

**QUESTION 12 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV
OR IN SOFTEST ANSWER SCREEN 12**

In March 2010, Parker was catastrophically injured in an auto accident when Donovan broadsided Parker's vehicle. Parker's injuries prevented her from going back to work, and in July 2012, Parker filed a petition for bankruptcy under Chapter 7 of the United States Bankruptcy Code, 11 USC 701, et seq. As a result of the filing, as a matter of bankruptcy law, the bankruptcy trustee owns Parker's claim for injuries as it became an asset of the estate.

In February 2013, Parker filed a complaint in circuit court against Donovan alleging that, due to Donovan's negligence, Parker suffered serious injuries. In lieu of filing an answer, Donovan filed a motion for summary disposition, arguing that Parker lacked standing to sue. In response, Parker argued that she was the one injured so she had every right to sue. The circuit court granted the motion in March 2013. Thereafter, in April 2013, Parker filed a motion for leave to file an amended complaint in order to substitute Carol Workout, the trustee for Parker's bankruptcy estate, as plaintiff in the action against Donovan. The motion alleged that Parker's legal counsel mistakenly misnamed Parker rather than Workout as the plaintiff, through no fault of Parker or Workout, and that substitution of Workout as the plaintiff would correct a scrivener's error. Donovan opposed the motion for leave to file an amended complaint, arguing that the claim was now barred by the three-year statute of limitations, and requested the circuit court to deny Parker's motion to amend the complaint.

1. Analyze whether the circuit court properly granted Donovan's motion for summary disposition.

2. The circuit court, having granted the motion for summary disposition, is considering Parker's motion for leave to file an amended complaint, explain whether it should be granted.