

**QUESTION 3 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I  
OR IN SOFTEST ANSWER SCREEN 3**

Paige, a minor living with her parents in Wisconsin, was injured during a school ski trip to the Slabside Ski Resort in Keystone City, Michigan. The trip was coordinated and supervised by Diana, a teacher from the Gotham Bay School District, located in Gotham Bay, Wisconsin.

On the day of the accident, Paige and a group of students were on the slopes with Diana. A few of the students wanted to ski an "experts-only" ski run called the Netherworld. Paige told Diana that she was only a novice skier, and that she was worried that it would be too challenging for her. Diana suggested that Paige give it a try anyway. A couple of the students decided to go down an easier run, but Paige followed Diana's suggestion and went down the Netherworld. On the way down, Paige picked up too much speed, lost control, and crashed into a tree, suffering serious injuries.

Paige's parents filed a lawsuit against Diana in Michigan in the Kasnia County Circuit Court, alleging that she was grossly negligent in sending Paige down an "experts-only" hill despite knowing that she was only a novice skier. Diana filed a motion for summary disposition, requesting that the court apply Wisconsin's governmental immunity law because all of the parties were from Wisconsin. Under Wisconsin law, Diana is absolutely immune from liability as an agent of a school district performing a discretionary task.

In response, Paige argued that Michigan law should apply because the accident occurred in Michigan. Paige also argued that Diana's motion should be denied because there is a genuine issue of material fact as to whether Diana was grossly negligent, which is an exception to governmental immunity under Michigan law.

**Discuss the factors the court should consider in determining whether to apply Wisconsin or Michigan law, and which state's law should apply.**

**\*\*\*\*\*THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I\*\*\*\*\*  
OR IN SOFTEST ANSWER SCREEN 3**