

QUESTION 13 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V OR IN EXAMPLIFY ANSWER SCREEN 13

Peter and Paige met in college in New Jersey in 2017. Peter is from New Jersey and Paige is from Michigan. In February 2019, Peter and Paige got engaged and moved in together in an apartment near campus. They planned to get married later that summer after graduation.

In April 2019, Peter and Paige traveled from New Jersey to visit Paige's parents and friends in Michigan over spring break. Peter and Paige were on their way to dinner one night when their vehicle, which Peter was driving, was struck on the passenger side by a drunk driver, Dennis, who had run a red light. The force of the impact caused Paige to suffer serious injuries. With the help of bystanders, Peter, who was uninjured, was able to pull Paige from the wreck, but she died in Peter's arms before the ambulance arrived.

A grief-stricken Peter sued Dennis in a Michigan state court alleging a claim for negligent infliction of emotional distress and seeking to recover for the severe emotional trauma he suffered in witnessing Paige's death. Peter claims that he is unable to sleep and has undergone psychiatric and psychological treatment for depression and anxiety.

Dennis filed a motion for summary disposition, arguing that under Michigan law only immediate family members may recover for negligent infliction of emotional distress under a "bystander liability" theory. Peter responds that New Jersey law should apply since he is a New Jersey resident, and that under New Jersey law the familial relationship extends to engaged, cohabiting couples.

- 1. Explain Michigan's choice-of-law analysis.**
- 2. Applying Michigan law, which state's law should apply?**