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IN THIS ISSUE

- Introvert's Guide to Preparing for a Party | P5
- Tips to Fight the Winter Blues | P7
- Holiday Snowball Cookies Recipe | P8

Handling a Breach of Contract Claim

After reviewing the contract, you should assess the overall situation.

For example, if you received a demand letter alleging breach of contract, why didn't the other party contact you before sending it? Where did the relationship break down? Has the other party been involved in excessive litigation in the past? Is this a case of misunderstanding and/or mistake that might be cleared up with a phone call or face-to-face meeting, or is there an actual breach of the contract? Do you need to talk to specific employees of your company who were involved with performance of the contract who may provide better insight into the specifics of the suspected breach? Was there a breakdown in communication? All of these questions and



SEE

PAGE 2

more could help you decide your best course of action.

Try to Negotiate or Mediate

If you follow these tips and find that your business did indeed breach a contract, probably the best course of action is to give the other party a call and see if you can negotiate or mediate. Offering to talk is the best way to mend a breakdown in a relationship.

Negotiation between contract parties is also your cheapest option. The business dictionary defines negotiation as “a bargaining process between two or more parties seeking to discover common ground and reach an agreement to settle a matter of mutual concern or resolve a conflict.” It doesn’t matter which party is wrong or right. The goal is to reach a mutually acceptable agreement to avoid a lawsuit which could cost both

parties far more in dollars, lost productivity, and lost business opportunities than they anticipate.

If negotiation is unsuccessful or the other party isn’t willing to negotiate, mediation is an equally viable option. The advantage of mediation is access to a neutral third party, the mediator. This person can listen to both sides and provide an objective assessment and suggestions for moving





“A skilled mediator, such as a retired judge or attorney, may be able to help you and the other party reach a sound decision.”

forward. A skilled mediator, such as a retired judge or attorney, may be able to help you and the other party reach a sound decision.

It’s not unusual for one or both parties to become emotional or even irrational when trying to resolve a contract dispute. Some business owners dig in their heels, refuse to compromise, and decide to litigate on principle. Believe it or not, “principle” is the wrong reason to commence

litigation. Judges make decisions on the law. The law is not always fair and decisions made in court are seldom based on the business owner’s principles. Moreover, juries are known to make decisions on emotions and biases. For example, juries often side with an underdog, such as a smaller business or an individual over a business. The point is that there are no guarantees with litigation no matter how sure you are that you are on the side of right.

An independent mediator can weed through emotions and irrationality and offer equitable solutions to both parties. A mediator’s settlement proposals are not binding. So you don’t need to agree to any solution the mediator puts forth, but a good mediator can understand each party’s viewpoint, suggest reasonable compromises, and offer an informed opinion of the possible

SEE

PAGE 4

outcome of litigation.

Consult with an Attorney

Occasionally, nothing else works but pursuing litigation. A skilled attorney will be able to advise you of the advantages and disadvantages of litigating the matter as well as the costs involved. A consultation with an attorney will give you the information you need to make a well-informed decision with minimal cost.

If litigation seems the most plausible option for resolving

the dispute, you'll want to find the best attorney for your situation. An attorney who specializes in business transactional disputes is the best attorney to handle breach of contract claims. Even better is a business litigator who specializes in your specific business (e.g. construction, real estate, manufacturing, etc.). Some business owners seek the cheapest attorney to handle their breach of contract dispute. However, many of the cheapest attorneys are fresh out of law school and don't have the requisite knowledge or experience to properly handle a contract dispute.

Be sure to check out your candidates on websites like AVVO, Justia, Martindale Hubbell, and Super Lawyers, as well as the local state bar's website.

Conclusion

Breach of contract claims are a nuisance faced at one time or another by most business owners. Applying the above-mentioned tips will save you money, time, and rash decisions that you might come to regret. 📌

Illustrations by designs.ai





Introvert's Guide to Preparing for a Party

There are two kinds of people in this world: those who thrill at the sight of a party invitation and those who groan. If you belong to the latter camp, this article is for you.

