



## **Analysis of the Trade**

This trade presents an issue of first impression to SportsJudge.com. The initial trade is not being disputed, all involved agree the trade is fair. The problem arises in that the trading parties forgot to apply the trade in the current year draft. The league uses ESPN.com as the host of their league, but ESPN.com does not provide a way to trade draft picks. Therefore, each player was responsible for ensuring the trade was completed within the draft room. However, each forgot, and the commissioner seeks our decision as to the proper remedy for the situation.

It is clear from the outset that the trade was valid and, therefore, a binding contract was made between the parties. When each party failed to swap picks within the draft room, the contract became voidable due to mutual mistake. Therefore, the question remains as to what is the proper remedy for this situation.

Two possible remedies exist for the portion of the trade that remains unexecuted. The failure to trade the 2009 draft picks can be ignored or the players selected in the draft can be treated as though selected by the franchise who owned the draft choice as a result of the trade. However, to impose a trade upon the teams is an inappropriate remedy in light of the many individual factors that determine a draft choice. To impose a trade upon the teams will not promote equity and fairness. Trading the players is therefore not a feasible option.

The best remedy to this waiver of contract through mutual mistake is to ignore that the trade ever occurred and continue as though nothing happened. This resolution does not hurt the league for the current season and promotes stability within the league. The only teams currently affected by this resolution would be the two trading teams. However, as SportsJudge.com history indicates, the stifling of fair trades is not favored. Therefore, at the discretion of the trading teams, they may apply the results of the trade in the 2010 draft. This resolution provides the most efficient remedy while not ignoring the past trade.

## **Holding**

Based on the foregoing, the trade between Fat Jesus and Progressive Lemmings is waived for the 2009 season but may be applied in 2010.

Respectfully Submitted,  
The SportsJudge.com Team