

**QUESTION 1 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I
OR IN SOFTEST ANSWER SCREEN 1**

Michigan Builders was constructing a new building on its property located in Lansing, Michigan. On May 1, a Michigan Builders crew dug out a large hole in the ground and placed the removed dirt into an approximately 15-foot high pile adjacent to the hole. Michigan Builders had to wait until May 14 before concrete could be poured to form the basement, after which most of the dirt from the hill would be used as "fill dirt."

On May 7, the Michigan Builders' project foreman noticed that several boys from the elementary school across the street had dug into the base of the dirt hill to make caves. The next day, the foreman stayed on the premises during school hours and saw several boys run over to the hill. The foreman ran up to them and yelled "Get off this property. It is private and you are not allowed to be on here! Stay at your playground." The ten-year-old boys ran back to school. The foreman then placed a prominent "No Trespassing" sign on the edge of the property facing the school.

The next week, when no one was present on the premises, the same boys came back across the street and began digging a new cave. One boy thought the cave needed to be a little deeper, so he went in to dig out some more dirt. As he started digging, the cave collapsed, causing him to suffer significant injuries.

The injured boy's parents sued Michigan Builders, arguing that the company was liable in tort under Michigan law for their son's injuries. Michigan Builders eventually moved the trial court to dismiss the case because, it argued, it had no responsibility for the boys who were not permitted on the company's property.

Should the motion be granted? Explain why or why not.

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