal equinox. In ancient Latin, “vernal” translates to spring, while “equinox” means “equal night.”

Why do we associate spring with birds singing? That’s because springtime is when baby birds first learn the specific bird songs of their particular species. The beginning of spring is also the time that birds attempt to attract a mate.

Some studies show people are happier in spring, because the days are longer and nights are shorter. More specifically, having more daylight helps release serotonin—the chemical in your brain that promotes feelings of happiness. At the same time, the increase in light signals

to your brain that it’s time to release less melatonin—the chemical that’s responsible for making you sleepy. Add to that, the surge of light impacts your body’s circadian rhythms, which makes you sleep less. With that, you have what many describe as “Spring Fever.”

There are some flowers that can’t wait to come out of hibernation—daffodils, tulips, irises, and dandelions are some of the earliest spring blooms.

Springtime is not only a time for rebirth, but for new birth: animal litters that are born in springtime include chipmunks, foxes, beavers, otters, swans, black bears, raccoons, and skunks.

In Japan, spring is officially declared when the nation’s

national flower, the cherry blossom, begins to bloom.

While many around the world hunt for Easter eggs, in China, legend has it that on the first day of spring, you can set an egg in an upright position—and it will stay that way due to gravitational forces at play on the equinox. While just a myth, it certainly makes for a fun (and messy) family activity!

In Italy, spring ushers in a centuries-old tradition for women to plant seeds in the gardens of Adonis—a symbol of rebirth.

Some ancient monuments around the world are built with the changing seasons in mind. In Mexico, the ancient Mayans built the giant pyramid of Chichén Itzá to align with the first day of spring to create a spectacular show of light and shadows. When the sun rises over the pyramid on the first day of spring, it creates the illusion of a giant snake slithering up and down the pyramid—a symbol of the Mayan god Kukulcan. 🏹

Illustrations by Designs.ai

Staying Healthy at Your Desk

More and more, studies are exposing the dangers of sitting too much.

Prolonged sitting can lead to dementia and heart disease and even raise your risk of diabetes or cancer. On the other hand, substituting sitting for more standing has been shown to improve cholesterol, lower the risk of diabetes, and lengthen your overall lifespan.

While sitting can't always be avoided in our daily lives, there are steps you can take to mitigate the damage done by sitting too much:

- Do small exercises at your desk.
- Take frequent breaks to walk and stretch (set an alarm reminder if you need to)
- Take the stairs instead of the elevator
- If close enough, walk or bike to your workplace
- If driving, park farther away from your office
- If you have the option, use a standing desk to



alternate between sitting and standing

- When sitting, always pay attention to your posture
- Pay attention to the type of chair you're sitting in (is it giving you the support you need?)
- Or, ditch the chair and sit on an exercise ball
- Look away from your screen every 30 minutes
- Skip the takeout and bring your own lunch
- Keep healthy snacks at your desk
- Drink plenty of water
- Finally, always make sure to get plenty of exercise outside of work. 🏹

Illustration by Designs.ai

Watermelon, Tomato and Strawberry Salad with Burrata

Sweet watermelon, vine-ripened tomatoes and juicy strawberries, on top of melt-in-your-mouth burrata, sprinkled with fresh herbs and pine nuts. This salad is delicious.



INGREDIENTS

- 1 burrata cheese
- 2 pounds watermelon, cut into 1 1/2 " cubes
- 1 3/4 pounds heirloom tomatoes, cut into 1 1/2" cubes
- 1 pint strawberries, trimmed and halved
- 2 T basil, chiffonade
- 2 T mint, chiffonade
- 3 T pinenuts
- 2 T white balsamic vinegar
- 2 T olive oil
- Maldon salt to taste
- Pepper to taste

INSTRUCTIONS

Scatter watermelon, tomatoes and strawberries over the burrata. Sprinkle with herbs and pinenuts.

Drizzle the dressing over the fruit and season with salt and pepper.