Whatever the reason for your hesitation to socialize, every time you pass on a party invitation, you pass on an opportunity -- to make

a new friend, ignite a romance, make a business connection or, more generally, to expand your world and learn something about yourself.

While it may be difficult to get out of your comfort zone (it is, after all, comfortable), there

SEE PAGE 6

are some things you can do to make it easier:

Before You Go

As with most things in life where you have to be “on,” you will feel more comfortable at any party if you prepare ahead of time. Before you go, ask yourself these questions:

What is my goal for this event?

It helps to have a purpose when you leave the house. Your goal could be to meet two new people; make one business-related contact; or meet that friend-of-a-friend you’ve heard so much about. Having a goal helps to put you in the right frame of mind and removes some of the “because I should” drudgery of going. It also might take some of the pressure off because once you meet your goal, you can allow yourself to leave.

What am I going to wear?

There are two guidelines here: comfort and confidence. “Comfort” means choosing clothing that fits,

so you won’t be tugging and tucking and adjusting all night. “Confidence” comes from wearing one item or accessory that makes you feel good about yourself when you wear it. This might be a little black dress, a great shirt-and-tie combo, a “statement” necklace, or a great pair of shoes.

What will I bring?

Depending on the nature of the party and how well you know the host, you may not need to bring anything. However, when you arrive with something in hand, you have an immediate purpose: Find the host and deliver your [gift/bottle of wine/plate of brownies]. This task can help ease you into the party.

What time do I want to arrive?

You might think your best option is to arrive “fashionably late” and just blend in. If you know the

host and several of the other guests well, this strategy might work. If not, you are much better off arriving on time, before everyone is fully engaged in tight-knit conversation groups.

What might I talk about?

You don’t need to write notes on your hand or memorize a list, but it helps to have a few topics of conversation in your back-pocket. Have you seen a good movie recently? Have you traveled or gone to an art festival or other local event? What is your favorite hobby? If you know other guests who will be at the party, think about what might be happening in their lives and how you might talk to them about it (e.g., congratulate Joe on his recent promotion; ask Kevin how his son is enjoying college). 📌

Illustrations by designs.a



Tips to Fight the Winter Blues



The colder weather and earlier sunsets might be getting you down, but these tips can help you to fight the winter blues away.

- Get Vitamin D other ways. Whether you buy a UV lamp or take a supplement, vitamin D is important for your health.
- Bake some cookies. 'Tis the season for sweets!

There's nothing like a fresh tray of cookies to cheer up.

- Bundle up and embrace the cold. Whether you take a brisk walk or go sledding, embracing the winter is one way to beat it.
- Host a movie night. Indoor gatherings are a nice way to beat the cold and still spend time socializing

with friends or family.

- Travel. If all else fails, it may be time to start planning a trip somewhere where the weather agrees with you!

Remember, winter is part of the cycle of life. Seasons change, so appreciate the one you're living in. 📌

Illustration by pikisuperstar

Holiday Snowball Cookies

Tis the season to indulge and enjoy some delightful holiday treats! These holiday snowball cookies are the perfect dessert to serve at your next holiday gathering and can even make for a memorable holiday gift. This delicious treat requires just a few ingredients and a lot of festive cheer.



Ingredients

- 1 cup of butter (room temperature)
- 1/3 cup sugar
- 2 teaspoons vanilla extract
- ¼ teaspoon salt
- 1 cup all purpose flour
- 2 cups of finely ground toasted pecans
- 1 ½ cups powdered sugar

Instructions

- Cream the butter, sugar, vanilla, and salt together
- Gradually add flour to the mixture
- Stir in the nuts and mix
- Cover and refrigerate dough for 45 minutes

- Preheat oven to 350 degrees
- Line baking sheet with parchment paper
- Once the dough has been chilled, scoop cookie dough and roll between hands into rounded ball shapes (each ball should be about 1 tablespoon of dough)
- Place dough balls on baking sheet (do not flatten dough)
- Bake for 14 minutes

- Cool cookies on sheet for 5 minutes
- Place powdered sugar in bowl
- Gently roll cookies in powdered sugar
- Let the cookies cool further, and then roll them in the powdered sugar again
- Enjoy! 📌

Illustration by Pexels