

## **Mocha and Frappy's Confidential Facts**

Mocha and Frappy, as owners of Moonpennies, come to your office and ask you to negotiate a settlement with Destiny. Moonpennies has been in Mocha and Frappy's family for 20 years. Moonpennies is their livelihood and any negative publicity of Moonpennies would be devastating to Mocha and Frappy. Further, Mocha and Frappy are looking to retire (and do not want to leave Moonpennies to their son, Tard-Lee). They are currently negotiating a buyout by Starbucks for \$10 million. Mocha and Frappy do not want to go to trial and do not want any negative publicity that may impact the \$10 million offer by Starbucks. The main reason Starbucks is purchasing Moonpennies is because of Moonpennies' stellar reputation in the community for being the number 1 Mom-and-Pop coffee shop. If word of the suit got out, Starbucks may not offer as much for Moonpennies or worst case, but not offer at all.

At the time of Tard-Lee's cinnamon mishap, Mocha and Frappy were aware of Tard-Lee's clumsiness and incompetence. This is not the first time he has messed up a customer's drink. In fact, if it were not for the fact that Tard-Lee was their son, he would have been fired years ago because he has several customer complaints against him.

As Moonpennies' attorney, you have the power to accept a settlement offer of no more than \$2 million. However, Mocha and Frappy would prefer to spend as little as possible because they plan to retire with the Starbucks money and they have no other income other than Moonpennies.