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Recommended Citation

Roger Williams University School of Law, "Newsroom: Monestier on Settlement Agreements" (2016). *Life of the Law School (1993-)*. 524.

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Newsroom

January 14, 2016

Monestier on Settlement Agreements

Professor Tanya Monestier explains why a defendant's responses to settlement offers defeated her motion for summary judgment in a fatal accident case.

From Rhode Island Lawyers Weekly: "[Lawsuit over fatal motorcycle crash not barred by settlement,](#)" by Noah Schaffer.



January 7, 2016: A defendant's responses to settlement offers over claims arising from a fatal motorcycle accident included additional conditions that precluded the formation of the mutual assent necessary for a binding agreement, a Superior Court judge has found. [...]

The 14-page decision is *Greenhalgh, et al. v. Keegan* [...]

Professor Tanya Monestier of Roger Williams University School of Law said the judge used "very technical rules" of offer and acceptance to find that there was no settlement agreement between the parties.

"An agreement in principle or a general agreement on terms is not going to be good enough unless technically the acceptance 100 percent mirrors the offer," she said.

Monestier commended Wistow for having the foresight to memorialize a key settlement discussion over the phone in a fax that he sent to defense counsel.

"That really was the saving grace," she said. "If you want to be clear that no agreement was entered into, having some kind of paper trail to back that up is the way to go."